

FUNCTIONING OF THE PANCHAYATI RAJ INSTITUTION IN SIKKIM: AN EVALUATION

**Thesis Submitted to University of North Bengal for
the Degree of Philosophy (Arts) in Sociology**

by



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PREFACE

On my transfer as Director, State Institute of Rural Development (SIRD) on May 23, 1996 my first action was to change the name of the Institute to SIRD to make it at par with other states of Indian Union as it was known by the name 'Sikkim Institute of Rural Development' prior to my assuming the charges. As Director of the training institute my main thrust was to make the elected panchayat representatives aware of their social responsibilities as leader of the village for its all-round development. A copy of 'Manual of Election Law' containing the Sikkim Panchayat Act, 1993 in the form of draft was made available by Mr. K.N. Sharma, the then Director, Panchayat and later as Secretary, State Election Commission in lieu of Sikkim Panchayat Act, 1993 which was neither available in my office nor in my administrative department i.e. the then Rural Development Department. The section 129 of the Act which prohibited any person from contesting panchayat election with the support of a political party was deleted. With the help of the Act in draft form available from Mr. Sharma I lunched the training for elected panchayat representatives immediately after the panchayat election which was held on October 6, 1997, for the first time, on party-basis, with the support of the officers of almost all the development departments of Government of Sikkim. The resource persons available from different departments were overwhelmed to take classes as they find the training an easy excess over the public leaders of the village to communicate the message of their respective departments. The training became popular and continued in different batches till I retired from service in August, 2001. After my retirement I was looking for a platform to share my experience and express my feeling for proper guidance to the rural leaders in regard to proper utilization of power derived from democratic decentralization, management of fiscal resources, involvement in decision-making process etc and hence this thesis.

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H.P. Chhetri

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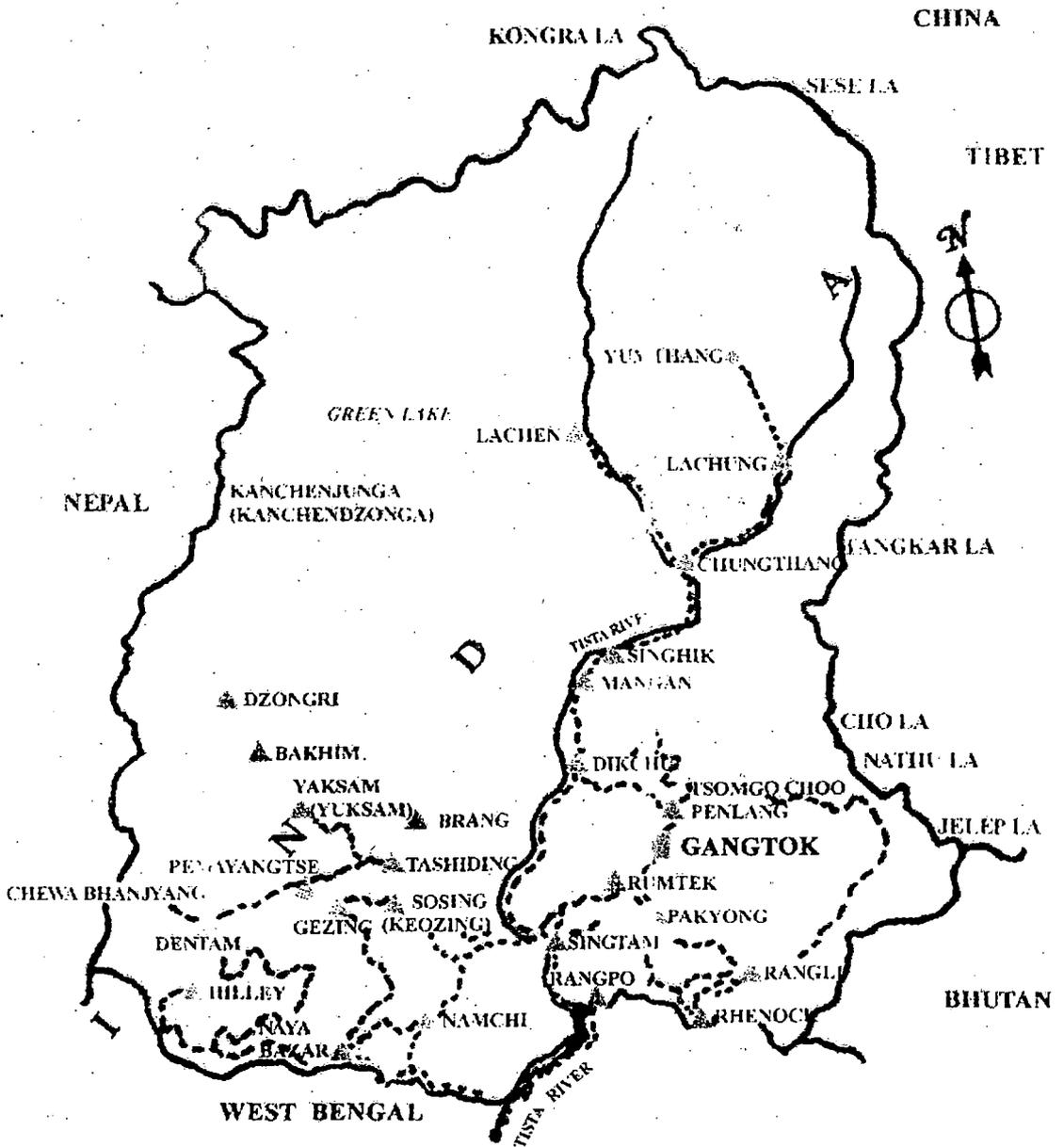
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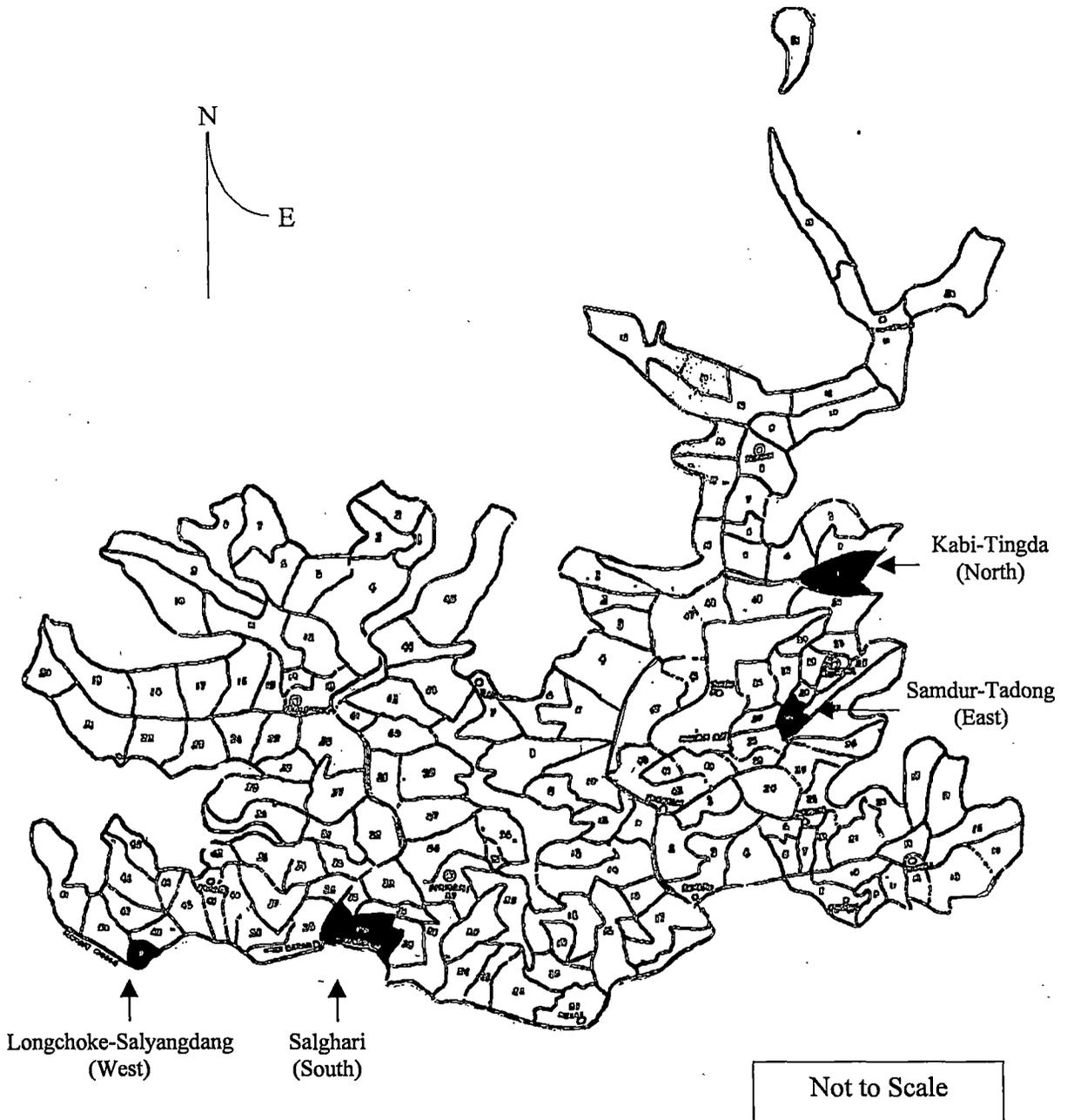
MAP OF SIKKIM



Source : E.S.M. & E., Govt. of Sikkim

MAP OF SIKKIM

(Showing the Study Areas)



Source : *Bureau of Economics and Statistics, Government of Sikkim.*

CHAPTER – I

INTRODUCTION

Background

Sikkim became one of the constituent State of the Indian Union on 16th May 1975. Prior to that it was under British Protectorate from 1817 to 1947. The statutory panchayat in Sikkim is of recent origin but the resemblance of existing panchayat system could be traced back to the period when *Bhutias* and *Lepchas* of certain areas used to practice their own traditional tribal council or panchayat system known as *Dzumsa* and *Chhodu* respectively. These tribal societies were accustomed to regulation of their domestic, religious, social, economic, socio-political and judicial affairs at the grass-root level through their traditional tribal councils and collective wisdom of the people in the villages.

Other than the areas covered by *Dzumsa* and *Chhodu*, the State was divided into different *Illakas* or estates leased out to influential persons called *illakadars*. Like in other traditional society, in Sikkim too, the internal administration was feudal in character. This feudal class wielded both judicial and administrative powers within the limit of their *illakas* or estates. For the regulation of the intra-village affairs, the *mondals* were appointed by these *illakadars*. The main function of the *mondals* consisted in the maintenance of law and order and collection of land revenue. With the intrusion of the British in the administration of Sikkim and later appointment of J.C. White, the first political officer in Sikkim, a new era of administrative change began. The political officer's notification of 1906 gave the official recognition to the centuries old *illaka* system and power of *illakadars* defined. In general, all the *illakadars* were given the power to try petty cases of cattle trespass, petty land dispute and debt cases of value not more than Rs. 10/- with

fine to the extent of Rs. 5/-. The estates were the nucleus of internal administration and the *illakadars* the custodian of law and order. The system was highly feudalistic and the wishes of the people were hardly articulated. Nevertheless, in the later stages, the *illakas* while serving as revenue administrative units formed the basis of future panchayat bodies. Soon after the independence of India in 1947, various political parties grew up in the State. Among them, Sikkim State Congress played a significant role for the abolition of landlordism and the introduction of village panchayat at village level. Accordingly, as per the notification of 12th January 1948, the Panchayat Tribunal was to be formed in every estate consisting of a landlord and four villagers of that estate. These four villagers were to be elected by the block people. But unfortunately, in the entire Sikkim, there were 104 estates not a single tribunal was constituted in any estate. The period between 1947 to 1949 was a period of political turmoil in the State.

With the signing of Indo-Sikkim Treaty on 20th March 1950, an attempt was made to provide for the formation and functioning of a body representative of people residing in the local area. The Government notification issued on 5th August 1951 finally established Local Area Panchayat consisting of five elected members. Voting rights were provided to those over 21 years of age and residing in the local areas for at least twelve months prior to the electoral date. The five candidates receiving highest votes in order of merit would be declared elected. The members elected were to be approved by the Durbar. On receipt of approval from the Durbar the senior most *mondal* was required to convene the meeting of elected bodies to elect *Sarpanch* and *Mukhia* on the basis of votes. Under clause 8 of the notification, the Local Area Panchayats were empowered to undertake different welfare functions but they had no powers of taxation. The Durbar had maintained the reign of panchayats in its own hands through the device of various institutional

and administrative controls. These panchayats actually did not operate in the North District, as mostly the indigenous population had boycotted the election, as they found no provision of safeguard for them.

After the failure of Local Area Panchayat, an attempt was made again to establish village panchayats by enacting Sikkim Panchayat Act, 1965. This Act stipulated for a *non-hierarchical* panchayat with block panchayat at the village level. The Block Panchayat consisted of five members, the *mondal* being the ex-officio member having the same rights and duties as any elected members. In order to protect or safeguard the rights of minority, the Government had options of nominating candidates of minorities communities in case the same was not elected in the normal process. The Block Panchayats continued till 1981 during which period four elections were held in 1966, 1969, 1972 and 1976. The Block Panchayats under the 1965 Act had mainly dealt with the welfare and developmental functions. The election to this Block Panchayats was fought on non-political basis. Even the political leaders after being elected as a member of panchayat was debarred from bringing party politics in panchayats. One of the inherent weakness of the Act was the absence of universal adult franchise which cut the provision of the democracy at the grass root level.

Later, Sikkim Panchayats Act, 1965 was replaced by Sikkim Panchayats Act, 1982 which established two-tier panchayat system with Gram Panchayat at the block level and the Zilla Panchayat at the district level. This Act was described as a radical step as it aimed at establishing Panchayati Raj Institution as an instrument of village level self-government. One of the most important features of this Act was the introduction of universal adult franchise as the basis of direct election to the Panchayati Raj Institution. The Act also provided for the nomination of Scheduled Tribes/Scheduled Castes and women to the Gram

Panchayat, provided they failed to get elected. The term of office was five years. Under this Act, election to the Gram Panchayats were held in 1983, 1988 and 1993. Whereas the election to the Zilla Panchayats was held, for the first time, in 1990 followed by another in 1993. The Act provided a long list of functions and sources of finance. But in practice the Gram Panchayats leaders confined their functions to repair and maintenance of village roads, small bridges and water supply schemes etc. Regarding the sources of finance, the Gram Panchayats were entirely dependent on State Government for grant-in-aid. On the other hand, Zilla Panchayats had neither the sufficient fund nor the administrative capabilities to carry out the developmental functions assigned to them under the Act.

The Sikkim Panchayat Act, 1993 (Act No. 6 of 1993), which received the assent of the Governor on 11th October 1993 came into force from August 1995. The Act 1993 incorporates most of the essential features of the 73rd Constitutional Amendment Act, 1992. The significant provisions of this Act include regular election in every five years; reservation of seats and offices for women and weaker section of the society; provision of a forum for direct participation by the people through the *Gram Sabha*; Local level planning; a democratic framework for devolution of funds and transfer of functions; constitution of State Election Commission; State Finance Commission and District Planning Committee etc. These provisions have set in motion a number of actions at the State level.

The Constitutional (73rd Amendment) Act, 1992 (under Article 243B), which unambiguously defined the panchayat as the "institution of self-government" constituted for the rural areas. They are not merely the agents of State Government, implementing decision taken at State capital. They are supposed to be people's forum where people will plan

and execute their own decision at the local levels. These were the bodies set up to promote decentralization of power, functions and authorities from the higher to the lower level. As a result, they were to look after rural administration and rural management as well as promotion of rural management and planning.

In Sikkim in 1992 Gram Panchayats were reorganized resulting an increase in the number and under reorganized condition the election was held in 1993 for a term of five years. Enactment of Sikkim Panchayat Act, 1993 which was passed in conformity with the requirement of the Constitution (73rd Amendment) Act, 1992 did not affect the members elected under Sikkim Panchayat Act, 1982. The 1992 constitutional amendment follows the continuance in office of earlier elected members till the end of their full term unless dissolved sooner by a resolution passed to that effect by the legislative assembly of the State.

Statement of the Problem

It is interesting to study the composition and functions of Panchayati Raj Institution in the State of Sikkim vis-à-vis participation by the people passing through different political stages viz as a protectorate of British Government in India, under Independent India, before merger as a mini country, after merger as one of the states of Indian Union and finally after the enforcement of Constitution (73rd Amendment) Act, 1992. Sikkim when it became one of the Indian states it was 28 years younger than other states however, the momentum of progress gained in regard to rural development activities is worth studying.

The enactment of the Constitution (73rd Amendment) Act, 1992 resulted establishment of democratically elected panchayat system in all states in accordance with the provision of the Constitution. The 73rd

amendment to the Constitution was a major step in institutionalizing decentralized governance at the grass root levels. Within a year of enactment of this amendment, the State of Sikkim also brought about conformity Act for the Panchayati Raj Institutions. Since then within a decade the state has already conducted two panchayat elections in 1997 and 2002. This gives us an enabling time frame for an assessment and evaluation of the functioning of Panchayati Raj Institutions in Sikkim.

In Sikkim, Panchayati Raj Institutions have kept themselves busy with rural development since late eighties. The actual implementation of rural development schemes is done by Panchayati Raj Institution with cooperation of local level bureaucracy. They have been successfully managing the *poverty alleviation* programmes and various government sponsored developmental schemes viz. Jawahar Rojgar Yojana, Indira Awaas Yojana, Development of Women and Children in Rural Areas etc. Even then they have no say in formulation of these schemes. The bureaucracies of various department involved in rural development have not been placed under the control of the panchayats either at the Gram level or at the Zilla level. Their co-operation is sought through the standing committee of the Panchayati Raj Institution in which they were made members. The achievement or success of Panchayati Raj Institution depends not only on development of the villages, but also on increasing people's participation in planning and development activities. The Sikkim Panchayats Act, 1993 provides for *Gram Sabha* to entail direct participation of common villagers. At the local level people may use the opportunity to influence decisions that affect their day-to-day life and exercise control over those who take decisions on their behalf. The establishment or formation of *Gram Sabha* is an attempt at making the non-participative masses more aware and participative in managing their own affairs. However, in many villages people in general are found to be apathetic towards any kind of participation. The political parties or

elected representatives have failed to encourage the people to make the dream of participatory democracy a reality. Panchayati Raj Institutions are no longer considered as mere agents of rural development but as self-government at local levels. But the people in general are still not aware of the purpose of Panchayati Raj Institutions. Without the proper understanding of Panchayati Raj Institutions they cannot be successful in achieving the goal of self-governance. Under the present study, an attempt has been made to study the extent of participation by *Gram Sabha* members as well as by the elected representatives and to explore the reasons for non-participation or low participation. The study also tries to assess the awareness level of villagers and elected representatives for without awareness people cannot actively participate in planning and developmental activities of Gram Panchayats. Another problem of existing Panchayati Raj Institutions is that despite fiscal decentralization being attempted under the Act 1993, panchayat bodies have failed to emerge as effective local self-government due to lack of technical knowhow of financial management as well as due to inadequate financial resources and under qualification. In fact, the self-generating revenue of Gram Panchayats is negligible in comparison to their income from governmental grants. They depend heavily on state and central government for finances. The fiscal powers of these bodies vested by the constitution to raise revenue remain grossly under utilized. With no resources of their own, effectiveness of these bodies depend totally upon the grants from the state government. Why the panchayat have not been able to mobilize the local resources? What are the practical reasons behind the difficulties faced by Gram Panchayats for the collection of revenue? All these problems have been studied under the present study.

One of the objectives of the Constitutional Amendment Act, 1992 was to ensure that rural women play a major role in decision-making process. To ensure greater participation of women, the Sikkim Panchayat

Act, 1993 provided 33 per cent reservation of seats for women at both the levels. As a result of this provision, a large number of women, hitherto unrepresented lot are getting entry into grass root level democracy. Similarly Scheduled Castes/Scheduled Tribes got the opportunity to enter into the system through reservation at various levels. However, there is a lack of preparedness on the part of these functionaries especially the woman representatives to shoulder new responsibilities. Due to the low level of education, low legal literacy and lack of clarity about the basic objectives of the Panchayati Raj Institution, women have not been able to emerge as successful village leaders representing the wishes of electorate at the grass root level. Therefore, the researcher wants to examine the factors facilitating or hindering the effective participation of women and other weaker sections in the Panchayati Raj Institution.

No systematic sociological study on Panchayati Raj thus established has been conducted except some casual attempts made here and there to study the old Panchayati Raj Institutions in the state of Sikkim before the enactment of new Sikkim Panchayat Act, 1993. As such it was considered pertinent to conduct a survey to examine the new Panchayati Raj structure and its functioning in the state. How a local self-government is actually functioning is an empirical question which requires field-based clinical investigation. In the present study an attempt has been made to study the structure and functioning of Panchayati Raj Institution in the state with special reference to empowerment of women, devolution of powers, participation of weaker sections of people in the developmental process, resource mobilization by the Gram Panchayats, the extent of autonomy enjoyed by the Gram Panchayats state of benefits from developmental schemes, role of bureaucracy etc. The new structure established under the new Act (1993) may be expected to yield some better desired results. The composition of

Panchayat Raj system and the implementation of the new model may have some bearing on the Panchayati Raj process, which has been investigated under this research frame. Besides the debate on ongoing issues the early experiences of Panchayati Raj system have also encouraged the researches to conduct the empirical study and to examine as how decentralization is progressing in the State of Sikkim. Its facilitating factors as well as the obstacles to empower the local people in promoting their own development process would also be studied. The present study of Panchayati Raj Institution in the state covers almost all the sociological aspects relating to functioning of Panchayati Raj in the State. This comprehensive study has made an attempt to fill up the gaps, which remained uncovered in the earlier studies.

Review of Literature

The present study pertains to functioning of Panchayati Raj Institution in Sikkim particularly after the passing of the Constitution (73rd Amendment) Act, 1992. However, the review of related literatures shows that the empirical studies relating to the Panchayati Raj in Sikkim is almost insignificant. A few studies have been conducted on Panchayati Raj Institution and Local Self Government in Sikkim during mid 1980s i.e. prior to 73rd Amendment Act. In the subsequent paragraphs an attempt has been made to review the related publications on Panchayati Raj system in India. There are varied forms of related literatures, i.e., books, articles in journals and research papers, which are being reviewed here for this study.

Dhamala (1986) has done a pioneering work on the evolution of local Self-Government and democratic decentralization in Sikkim in her unpublished Ph.D. thesis entitled "A study of Local Self-Government and Democratic Decentralization in Sikkim" has outlined the evolution of Panchayati Raj System in Sikkim. She has also examined the role

played by traditional tribal panchayats like 'Chhodu' and 'Dzumsa' of Lepcha and Bhutia. The thesis presents the socio-economic profile of the respondents and powers, functions and working of block panchayats. She has made an attempt to identify the shortcomings and bottlenecks of the Panchayati Raj system in Sikkim and recommended some measures for streamlining the panchayat bodies to enable them to achieve the objectives of Panchayati Raj Institutions. It is pioneering work on Panchayati Raj Institution as local self-administration in the state but does not deal with the operational part of Panchayati Raj Institution. How far these panchayat bodies are really effective in promoting self-governance is an aspect not proved in her thesis.

Dhamala's (1986) another article on "Land Management and Development of Panchayati Institution in Sikkim" deals with the evolution of the panchayat system in Sikkim vis-à-vis the land management. Here author seeks to examine how the various estates or *illakas* served as units for future development of panchayat bodies. The study reveals that the institution of panchayat in Sikkim had evolved out of the primitive land holding system and the estates or *illakas* constituted the basic functional unit. The study also examined the slow curbing of the landlords' power in relation to the panchayat system. For example, in Panchayat Tribunal of 1948 the landlords occupied the key position. In Local Area Panchayat of 1951 the *mondals* were the member of the body and the senior most *mondal* had the privilege of convening the first meeting of the Panchayat for the purpose of electing *sarpanch* and *Mukhia* from among the members and finally the 1965 Act placed the *mondals* only as ex-officio members of the Block panchayat. The Sikkim Panchayat Act 1965 firmly established the Panchayati Raj Institutional in Sikkim.

Dhamala and Das (1986) in their article "Evolution of Local Self government in Sikkim" have discussed the historical evolution of Panchayati Raj Institution in Sikkim which emerged out of the feudalistic nature of Society where the feudal lords or *illakadars* wielded both judicial and administrative powers within the limits of their estates or *illakas*. For the regulation of intra village affairs, the *mondals* were appointed by their *illakadars* whose main function consisted in the maintenance of law and order and collection of land revenue. The authors have vividly described the attempt made to establish the local self-government at the grass root level under different government notification since 1906 and covered the period till passing of Sikkim Panchayat Act 1965. They have argued that the 1906 notification could be regarded as a stepping-stone in the development of decentralization but the real pace of democratic decentralization has been set up by the 1948 notification. The 1951 panchayat notification further empowered the panchayats to try civil cases too but had no taxation power. Later Sikkim Panchayat Act 1965 was enacted which constituted Block Panchayats comprising of five members for the period of three years.

Dhamala (1994) in her another article "Panchayati Raj Institution in Sikkim: Participation and Development" has examined the evolution and role of Panchayati Raj institution since the formation of Local Area Panchayat in 1951 which became defunct as soon as they were established. The author has also examined the inherent weakness of the non-hierarchical block panchayat introduced through the Sikkim Panchayat Act, 1965 which continued till 1981. She feels that the popular participation which is the cornerstone of Panchayati Raj System was lacking under the Act, 1965. The author says that the real participation of the people was sought to be ensured with the enactment of the Sikkim Panchayat Act, 1982 which introduced two-tier Panchayat System following the recommendations of the Asoke Mehta Committee.

The importance of these bodies lies in the fact that they were constituted for the first time on the basis of Universal adult franchise. Though the Act provided for a long list of function but in practice, the gram panchayat leaders were confined themselves to identification of local problems. She also criticizes the role of Zilla Panchayat as it has neither the fund nor the administrative capabilities for the implementation of the various developmental schemes. While concluding her article she says that 'planning from below' has become the guiding principle of our planners and in Sikkim efforts should be directed towards achieving this goal. This calls for a reorientation of attitude on the part of Government as well as the bureaucracy.

Jayakumar (1997) in his article "Local self-government Institution in Sikkim" has examined in detail about the provisions of structure and functions of Panchayati Raj Institution in Sikkim under the different Panchayats Acts (Acts of 1965, 1982 and 1993). The article included four tables dealing with salient features of some Gram Panchayats, representation of members belonging to different categories (Scheduled Tribes/Scheduled Castes/Other Backward Classes/Woman/General) in Panchayati Raj Institutions and district wise breakup of Panchayati Raj Institution. The details of powers and functions of Gram Panchayat and Zilla Panchayats as stipulated in the Sikkim Panchayat Act 1993 are also presented. The article has contributed to the existing literature on Panchayati Raj in Sikkim by incorporating a few suggestions given by the *Sabhapatis* of Gram Panchayat during the training period organized by State Institute of Rural Development for the elected representative.

Bhandari and Upadhyay (2000) in their article on Sikkim in book entitled "Status of Panchayati Raj in the States and Union Territories of India" have discussed the structure and functions of Panchayati Raj

Institutions in Sikkim provided under various Acts viz. The Sikkim Panchayat Act, 1965, 1982, and 1993. The main focus of the paper is the detail description of the various provisions made under the Sikkim Panchayat Act, 1993 which was passed in conformity with the requirements of the Constitution (Seventy-third Amendment) Act, 1992.

There are numbers of studies conducted on this topic in India. The contribution of these studies have been enormous. There are varied forms of related publications i.e. books, articles in journals and research papers which are being reviewed here for this study.

Desai (1991) in his book entitled Panchayati Raj has presented a comprehensive picture of Panchayati Raj in the whole country covering not only the major states but even smaller States, Union Territories, like Manipur, Mizoram and Sikkim. The author has given a more detailed description of Panchayati Raj of three States viz. Maharashtra, Gujarat and Karnataka which have achieved maximum degree of decentralization. The book also contains valuable information on the history of Panchayats in ancient India as well in modern India, a general discussion about the role of the Panchayati Raj Institutions in rural development and their problems.

Singh (1993) in his article, "Decentralization through constitution (73rd Amendment) Act" has discussed the conceptual aspect, working, shortcomings and suggestions for strengthening the Panchayati Raj in India. According to him, 73rd Amendment Act will help to revitalize Panchayati Raj essential for rural development and decentralization.

Mukherjee (1993) in his article, "The Third Stratum" has explained that the 73rd Constitutional Amendment Act requires the states to constitute Panchayats at village, intermediate and district levels and consequently there will be a three-tier government viz. the union, the

States and the Panchayats. He has opined that these Panchayats would prepare and implement the plans for economic development and social justice as entrusted to them including the matters listed in the Eleventh Schedule of the Constitution.

Pal (1994) in his article entitled, "Centralized Decentralization Haryana Panchayati Raj Act, 1994" has discussed the provisions of Haryana Panchayati Raj Act, 1994 and made some comments on the centralized tendencies of the Act. He has opined that the leadership at grass root level could not be strengthened by providing major role to the centralized bureaucracy of Panchayati Raj Institutions in Haryana.

Khanna (1994) in his book entitled "Panchayati Raj in India: National Perspective and State Studies" has made an attempt to analyze the working of Panchayati Raj system in the various States of India. The author has most succinctly undertaken statewise description of Panchayati Raj enactments, followed by structural analysis and performance evaluation. He also subscribes to the view that only structural change in Panchayati Raj may not prove to be decisive. The book, which includes few case studies too, does well to provide us an insight on Panchayati Raj and its State of affairs in general and also in particular pertaining to certain States of India. The author has also highlighted many shortcomings, which plague the system. He has done well to suggest some of the most practical solutions to enthuse the languishing system. The relevance of the book becomes manifold in the wake of the recent implementation of the revamped Panchayati Raj in many States of India.

Singh (1994) in his article "Constitutional Base for Panchayati Raj in India" has discussed the evolution of Panchayati Raj after independence and its working, shortcomings, reasons for decline and the

need for the constitutional base for Panchayati Raj in India. He has opined that despite some weaknesses and certain lacunae, 73rd Constitutional Amendment Act is a step toward decentralization of powers at grass root level and to strengthen Panchayati Raj in the country.

Bhat (1995) in his book 'New Panchayati Raj system'. A study of Politico-Administrative Dynamic has presented the new Panchayati Raj System in Karnataka which has brought the local administration closer to the people in terms of efficiency, development and greater accountability. In this work the author has attempted to bring out the general background of the Panchayati Raj movement in India and also highlighted the different phases in the development of the Panchayati Raj. The evolution of the Panchayati Raj System in Karnataka since independence has also been discussed. This book is based on empirical study conducted in Dakshina Kannada district of Karnataka. In this study the author has critically examined the nature of relationship between the panchayat officials and non-officials as the whole success of the Panchayati Raj System depends much on the interaction between the two functionaries.

Singh (1995) in his article entitled, "Haryana Panchayati Raj Legislation – A Critical Review" has examined critically the Haryana Panchayati Raj Act, 1994 and indicated certain lacunae in this Act as it empowers government bureaucracy rather than elected representatives of Panchayati Raj Institutions in the State.

Mohanti (1995) in his article, "Panchayati Raj, 73rd Constitutional Amendment and Women" has opined that it is necessary to create positive and healthy socio-economic and political conditions to enable women to participate actively and effectively in Panchayati Raj

Institutions. According to him, women's reservation in Panchayati Raj Institutions has provided under 73rd Constitutional Amendment Act is leading to their empowerment in real sense.

Mishra (1996) in his article, "The 73rd Constitutional Amendment and local Resource Base – A critical Appraisal" has emphasized the need for strong resource base of Panchayati Raj Institutions in India after 73rd Constitutional Amendment. He categorically examined the fiscal provisions of the Act and opined that these institutions have been overburdened with a large number of functions without adequate financial, technical and administrative support.

Mathew (1996) in his article entitled, "Transfer of power to Local Bodies" has discussed several reasons for unsatisfactory conditions prevailing in transfer of powers to Panchayati Raj Institutions and made recommendations to fill up the gap between their finances and functions. He has emphasized the need for financial autonomy of Panchayati Raj Institutions, which can be achieved through the political will of the State Government.

Oommen and Datta (1996) in their book entitled "Panchayats and Their Finance" have reviewed the existing structure of Panchayat Finance in a historical context, and notes that the existing Panchayat finance at all levels in most states is in doldrums though there are significant exceptions. The paper discusses some basic principles of inter-governmental transfers with special reference to local bodies in India. It also reviews the tasks of State Finance Commission vis-à-vis the Union Finance Commission and makes a strong case for the creation of a permanent Finance Commission at the federal level. The second paper focuses attention on the conceptual and operational problems before the State Finance Commission in relation to Panchayats functions

and finance. Some of the generic issues relating to devolution of fiscal powers to the Panchayats and strengthening of their fiscal position are also spelled out. The book is an important contribution on the subject in the context of the 73rd and 74th Constitutional Amendments and would be of immense help to those concerned with policy and research.

Samanta's (1996) edited book "New vista in Rural Development Strategies and Approaches" is a collection of 13 papers contributed by well known experts in the field of rural development, administrators and policy makers across the world from both developed and under-developed countries. The first part of the book deals with the theme on Changing Perspectives of Rural Development. It has four papers illustrating the existing technological innovations in agriculture and need for sustainable innovations that could embrace economic viability and social desirability, changing development paradigms and need for empowering people for decentralized planning. The Kerala experiment of decentralized planning through village Panchayat has been cited as successful positive contribution to the development of rural area. The second part focuses on management of human resources in agriculture for rural development. The third part of the book deals with experiences of rural development in Nigeria, China etc. The last section of the book deals with the people's participation in rural development and analyses the Indonesia experience of Community participation. This book is well-documented edition in furtherance to the knowledge of rural development. It is worth reading to insights into the crucial aspects of the subject and be exposed to various approaches and experiments made across the developing countries.

Mathew and Nayak (1996) in their article, "Panchayats at work – What It Means for the oppressed?" have discussed four case studies from Madhya Pradesh, which indicate that even after fifty years of

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independence, the power structure at village level remains oppressive, feudal and inhuman. The case studies of *dalit* panchayat representatives of various villages in Madhya Pradesh show that a lady *sarpanch* was stripped naked and a *panch* was beaten up by the higher caste people but the state government remained silent on these incidents.

Sharma (1997) in his book 'Grass root Politics and Panchayati Raj' provides a comprehensive analysis of grass root politics and Panchayati Raj in India. She has traced the genesis and growth of the village government from ancient time till today in terms of Panchayats and panchayat leadership as also panchayat elections and voting behaviours. A unique feature of the book is the interaction of caste, class and power in rural areas. The profile of the rural leadership and analysis of rural power structure through a new light on the working of panchayat system. The book analyses various aspects of grass root democracy and politics in terms of performance of panchayats, pattern of rural power structure and links of rural leadership with higher political leadership.

Crook and Manor (1998) in this book entitled 'Democracy and Decentralization in South Asia and West Africa' have done an indepth empirical study of four Asian and African attempts to create democratic decentralized local government in the late 1980s and 1990s. The case studies of Ghana, cote d' Ivoire, Karnataka (India) and Bangladesh focus upon the enhancement of participation; accountability between people, politicians and bureaucrats. The book is based upon extensive popular surveys and field works. It makes an important contribution to current debates in the development literature on whether good governance and decentralization can provide more responsive and effective services for the mass of the population in the poor and disadvantaged who live in the rural areas.

Mishra (1998) in his article, "Five years of New Panchayati Raj System – A Review" has drawn attention towards certain basic and practical weaknesses of Panchayati Raj on the basis of its activities during the last five years in the country. He has also made some suggestions for the effective functioning of Panchayati Raj in India.

Pal (1998) in his article "Panchayats in Election Manifestos", has analyzed comparatively the election manifestos of almost all the national and regional parties during eleventh Lok Sabha elections and opined that in spite of the promised in their election manifestos to make the Panchayati Raj Institutions strong and viable people's bodies, no other political party than the left parties, are serious about decentralization of the powers to Panchayati Raj in real sense.

Kurian (1998) in his book 'Empowering Conditions in the Decentralization Process: An Analysis of Dynamics, Factors and Actors in Panchayati Raj Institutions from West Bengal and Karnataka in India' explores the necessary conditions for an effective and accountable local self-governing system, in the context of the Panchayati Raj Institutions in two Indian States, namely Karnataka and West Bengal in the pre-constitutional amendment scenario.

Biju (1998) in his book entitled, "Dynamics of New Panchayati Raj System" discussed historical growth of Panchayat Raj in India and analyzed present structure, powers, finance and personnel system of Panchayati Raj in Kerala. He has also explained people's participation in rural development and Panchayati Raj and role of Panchayati Raj in pollution control in Kerala State.

Datta's (1998) book entitled "Major Issues in Development Debate – Lesson in Empowerment From India" is a collection of essays on grass roots development in India which have discussed on

decentralization of powers, function and empowerment of people at macro level in general and West Bengal in particular at micro level.

The first article discusses the concept and reality of sustainable development with reference to Indian scenario where author has suggested two modes of alternatives which need changes at micro and macro level. The second and third articles debate on institution building for rural development which began after Independence. Similarly, fourth and fifth articles analyze political empowerment of women and grassroots level participation. The author believes that women participation cannot be made effective in Panchayati Raj System until and unless village feudal system is not washed out from the rural social structure. In sixth article author makes recommendations of positive leadership in self-governance system at village level. Last two articles deal with importance of education and universalisation of primary education.

Joshi (1998) in his book entitled, "Constitutionalisation of Panchayati Raj" has discussed the inadequacies of present system despite the constitutionalisation of Panchayati Raj in India. He has emphasized the need to create a healthy and positive atmosphere for natural growth of Panchayati Raj and also gave suggestions for the improvement and strengthening of the system provided that the states have political will to devolve powers and authority to Panchayati Raj Institutions.

Reviewing development of democratic decentralization process in India, the author has observed that for fear of losing power with the emergence of a new leadership at the village level, the vested interests undermined the potential role that Panchayati Raj Institution could play in local development. The author has observed that autonomy by itself does not ensure that the system becomes accountable. Mechanism like

regular elections, regular village meetings, active community organizations acting as countervailing force against anomalies are essential conditions for successful working of the Panchayati Raj Institution. The author has emphasized accountable governance which emphasizes on principle of equity in the distribution of powers in the decision-making structures and processes. It is essential for the people to keep a check on the excessive use of state power to have a synergy of both state and people accountability. It is for this reason, according to the author that we need neither absolute decentralization nor complete centralization but a mid path between the centralization and decentralization.

Singh and Mahanti's (1999) edited book entitled "Role of Democratic Decentralization (Panchayati Raj in Tribal Sub-plan Areas) is an outcome of a National Workshop on the Role of 73rd and 74th Constitutional Amendment in the Scheduled Areas. It highlights the role of Panchayati Raj Acts in Scheduled and Tribal Areas and sub-plan areas. They have traced the evolution of local self-government, empowerment and increased participation of women. It also discusses on the role and participation of women in Panchayat. There has been radical change in the outlook, attitude and participation of women in rural India. The book also discusses the status of women in the North-East. The author feels that what is required is not simply a uniform national law to reserve seats for women.

Datta (2001) in his book entitled "Panchayats, Rural Development and Local Autonomy: The West Bengal Experience" has made an attempt to study of functioning of Gram Panchayats in two districts of West Bengal viz. Birbhum and Jalpaiguri.

Author has rigorously analyzed the data relating to socio-economic features of the Gram Panchayat population, villagers' perception as well as leaders' perceptions about the working of the system, people's initiative and resource mobilization etc. The study has revealed some of the anomalies in the working of the panchayat systems in West Bengal. For instance 46.33 percent of villagers in Birbhum and 23 per cent in Jalpaiguri are not aware of *Gram Sansad* meeting. As regards resource mobilization the finding is that neither the party members nor the panchayat members have taken up the issues of resource raising seriously. The research deserves commendation for presenting a vivid picture of real life situation pertaining in the area under study.

Bhattacharya (2002) in her book *Panchayati Raj in West Bengal: Democratic Decentralization or Democratic Centralization* discusses the Panchayati Raj Institution in West Bengal which is facing a challenge over the last few years. The author argues that the earlier enthusiasm among the rural population of West Bengal about panchayats and their activities has subsided. The books attempts to find out the reason for this gradual change in the people's attitude towards panchayats. In this study different indicators of democratic decentralization used are developmental activities being persued, actual participation of elected representatives as well as villagers in the decision making process and the extent of control exercised by political parties in the decision-making activities of Gram Panchayats. A key message of this book is that a strong and centralized party organization of CPI (M) that could bring about discipline in panchayats and promote rural development activities should also encourage people's participation and their involvement in local governmental activities in line with the commitment to democratic decentralization. Conveyance of both people's participation and their development can be considered the

prerequisite for successful self-governments at local levels for rural areas.

Malik (2002) in his book entitled, "The New Panchayati Raj—Rural Transformation in the State of Haryana" examines the structure and functioning of Panchayati Raj system in Haryana under the Haryana Panchayati Raj Act, 1994. This book is the first systematic attempt to study the 'new' Panchayati Raj Institutions in Haryana which presents a comprehensive overview of the organizational structure and democratic functioning of Panchayati Raj Institutions in Haryana. The book highlights not only the socio-economic background of panchayat leaders but also projects their views and perceptions on a very wide gamut of issues ranging from empowerment of women to bureaucracy and prospects and problems of resource mobilization.

Menon and Bakshi (2003) in their book entitled 'Panchayati Raj in scheduled Areas' have made a critical evaluation and comparative analysis of the implementation of the provisions of the Panchayats (Extension of the Scheduled Areas) Act, 1996 and Conformity State Panchayat Act with special reference to the powers of *Gram Sabha*. Based on the field studies in the State of Maharashtra, Orissa and Rajasthan it examines the nature, functions and the role of the *Gram Sabha*. The authors have observed that out of eight states the provisions of the seven States Panchayat Acts in the Scheduled Areas (Except Bihar) have been amended in pursuance of the Extension Act of 1996. The Conformity Panchayat Acts of Maharashtra and Orissa are more or less in conformity with the Extension Act. The Rajasthan Ordinance lacks direction and does not fully reflect the contents and spirit of the Extension Act. All these aspects have been evaluated in this study.

Pal's (2003) another book entitled "Gap Between Needs and Resources of Panchayats India" is a result of an empirical quantitative research conducted in Saharapur district of Uttar Pradesh. The book consists of eleven chapters. He point out devolution of power and functions to the panchayats and the developmental role being played by the panchayats at various levels. Though they have a role to play in the implementation of the centrally sponsored schemes but they have no say in formulation of these schemes. The author suggests restructuring of the entire culture of plan formation and implementation for meaningful bottom-up planning. He has investigated the basic needs like drinking water, sanitation, primary education, health care, roads and paths and electricity and has examined the existing status of these services in the selected villages, adequacy of financial resources of panchayats. He has also studied the existing and potential income of Gram Panchayats and has given recommendations useful for policy makers and practioners. To him panchayat should put in practice their legal powers of raising financial resources.

Sharma's (2004) book entitled "Bureaucracy and Decentralization" is one of the most important contributions to the growing body of literature on bureaucracy and decentralization. The focus of the book is on the process of the reforms in the bureaucracy and its also examines the process through which public bureaucracies adjust their style and substances as they brace up to meet the challenges of decentralization.

Singh (2004) in his book "Panchayati Raj Finances in Madhya Pradesh" has provided an account of the financial position of Panchayats in Madhya Pradesh in general and Raigarh district in particular. The book examines the fiscal relations between the state and panchayats in the light of the recommendations of the first finance commission of

Madhya Pradesh and action taken thereon by the State Government. The chapter on Financial Devolution on Panchayats give a description of the additional functions assigned by the State government after the constitution (73rd Amendment) Act 1992 to all three levels of panchayats. The author has provided practical reasons as why collections of taxes at the local level is becoming difficult. This book is useful for academicians and administrators working in area of state and local finance.

Objectives of the Study

The foregoing review of literatures reflects that there is a vast scope of study on Panchayati Raj of Sikkim as very few studies have carried out on the subject so far. The present empirical study intends to examine the structure and functions of Panchayati Raj Institution in Sikkim under the Sikkim Panchayat Act, 1993. The following are the main objectives of the study to fulfill the existing gaps in the knowledge of Panchayati Raj of Sikkim.

1. To trace back the historical evolution of Panchayati Raj Institution in Sikkim and try to show as how, over the years, the Panchayati Raj structure and the whole panchayat apparatus have developed in Sikkim for without structural development no institution can function properly.
2. To study the socio-economic and political background of the electorate as well as elected representatives as the electorates belong to the cross section of the people of villages having political affiliation to different parties with varied manifestos.
3. To explore the extent of participation and empowerment of Scheduled Castes, Scheduled Tribes and women in Panchayati Raj Institution and to explore the problems faced by them in

performing their duties as reservations are provided to the weaker section of the people in order to facilitate their meaningful participation in the developmental process so that they can come forward with their problems and proposals.

4. To study the actual involvement and participation of elected representatives as well as the common people who constitute the electorate for without active participation of the people and their elected representatives in decision-making as well as in implementation of those decisions, the objectives of democratic decentralization cannot successfully be met.
5. To study the changing leadership pattern in villages particularly after the introduction of party based panchayat election in 1997. In other words, to study who are the people coming to the seats of power i.e. whether the common people covering a cross-section of the society are being represented or not as because normally in party based panchayat, the quality candidates are not given importance rather party workers are given preference to be the leader of the village.
6. To present the perception of Panchayati Raj representatives, officials and electorate or *Gram Sabha* members regarding the achievement of objectives of Panchayati Raj in the State after the implementation of Constitutional (73rd Amendment) Act, 1992.
7. To study the extent of autonomy enjoyed by the Gram Panchayats or to study the extent of control exercised by political parties in the decision-making activities of the Gram Panchayats. This is based on the assumption that political interference in the functioning of Panchayati Raj Institution may result in loss of

autonomy and discrimination towards the sympathisers of rival parties.

8. To discuss the various resources endowed to Panchayati Raj Institutions, resource mobilization by Gram Panchayats and to examine the practical reasons behind the difficulty faced by Gram Panchayat for the collection of revenue.
9. To examine the interactions between Panchayati Raj representatives and the officials as we know the success of Panchayati Raj Institution depend upon the proper co-ordination, co-operation and effectiveness of both the functionaries.
10. To examine the role of *Gram Sabha* and Gram Panchayats in the developmental activities being pursued for this is an important indicator of successful working of panchayats. The role of *Gram Sabha* is perhaps the most important in ensuring the success of Panchayati Raj Institution at the village level. In many villages, *Gram Sabha* are not functioning effectively and this has adversely affected people's participation in the developmental activities of the Gram Panchayats.
11. To discuss the problems and prospects of Panchayati Raj Institution in Sikkim as though there may be chances for improvement of Panchayati Raj Institutions yet inherent problems and unremovable constraints may cause problem.
12. To recommend some concrete suggestions to strengthen and vitalize the Panchayati Raj Institution in the State.

Research Questions

Following research questions, as emerged out of the earlier discussion, will be asked while doing the present research:

1. Will the Act (1993) encourage participation in Panchayati Raj process?
2. Whether women representatives and the weaker sections of panchayat representatives would be able to exercise their power in real sense.
3. Will the Gram Panchayat remain financially weak despite the fiscal decentralization under the Act 1993?
4. Will the Act provide better organizational linkages between the Gram and the Zilla Panchayats?
5. Will the Panchayati Raj Institution be able to plan and execute socio-economic development programme?
6. Whether working of Panchayati Raj Institution will be politically motivated in the State.
7. Whether Panchayats have been succeeded in emerging as institutions of local self-government.

Research Methodology

The present empirical research study has been conducted in the State of Sikkim. Study was made at the lowest level of the Panchayati Raj Institution namely, the Gram Panchayats. To make the study more representative one, four Gram Panchayats from all the four districts were selected for the purpose of study. They were Kabi-Tingda, Samdur-Tadong, Lungchok-Salyangdang and Salghari from North, East, West and South districts respectively. Furthermore, two Gram Panchayat Wards from each Gram Panchayats were taken for intensive data collection and detailed examination. All the four Gram Panchayats from four districts were selected on the basis of purposive sampling. Kabi-Tingda Gram Panchayat represents North district which is a tribal village dominated by *Bhutia*, *Lepcha* and *Sherpa* tribes. Among these tribes,

along with modern statutory panchayat, the traditional *Gyapen* system also prevails. Samdur-Tadong Gram Panchayat was selected from the East district because the researcher belongs to the same Gram Panchayat and is well versed with the socio-economic and political life of the people which has been helpful in eliciting the requisite information. Another reason for selection of this Gram Panchayat is that it is a semi-urban village which is situated about 6 km. ahead of Gangtok, the State Capital. Lungchok-Salyangdang Gram Panchayat of West district was selected as this Gram Panchayat represents multi-ethnic/caste village dominated by higher Caste *Nepalis* i.e., *Bahun (Brahmin)* and *Chhetris* and some other middle and lower *Nepali* castes like *Rai, Bhujel, Kami, Darjee* etc. Salghari Gram Panchayat was selected from the South district as it represents the multi-caste or ethnic groups living in semi-urban villages of Majigaon and Salghari which are proximate to Jorethang town.

The following Chart gives an idea about the sample of the present study.

Chart – 1
Sample of the Present Study.

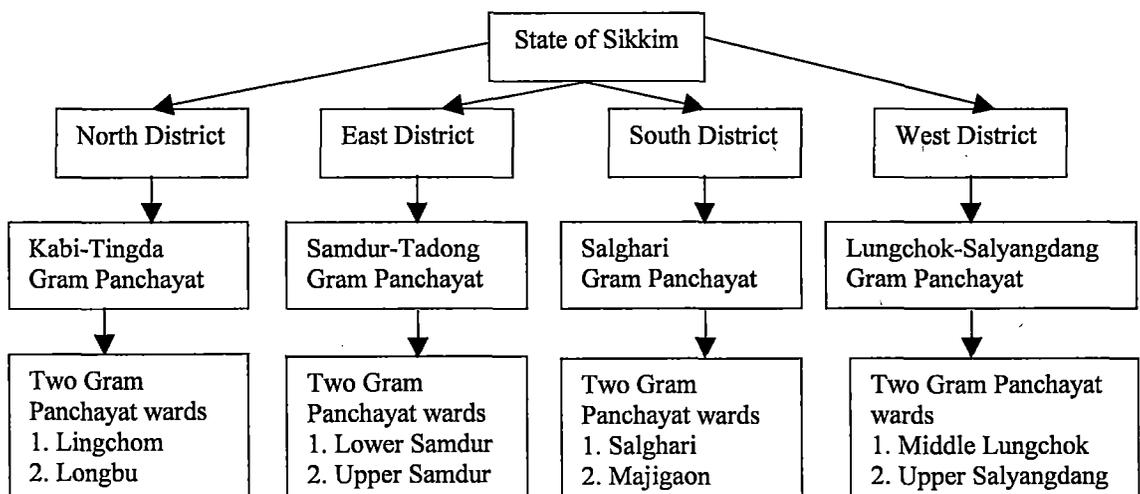


Chart – 2

The Design of the Study

| S A M P L E | | | | | |
|-------------|----------|----------------------|---|------------------------------------|-----------------------|
| Sl. No. | District | Gram Panchayats | Elected Representatives (Member and Chairpersons interviewed) | Electorate (Villagers) interviewed | Officials interviewed |
| 1 | North | Kabi-Tingda | 06 | 29 | 05 |
| 2 | East | Samdur-Tadong | 05 | 56 | 05 |
| 3 | South | Salghari | 05 | 110 | 05 |
| 4 | West | Longchok Salyangdong | 05 | 35 | 05 |
| Total | | | 21 | 230 | 20 |

The data for the present study were collected from both the primary and secondary sources. In all the four Gram Panchayats interviews and discussions were held with the electorate, the Gram Panchayat representatives and also with the panchayat officials. A preliminary work was conducted in June-September, 2004 after which the field survey was conducted in October-December, 2004. The primary data were collected through the structured interview schedules prepared separately for the elected representatives of Gram Panchayats and electorate or villagers. In case of Panchayati Raj officials or bureaucrats separate set of questionnaire were used. Beside, the influential persons who take interest in the activities and working of Panchayati Raj Institution were also contacted to elicit the primary data.

All the elected representative from four Gram Panchayats were interviewed with the help of interview schedule which contained detail information about the socio-economic and political background of Panchayati Raj representatives. The indicators used to assess the background are age, sex, marital status, caste, religion, educational level, occupation, family composition, number of children, income, land holding, affiliation to political party etc. The important questions

contained in the interview schedule were related to objectives, structure, functioning, fiscal decentralization devolution of powers, awareness of local affairs, decision-making process, empowerment of women, interactions between panchayat representatives and the officials, perceptions of elected representatives regarding the achievement of objectives of Panchayati Raj in the State etc. A separate set of interview schedule was used in case of electorate or the villagers. Total 230 electorates were interviewed because the perception of the villagers regarding the functioning of Gram Panchayats was found to be quite necessary. While selecting the respondents from the huge number of electorate from four Gram Panchayats researcher has used simple random sampling by choosing every 15th person as respondent from the total list of electorate separately made for male and female. The villagers were found to be more or less co-operative and provided a lot of information but only after being convinced of the academic purpose of the interview. The questions contained in the schedule were related to the socio-economic background of the villagers, structure and functioning of Gram Panchayats, grass-root level participation, resource mobilization, decision-making process, role of *Gram Sabha*, schemes of rural development, empowerment of women and weaker sections etc. Apart from elected representative and electorate the Gram Panchayat officials or bureaucrats were also interviewed with the help of questionnaires. The respondents included the concerned Panchayati Raj Officers and officials like District Development Officers who is also ex-officio District Panchayat Officers, Sub-divisional Development Officers, Panchayat Inspectors, Rural Development Assistant and Village Level Workers who work in close association with Panchayati Raj Institution. Along with formal questions or discussions contained in the questionnaire, informal discussions with these persons were of immense helpful. The items contained in the questionnaire were related

to interaction between elected representatives and panchayat officials, bureaucratic control, political party control, fiscal decentralization and mobilization of resources, devolution of power and functions, perceptions regarding the functioning of Gram Panchayats under the new Act.

The secondary data for the present study were collected from various books, journals, party literature, pamphlets, newspapers, unpublished Ph.D. theses, official records and reports available at the offices of District Development Officers who is also ex-officio District Panchayat Officers and Directorate level of the government to support the views expressed by the respondents interviewed during field survey. The data collected from both the primary source (field work) and secondary sources were qualitatively analyzed to write the thesis.

CHAPTER – II

PANCHAYATI RAJ INSTITUTION IN SIKKIM

Modern Statutory Panchayati Raj Institution and its establishment in the small Himalayan Kingdom of Sikkim is of recent origin dating back to the demand of Sikkim State Congress, during late forties for formation of Panchayati Raj in the State for the political and social reform in the feudalistic society prevailing as in any other traditionalist society. On those days the intra-administration was feudal in character. However, prior to State Congress's demand there were Panchayat like local self-government prevailing in the kingdom by the name *Dzumsa*, *Chhodu*, *illaka*, or *mondal* system. Unless we discuss the evolution right from different forms of local self-government prior to establishment of formal Panchayati Raj Institution, the evolution studies remain incomplete.

Sikkim's history is still a mystery as whatever information are available it is through the interpretation of various legends, folklores and anecdotes yet there is no dispute that *Manger* and *Tsong* entered the country from the trans-Himalayan in the pre-historic period. The Manger were renowned warriors who formally were a part of Sikkim guards and one of the groups celebrated the coronation of the first Chogyal Phuntso (Penchoo) Namgyal in 1642. *Lepchas* are considered to be aboriginal and *Bhutia* migrated from Tibet. Thus *Nepali*, *Lepcha* and *Bhutia* constituted the inhabitants of Sikkim.

As far as the agricultural habits of earliest inhabitants are concerned, they were, as per Campbel, nomadic in nature. They did not stay in one place for more than three years at the end of which they used to move to a new place of the forest and prepare a ground for stay and

cultivation. Later Gorkha's (*Nepali's*) entry into Sikkim the formal cultivation practice was introduced (Campbel: 1840). After settlement of the inhabitants with cultivation in one place the requirement of self management of day-to-day affairs were felt and hence the birth of local self-government. The Gorkhas (*Nepalis*) settled on the warmer place towards lower elevation and the *Bhutias* from Tibet on the higher elevations towards Tibetan borders.

The local self-government in the form of non-statutory panchayat was practiced in the Kingdom of Sikkim since the time immemorial. It is important to note that the system that was prevalent in the 19th and the early 20th centuries upon which the present system of self-government is formed.

While discussing the historical evolution of Panchayati Raj Institutions in Sikkim, it is important to note the very important role played by non-statutory panchayats in the form of traditional Tribal Councils and various Caste Panchayats. Village-based local self-government bodies have existed in the state since time immemorial. The units of society were the village communities, not the individuals. The communitarian village society kept alive its age-old customs and traditions.

It is interesting to note the unique system of self-rule among the *Bhutias* and *Lepchas* of North Sikkim in the form of Tribal Councils known as *Dzumsa* and *Chhodu* respectively. The *Bhutias* of *Lachen* and *Lachung* villages of northern Sikkim had their own traditional tribal council known as *Dzumsa* or assembly of people formed several centuries back. This traditional institution of local self-government has *Pipon* or the village headman who was elected by adult members drawn from each of the family for a term of one year. There would be two

Pipons one senior and the other junior. The junior *Pipon* had to occupy the seat on the right hand side of the senior in any formal meeting of the tribal council in order to distinguish their hierarchy in the public. The *Pipons* on consultation would nominate two *Gyapens* or assistants to assist them in performance of their duties. The *Mapo* was the general public body consisting of representative from each family of the village. Besides, there was another assembly of few influential village elders called *Gembo* and its members as *Gyemmi* for aiding and advising the *Pipons* in various functions involving the community interest. All the members of *Gembo* were nominated by the *Pipons* from among the influential and active village elders. J.C. White, the first British political officer, also noted this unique system of traditional village council in the following words, "People of *Lachen* and *Lachung* villages of North Sikkim had very unusual and almost communistic government of their own, even in those days when the rest of the people of Sikkim were groaning under the yoke of feudalism". On every occasions the whole population used to meet in a panchayat or council were they would sit in a circle for consultation (White: 1971).

This unique system of self rule which was formed centuries back managed to survive or kept intact even in modern period. The 1982 Panchayat Act protected these traditional tribal cultures of both *Lachen* and *Lachung*. It recognized their *Dzumsa* and the election of *Pipons* annually. The Sikkim Panchayat Act, 1993 has also kept the traditional *Dzumsa* intact. The Sikkim Panchayat (Amendment) Act, 1995 stated that "in the case of the two villages of *Lachen* and *Lachung* in the North District of the State, the areas comprised in the two villages shall be deemed to be the *Grams* for the purpose of section 3 of the Act and the traditional institutions of *Dzumsa* existing in these two villages for many centuries shall be deemed to be Gram Panchayats constituted under this section". So the *Dzumsa* is still in operation as an institution of local

self-government in two villages of *Lachen* and *Lachung* with recognition as Gram Panchayats as regards rural development activities. There are nearly 50 to 60 households under one *Dzumsa*. The post of *Pipon* (village headman) and *Gyapen* (assistant) are similar to the *Sabhapati* and *Up-sabhapati* of *Gram Panchayat*. But unlike other *Gram Panchayat* the term of each *Dzumsa* is only for one year. The method of selection is through popular voting in favour or against the candidature. However, the women cannot contest the elections for the post of *Pipon* and *Gyapen* though they have better say in the decision-making process. It is very interesting to note that these tribals (*Lachenpa* and *Lachungpa*) had the system of fraternal or adelphic polyandry which allowed the women to become the common wife of several brothers and enjoyed better position or status in the family and in the society as well by virtue of being a common wife. The common wife's duty was to identify the child as to which husband the child belonged. This was required for partition of family property. It had been noted that women had little or no role in *Dzumsa* deliberations despite their key position in the family. The constitutional provision of reservation of one-third seats for women representatives was made to ensure the active role of women in local governance but the women of *Lachen* and *Lachung* have not been able to represent themselves in the participatory democracy. Under the new Act, 1993, *Dzumsa Pipons* represent their villages in Zilla Panchayats. All the developmental activities were carried by *Dzumsa Pipons* with the help of *Gyapens* and *Gyemmi*. For all practical purposes, *Dzumsa* was Gram Panchayats. It was a powerful body and was trying to adopt and adjust the dynamic changes that were taking place at the National and State level.

Another type of traditional tribal council known as *Chhodu* was prevalent among the *Lepchas* of *Dzongu* areas of North Sikkim. The *Chhodu* consisted of village elders and the *mondals*. The important

office-bearer of this council were *Mukhtiyar*, *Mondal*, *Gyapen* and *Youmi*. The *Mukhtiyar* was the official link between the State and the people and responsible for supervision and co-ordination. The *Mondal* was held responsible for revenue collection. The *Youmi* was nominated by the *Mondal* from the *ex-Gyapens*. The *Gyapen* was mainly responsible for the administrative functions of the village. The main functions of the *Chhodu* were the regulation of intra-village affairs and the collection of taxes for the State. After the enactment of Sikkim Panchayat Act, 1965, this system was integrated with the pattern prevalent in rest of the State.

In rest of the areas of Sikkim, society was purely feudalistic in nature like in any other traditional society. The internal administration of Sikkim was feudal in character. This feudal class wielded both judicial and administrative powers within the limit of their estates or *illakas*. For the regulation of the intra-village affairs, the *Mondals* were appointed by *Illakadars*. These feudal lords or *illakadars* (*Kazis*, *Lamas* and *Thikadars*) used to hold large tract of land as grants from the Maharajah, as services or special inducement. Writing in 1873, J.W. Edgar made a reference of twelve *Kazis* and several other officers of various names who exercised jurisdiction over specific tracts of land (hereafter referred to as *illakas*). Each of those officers assessed the revenue payable by all the people settled on the lands within his jurisdiction and paid to the *Rajah* a certain fixed amount. The *kazis* and other officers exercised limited civil and criminal jurisdiction with the lands the revenue of which they collected (Kuloy: 1967). Prior to the intrusion of Britishers in the internal administration of Sikkim, the total administration was in the State of confusion, J.C. white, the first political officer in Sikkim made a reference on the condition of Sikkim in the following words – “Chaos reigned everywhere as there was no revenue system and the *Raja* was taking what he required from the

people. The *rayots* those who were nearer to the capital had to pay lion's share to the *Raja* and those who were away from the capital had to pay toll to the local officials in the name of *Raja*. There was no court of justice, no police, no public works and no educational institutions for the younger generation" (White: 1871).

The Panchayats in those days were the products of disputative exigencies only. Whenever any quarrel occurred the panchayats were formed to decide the case (Dhamala: 1983). In the absence of codified laws and regulation, these feudal-lords were in the habit of levying excess fines and illegal cesses besides using various ways of oppressing their *rayots*.

Panchayati Raj Institution can well be explained mainly under two different heads viz. Gram Panchayats in Sikkim pre-merger stage and Panchayats in Sikkim post merger stage.

Panchayats During Pre-Merger Period.

The village panchayats as a statutory institution emerged for the first time in Sikkim when it was under British protectorate. The appointment of J.C. White, the first British Political Officer in Sikkim resulted in the issuance of Political Officer's Notification (No. 2338) in 1906 which gave official recognition to centuries old *illaka* system by defining and limiting the powers of the *Kazis*, *Lamas* and *Thikadars* (feudal lords or *illakadars*).

The popular notification not only gave recognition to *illakadars* but also gave judicial powers to try petty cases of cattle trespass, petty land disputes and debt cases of value not exceeding Rs. 10/- with fine to the extent of Rs. 5/-. According to the judicial power invested, *illakadars* were divided to four classes.

The first class *illakadars* had judicial powers to try ordinary civil and criminal cases and to fine upto Rs. 100/- or imprisonment for one month within the limit of their *illakas*. The powers were vested to either *kazis*, or *lamas* or *thikadars* for confinement in imprisonment, in the jail at Gangtok. The second class *thikadars* were conferred with powers to try ordinary civil and criminal cases and to fine upto Rs. 50/- and the third and fourth classes were empower to try ordinary cases and fine Rs. 25/- and Rs. 15/- respectively. In the absence of any provision for people's participation in the court, land lord's right of over assessment of their *rayot* remain unsolved and lot of resentment used to be received by Raja from the public. However all the serious criminal cases were tried in the court of political agent as everyone had the right to appeal to the Maharaja and the political agent (Notification: 1906).

The cases used to be passed on, for enquiry and redressal, if any, to a panchayat consisting of three *kazis*, a *lama* and a *thikadar*. Later the panchayat used to be consisted of two landlords and an intelligent *rayot*. The findings of the panchayat were favourable in some cases (Annual Administrative Report: 1909-1910).

Notification of 1906 no doubt paved the way for decentralization in true spirit but democratic decentralization was yet to be achieved in this Himalayan Kingdom. The notification in fact, had an effort to give legal status to the already existing *illaka* rather than to introduce a system of local self-government. The *illakadars* were given judicial powers besides a number of administrative powers. Firstly, they were the middleman between the government and the *rayots* especially in regard to collection of revenue of their estates, which included a fixed amount of land rents and household taxes. Secondly, in addition to maintenance of death and birth register of their estates or *illakas*; they were supposed to maintain a record of progress of cultivation. The information of death

and birth and agricultural return thus collected were to be submitted to the *Darbar* on a fixed date of the year. If any work was to be undertaken by the *Darbar* the landlord used to be notified about the work and later undertaken by the *illakadars*.

The entire kingdom were divided into various estates either small or big which were leased out to the landlords for specified period of time and terms and condition mentioned in the Lease Deed. The landlord or the lessee had to pay a fixed sum declared in the Lease Deed within the time stipulated therein. By virtue of the terms and condition of the lease the landlords were authorized to realize land revenue from the *rayots* of the estates at a fixed rate allowing commission and collection expenses. (Report of the Committee on Land Reforms: 1975).

There were 104 *illakas* (estates) in the Kingdom which were divided into three classes as under:

- (i) Lease out *illakas*: There were 91 *illakas* under this class wherein the lease holders would pay to *Darbar* annually fixed amount towards the land rent and household taxes by 15th January and 28th February respectively every year. The *illakas* were divided into convenient blocks which was looked after by the *mondals* appointed by *illakadars*.
- (ii) *Illakas* under direct management: There were eight *illakas* under this category categorized as class-II type *illakas* which was managed by manager appointed specifically for this purpose drawing from nearby areas generally from neighboring land lords. The land revenue adopted by the managers were in the same line as that in the Lease Deed. The revenue thus collected from different heads were credited into the state treasury from time to time.

(iii) *Illakas* under monasteries: There were five *illakas* under the monasteries. *Illakas* under this category was required to pay household tax only that is also a fixed amount payable on 28th February every year. The *illakadars* were not required to pay the land rent recovered from the *rayots* as the same was allowed to be utilized for the upkeep of monasteries. Out of the 49 landlords in the *illakas* (estates) twenty one were *Kazis*, six were *Bhutias*, eight were *Lepchas*, thirteen were *Nepalese* and one a domiciled Indian (Annual Administrative Report: 1930-31).

The *illakadars* were the custodian of law and order in their areas and the *illakas* (estates) were the centre of internal administration in the first half of the present century. "From the available land records and land revenue in Sikkim, it is obvious that majority of land were being held by a few land owners and were lease out to tenants and sub-tenants" (Report of the Committee on Land Reforms: 1975). Wishes of the people were hardly welcomed and entertained as the prevailing system, at that time, was feudalistic in character wherein the panchayats were the product of the disputative exigencies. The popular participation in the local self-government was considered to be absurd. However in the subsequent stages of local self-government, the *illakas*, while serving as revenue administrative units, did not fail to make the base of the future Panchayat Raj Institutions.

Though in the small Himalayan Kingdom feudalistic system of administration prevailed wherein the voice of the people were not honoured yet at the same time, it is interesting to note, in the year 1910 a council developed in the State of Sikkim particularly at Gangtok in the name of Indian Panchayat exclusively to British Indian subjects comprising of a council of four Indians, one Nepali and one Sikkimese. The President was elected from among the four Indians and the

Panchayat was empowered to try petty civil and criminal cases wherein the defendants were the Indian subjects (Government of India: 1910-1911).

In this tiny Himalayan Kingdom a turn of events was marked during post war era. There were existence of political fronts and organizations even during early thirties, to fight for the people. The political parties were encouraged in reviewing for redressal the drudgery of common people after the second world war when Britisher started withdrawing from India. Under the stress and strain in the feudalistic system of administration the political vision vis-à-vis the goal became more clear as a result three political parties viz. *Praja Sudharak Samaj*, *Praja Sammelan* and *Praja Mandal* emerged in the Kingdom just before the independence of India. Following India's independence the above three political parties merged together in a single party giving birth to Sikkim State Congress on December 27, 1947 (Basnet: 1974). The united single party's main objective was the abolition of landlordism in the State vis-à-vis withdrawal of civil and criminal power vested to them as this power became one of the most potent weapons in their hands to make people (*rayots*) subservient to their will. If we examine critically whether or not the political interference attempting to withdraw the powers from the landlords was beneficial to the *rayots* we find that the landlord's court served the *rayots* very well as it was easily approachable and less expensive as compared to the Government Court. In landlord's court the petty cases could easily and promptly be tried without much efforts and expenditure. But the political thought for the long-term gain had long hand to play important roles.

In order to counter the Sikkim State Congress, a new party by the name Sikkim National Party was constituted. The party had the backing of *Darbar* and on April 30, 1948 as regards withdrawing powers from

the hands of landlords, it unanimously decided that "a time honoured institution like the one in question could not be suddenly wiped out of existence, root and branch, without giving rise to grave consequences" (Basnet: 1974).

On the pressure of the political parties two local government bodies were constituted viz.:

- (i) Panchayat Tribunal and
- (ii) Local Area Panchayat

(i) Panchayat Tribunal :

In the process of British power becoming weak in the Indian sub-continent and democratic movement started to take place in the State, the internal administration of the feudalistic system underwent a significant change. The emergence of political parties brought about winds of change in the state since its inception in the late forties. The political party took up itself the task of ventilating the grievances of the people by way of demanding urgent political and social reformation. The Sikkim State Congress was the first political party to demand the formation of Panchayati Raj in the State. With the winds of change blowing over the Himalayan Kingdom the feudal class which was bestowed on them the judicial duties by 1906 notification also wanted to get rid of the responsibility and supported the demand of the Congress. The attempt to transfer the power from the landlords to the village panchayats in the village level was in conformity of the desire of the villagers and accordingly in accordance to the notification of January 12, 1948 a Panchayat Tribunal was to be constituted in every *illakas* (estates) comprising of one landlord and four villagers of that estates who were to be elected by block people. In the

absence of landlord not ordinarily be stationed in his estate his nominee would act for him (Notification: 1948).

In conformity with the clause 5 of the notification, the selection method of these four villagers were as under:

Four villagers were selected by the block people at the instance of the *mondal* in a meeting of the block called for this specific purpose to represent the block in the final selection. These four members of the panchayat would then be selected in a meeting of the block representatives.

Besides selection procedure, qualification of the candidates were also prescribed as following: (i) The candidate or the member of panchayat should have attained the age of 22 years; (ii) As regards qualification, the candidate should have been able to write and read in some vernacular language; (iii) The person should be a payee of land tax not less than Rs. 15/-. The disqualification of a candidate was confirmed if the person would have convicted in an offence of moral turpitude.

The Panchayat Tribunal thus formed were empowered to hear or trial suits upto the limit of Rs. 100/- in value. The criminal jurisdictions were extended to petty offences like affray, hurt, spreading disease, wrongful restraints, fouling water, assault, theft, insult, abuse, mischief to property, misconduct by a drunken person etc. with powers to inflict sentence of fine to the extent of Rs. 25/-. The power given to the Panchayat Tribunal was almost sufficient to deal with petty cases both civil and criminal in nature likely to take place in day-to-day life of the villagers.

The members of Panchayat Tribunals were paid remuneration for their performance whereas in the previous *Adda* Courts the *illakadars* were allowed to share the receipt of fines with the government. The formation of Panchayat Tribunal also helped concentration of judicial power as potent weapon in the hands of feudal class. The provision of Panchayat Tribunal could not protect the interest of toiling and ignorant masses from the harassment of the wielders of power. With provision of incorporating a landlord or his nominee the Panchayat Tribunal, the landlords continued to be in the helm of affairs which further worsen the functioning of the Tribunal and could never succeed to work in favour of the public. The provision that laid down for the betterment of the public could remained on papers only.

The traditional *illaka*-system served a good purpose inasmuch as those *illakas* constituted a convenient functional units of the Panchayat Tribunal and the functions that were performed by the *illakas* in the past were transferred to this body. However, the government had reserve the powers to approve the candidates selected to be the members of Panchayat Tribunals. Here the high handedness of the government is seen contrary to the principle of democracy.

The popular 1906 Notification heralded the beginning of popular participation in the affairs of the State and hence can be regarded as stepping stone in the development of decentralization. The objective of the notification was to diffuse the power concentrated so long in the feudal class.

The tribunal, had it been carried to its theoretical perfection, would certainly have encouraged the people's participation in the

affairs of the community but unfortunately the provision of the notification remained on paper only and not a single tribunal was formed in 104 estates of Sikkim.

In between 1947 and 1949 there was a great strife and turmoil in the state. During this period, on the demand of the Sikkim State congress the tenants stopped payment of land revenue and other taxes in order to force the Sikkim *Darbar* to yield to popular demand. Accordingly, in this confrontation of public and the political party with *Darbar*, the proper formation and functioning of Panchayat Tribunal was overlooked and could not be succeeded. Thus the first attempt of establishing of participatory democracy received a serious set back.

As a result of consistent pressure of the Sikkim State Congress to curtail powers of landlords and enforcement of reforms in the prevailing system and also as a result of prolonged negotiation with *Darbar*, the *Maharaja* agreed to install a five member interim government including two nominees of his own. In this way, a first popular government was installed on May 9, 1949 but its span was very short as it was dismissed all of a sudden on June 6, 1949 and the executive powers of the erstwhile ministry was transferred to a Dewan, J.S. Lal, a civil servant who tookover the charge of the administration on August 11, 1949. "The Dewan undertook to apply remedial measures to alleviate the hardship of the agrarian system. The lessee system along with the privileges were abolished, the peasants were protected against frequent eviction from their patrimonial holdings. Effective steps were taken to recast the judicial, legal and revenue administration" (Sinha: 1975).

(ii) Local Area Panchayat:

The Ministry of External Affairs, Government of India on March 20, 1950 released a press note on the basis of which the Indo-Sikkim Treaty 1950 was signed. Therefore, in conformity with the treaty the Government of India and the Sikkim Government jointly agreed upon for the progressive association of the state with its government by way of forming a Village Panchayat System on an elective basis within the State. Therefore, with the earnest desire to associate people more closely with the government of the State, village panchayats were established throughout the State. In order to accommodate the local people in formation and functioning of panchayat, a Local Area Panchayat was constituted vide Sikkim *Darbar* Gazette Notification dated 5th August 1951 superseding Notification No. 1669-1769/LF, dated the 25th May 1948 of the *Darbar* for the convenient of the people residing in the local area. This Local Area Panchayat was constituted of five elected members with age not less than 21 years at the time of election and should have resided in the local area for at least twelve months prior to the electoral date. It was essential for the proposer and seconder to be bonafide voters. The announcement of date and place of holding the election were vested to the *Darbar* and those ranking upto five in order of merit of highest votes scored without committing any malpractices or irregularity in the election were considered to be elected.

The members thus elected were to be approved by the *Darbar*. After such approval in order to elect *Sarpanch* and *Mukhia*, the Senior most *mondal* of that local area used to convene a meeting of the elected members to elect *Sarpanch* and *Mukhia*. *Sarpanch* was responsible for all transaction of the business of the Panchayat. All

decisions of the meeting was to be submitted to the *Tahsildar* within a week of the meeting. Presence of four members out of five was mandatory to complete the quorum in every meeting. However, *Tahsildar* was responsible for giving necessary supervision to the Panchayat.

Under clause 8 of the notification, the Local Area Panchayats were empowered to undertake the following functions:

- (a) Establishment of primary schools in conformity with *Darbar's* regulation, set up amenities such as travelers rest house (Dharmasala), wayside benches etc.
- (b) Repair and maintenance of village path with the co-operation and assistance of the local area people i.e. villagers
- (c) In order to control stray cattles, the Panchayats were empowered to build cattle ponds in convenient places and assess the damage to crops caused by the such cattles and
- (d) The Panchayat will have jurisdiction in civil cases upto the value of Rs. 100/-.

Beside the functions mentioned hereabove there was also a proposal for constituting a village *adalat* by grouping together five village panchayat however could not be materialised as there was no provision for the constitution of *adalat* in the Local Area Panchayat. There was no attempt to amend the constitution for the benefit of the people of the local area as because the Panchayats were indirectly under the control of the *Darbar* which has no such desires to benefit the *rayots*. On a brief review of the provision of the notification it reveals the facts that despite the 'earnest desire to associate the people with the affairs of the government' the *Darbar* had maintained the reign of

Panchayats in its own hands through various devices of institutional and administrative control.

Under clause 9(a) of the notification the *Darbar* had the power to disapprove any of the resolution and no action will be taken thereof and clause 9(b) empowered the *Darbar* to remove any member of the Local Area Panchayat. However, before removing, the member was given a chance to be heard. If the *Darbar* was not satisfied with the explanation given it had powers to remove. It shows the high handedness of the *Darbar* in the functioning of the Panchayat. The main reason shown by the *Darbar* for such removal of the members or the office bearers from the Panchayat Raj Institution was to control those who refuse to abide by the rules and regulation governing the Panchayati Raj Institution and to maintain adequate discipline in the functioning. The power of removal of an individual and the power of dissolution of the Panchayati Raj Institution was different as the earlier was dealing with an individual and the later with the institution (Narain and Mathm: 1970).

Clause 9(c) empowers the *Darbar* to dissolve the Panchayat or supersede the local authority for reasons considered sufficient for the *Darbar*. However, a chance of hearing was given.

The Panchayats had no taxation power besides in accordance to clause 7 the Panchayats expenses were reimbursed and controlled by the *Darbar*. In such circumstances the Panchayats are subject to depend on the seniors and such dependability would result in the lack of initiative and more depending on *Darbar* for finance is to tighten the grip of State's control over the local bodies.

A local body when it becomes dependant to other higher authorities for its finance it loses its integrity and merely becomes the

agent of the financing authority thereby loosing the main theme of establishing a Panchayati Raj Institution for its self dependence.

Sikkim, for the purpose of election was divided into two tehsils i.e. East and West and the election was held in February 1951 in accordance to Panchayat Notification 1951.

The provision provided in the notification could not fulfill the aspiration of the members of the National Party constituted by the indigenous people as the criteria of 12 months resident to be an eligible voter was considered to be very short period besides it failed to provide safeguard to the indigenous population. As such the National Party boycotted the election as a result Local Self-Government could not be established in the North district. The Local Area Panchayat continued three terms of three years each but no election took place after the first election as a result the constitution of Local Area Panchayat can be considered to be a complete failure.

Sikkim Panchayat Act, 1965:

With the objective of good village administration, implementation of developmental programmes, ensuring participation of all communities of the village level, Sikkim Panchayat Act, 1965 came into existence by notification in Sikkim *Darbar* Gazette (extra ordinary) vide dated December 24, 1965. Sikkim Panchayat Act, 1965 is a non-hierarchical single tier panchayat with block panchayat at the village level. In fact, it was the first attempt to establish Panchayati Raj Institution in Sikkim. A total of 215 Gram Panchayat units comprise of the then existing revenue blocks were constituted under this Act with three years term. Only persons paying the tax viz. land revenue or local taxes to the Government or for the landed property or house owned in his name and

attaining an age of 21 years were eligible to be the voters vis-à-vis an eligible contestant in the panchayat election.

The Block Panchayat constituted under Sikkim Panchayat Act, 1965 continued till 1981 i.e. till Sikkim Panchayat Act, 1982 was enforced. During the period from the enactment of Sikkim Act, 1965 till 1981 forty-one panchayat sammelans were organized in order to improve the functioning of the panchayats.

A lot of anomalies were observed in the Act particularly when Sikkim became one of the States of Indian Union. As per Asoka Mehta committee report in 1978, the Panchayati Raj system was modified and streamlined in the state with the enactment of Sikkim Panchayat Act, 1982 which remain effective till 1993 except for a few amendments.

The Sikkim Panchayat Act, 1965 had a wide range of functions numbering sixteen which can be grouped in three categories viz. (i) development (ii) welfare and (iii) agency. Under the developmental category the functions included were- (a) planned improvement of agriculture, establishment and management of model agricultural farms, crop experiments to secure minimum standard of cultivation, construction of compost pits (b) promotion of dairy farming, poultry, piggery, improvement of cattle and cattle breeding (c) soil conservation, tree plantation, embankment against floods, petty irrigation works (d) co-operative development, promotion of cottage industries etc. Under the welfare the functions were- (a) construction of public latrine, health, hygiene and conservancy (b) maternity and child welfare (c) construction maintenance and repair of school buildings (d) taking preventive measure against epidemic (e) maintenance of burial ground and burning ghats (f) maintenance of civil amenities like water supply, construction of approach road etc.

Under the agency the function includes (a) organization of community programme for soil conservation, planting etc. (b) any other matter referred by the District Officer.

As far as Block Panchayat fund and the sources of revenue are concerned, the panchayats were entitled to collect house tax, 10% of the revenue collected, matching grant from the *Darbar* on the public contribution for new construction and collection of water and sanitation cess etc. but in practice instead of collection of fund the panchayats were mainly adjudicants in case of dispute and quarrel. As regards their role in developmental activities, the panchayats were required to nominate a contractor to carry on the developmental works for which they have placed the demand for implementation of minor schemes. Mobilisation of resources was almost nil as the 10% share out of the collection of revenue given to them was spent mainly in buying stationary and providing refreshments in the meetings.

There was absence of adult franchise which has cut the democracy at the grass-root level as the only land revenue payee could be included in the list of electoral and contestant. The institution could not serve as a popular participants of developmental activities as the developmental role of the panchayats were only on papers.

Meeting of Block Panchayat:

The meeting of Block Panchayat will called by the president and will be held once every month in the Panchayat Ghar or in any convenient place. The President can call a special meeting requisitioned by more than one third of the members of the Block Panchayat in writing or by District office or by District Panchayat offices. Every meeting will be presided by the President and by the Vice-president in the absence of the President or in the absence of both by a member chosen for the

purpose. Half of the total number of members shall form the quorum of the meeting and decision taken by the majority of members present in the meeting shall be binding to all members. In case of tie the President will cast the vote otherwise not. The voting shall be by showing of hands. In case the meeting is cancelled due to want of quorum the next meeting will be held within 48 hrs. The minutes are to be recorded and the President has to sign the minutes before the dispersal of the meeting, Block Panchayat Secretary is required to send the copies of the minutes to all the member, District office and District Panchayat officer.

Meetings of Block Sabha:

The Block Sabha meeting shall be called by the President atleast 7(seven) days in advance by word of mouth or drawing attention by beat of drum or meghaphones or loud speakers or by distributing written notices and also hanging up written notice in the offices of the Block Panchayat and other public places. One fifth of the total number of members shall form the quorum. The minutes were signed by the President before dispersal of the meeting.

If one fifth or more members requisitioned in writing or District Officer directs, a meeting will be called by the President at any time. Any member of a Block Panchayat after giving three days's notice in writing to the President may, in any meeting, move any resolution or put any question on matters connected with the administration of the Block Sabha.

Panchayats During Post-Merger Period.

Sikkim became one of the constituent state of the Union of India in 1975 and it thought necessity of streamlining its Panchayati Raj Institution with the rest of India.

After the release of the report of the Ashoka Mehta Committee in 1978 streamlining of Panchayati Raj System in the State was envisaged resulting enactment of Sikkim Panchayat Act, 1982. This Act was described as a radical step as it aimed at promoting and developing the Panchayati Raj Institution in the State as an instrument of local self-government. The full involvement of the people was proposed to be secured through the introduction of two-tier panchayat system, with Gram Panchayat at the block level and Zilla Panchayat at the district level. One of the most important features of this Act was the introduction of universal adult franchise as the basis of direct election to Gram Panchayats. The Act also provided for the nomination of Scheduled Castes/Scheduled Tribes and women to the Gram Panchayat, provided they fail to get elected in the normal process. The 1982 Act reduced the number of existing Gram Panchayat from 215 to 153 and further to 138 to make them administratively more effective and extended the term from three years to five years. This Gram Panchayats were spread over 440 villages with an average of 3.18 villages per gram and average population covered stands at 1920 as per the 1981 census. Under this Act, the first election to the Gram Panchayat was held in January, 1983. After that two more elections were held in 1988 and 1993 for the constitution of Gram Panchayat. Under this Act until 1991 there was only a single tier system though there was a provision in the Act for two tiers yet the election to Zilla Panchayats was held for the first time in 1990 followed by another election in 1993. The newly constituted Zilla Panchayat were situated at Gangtok (East district Zilla panchayat), Gyalsing (West district Zilla panchayat), Mangan (North district Zilla panchayat), and Namchi (South district Zill panchayat). The body of Zilla Panchayat consisted of (a) all Presidents of Gram Panchayats of the district as members with voting rights (b) all MLAs of the district as non-voting members for the purpose of election of *Adhyaksha* and *Up-*

adhyaksha. The District Collector, by virtue of the post was taken as *Sachiva* of the Zilla Panchayat. Each Gram Panchayat consisted of 5 to 12 hamlets depending on the population representing 500 to 12,000 people. The wide variation in the population is due to scattered inhabitants across the hilly terrain unlike clusters of houses in the plain land. The average five to nine members based on the number of wards of a Gram Panchayat was elected through secret ballots. The election was conducted by the Election department of the state the members in turn elected *Sabhapati*, *Up-sabhapati* and *Sachiva* (Secretary). The *Sachiva* was comparatively educated to assist the panchayat in administrative and financial matters and invariably the District Collector. No one was nominated from the Government though there was a provision whereby the Government could nominate one or more members of Schedule Caste/Schedule Tribe depending on the percentage of the population in the area as well as one women candidate to the Gram Panchayat.

The Gram Panchayats were expected to meet once in every month to carry out its business, discuss the issues in its jurisdiction and make a review of the ongoing developmental schemes. Almost all rural developmental schemes were executed through the panchayats. In order to meet the expenditure on stationary, minor repair and maintenance of water supply schemes and to meet up minor expenditure for natural calamities a grant of Rs. 10,000/- per month was given by the State Government along with 10% of the land revenue and household taxes collected through respective administrative departments.

The fund available to the panchayat was meagre and there was always demand for more funds from the Government. Even though the panchayats were empowered to collect taxes on certain activities within their jurisdiction, these could not be fulfilled effectively due to small population and low level of commercial activities. Thus the Gram

Panchayats were entirely dependent on State-Government for grants. Despite the constraints the panchayats were functioning effectively due to strong political support though the election was held on non-political basis without party affiliation.

The Act has the speciality to recognize the traditional panchayats of two villages of North Sikkim viz. *Lachen* and *Lachung* by the name *Dzumsa*. The public representatives i.e. *Pipon* and Junior *Pipon* were elected from among the villagers supported by the representative of *Lamas* called *Chutimpa*.

Panchayat Under the Present Study.

In conformity with the requirement of the Constitution (73rd Amendment) Act, 1992 the Sikkim Government passed the Sikkim Panchayat Act, 1993 (Act No. 6 of 1993) which received the assent of the Governor on 11.10.1993. The Act of 1993 repealing the earlier Sikkim Panchayat Act, 1982 became effective in 1995 by notification dated August 10, 1995.

Organisational Framework of Panchayati Raj Institution in Sikkim.

The Sikkim Panchayat Act, 1993 provided for two-tier structure of Panchayati Raj, namely, the Gram Panchayat at the village level and Zilla Panchayat at the district level. Since the population of the state is less than 20.00 lakhs, the Constitution (73rd Amendment) Act, 1992 does not make it compulsory to provide for intermediate level of tier. The elections are held directly to these panchayat bodies at both the levels and their elected heads are called *Sabhapati* and *Adhyaksha* respectively and *Up-sabhapati* and *Up-adhyaksha* to their deputies.

Under the new Sikkim Panchayat Act, 1993, two election for both Gram Panchayats and Zilla Panchayats were held in 1997 and in 2002. The provisions for direct elections both at Gram and Zilla levels have significantly changed the structure and composition of Panchayati Raj in Sikkim. The following table-1 shows the total number of Gram and Zilla Panchayats and their elected representatives in the State.

Table - 1

Districtwise Number of Zilla Panchayats, Gram Panchayats, Elected Representatives of Gram and Zilla Panchayats (2002).

| District/Zilla Panchayat | No. of Zilla Panchayat Members | No. of Gram Panchayats | No. of Gram Panchayat Members | No. of Panchayat Wards | No. of Panchayat Ghars |
|--------------------------|--------------------------------|------------------------|-------------------------------|------------------------|------------------------|
| North | 20 | 20 | * 98 | 98 | 14 |
| East | 27 | 48 | 269 | 269 | 24 |
| West | 22 | 49 | 263 | 263 | 20 |
| South | 23 | 42 | 243 | 243 | 30 |
| Total | 92 | 159 | 873 | 873 | 88 |

Source: *Rural Management and Development Department, Govt. of Sikkim, 2002.*

* Excluding two *Dzumsa Pipons*.

The above table-1 indicates that the total number of Zilla Panchayats are only four viz. North, East, West and South with their Zilla Panchayat Offices in their respective district headquarters at Mangan, Gangtok, Gyezing and Namchi. The total number of directly elected Zilla Panchayat members are 92, out of which the North district has 20, the lowest number of Zilla Panchayat members with sparse population of tribals. The East Zilla Panchayat has 27 members, the hight number in the districts. The district is densely populated with state capital in the same district. The number of Zilla Panchayats members in West and South districts are 22 and 23 respectively. The total number of Gram Panchayats in the state are 159 with 873 directly elected Gram

Panchayat members and two *Dzumsha Pipons* representing Lachen and Lachung villages of North Sikkim.

The Sikkim Panchayat Act, 1993 repealing the earlier Sikkim Panchayat Act, 1982 which became effective from August, 1995 has provided *Gram Sabha* and Gram Panchayat at village levels and Zilla Panchayats at district levels.

Gram Sabha: As per Article 243 A of the Constitution states are to constitute a *Gram Sabha* at village level. This body is supposed to achieve people's participation in planning and implementation. Accordingly Sikkim Panchayat Act, 1993 provides for the constitution of *Gram Sabha* at the village level with persons registered as voters in the electoral rolls of the Gram Panchayats as members. The area comprised within the jurisdiction of a Gram Panchayat constituted under Section 12 of the Act shall be the jurisdiction of *Gram Sabha*. The *Gram Sabha* shall meet at least twice in a year. In case the Gram Panchayat fails to convene the *Gram Sabha*, the prescribed authority or the person authorized shall convene the same with the approval of the State Government. The quorum for the meeting of the *Gram Sabha* is one-tenth of the total members of the *Gram Sabha*. Every meeting of the *Gram Sabha* shall be presided over by the *Sabhapati* of the concerned Gram Panchayat and in his absence by the *Up-sabhapati* of the Gram Panchayat. The *Gram Sabha* shall made recommendations and suggestions to the Gram Panchayat on the following matters, namely:

- (a) the annual statement of accounts of the Gram Panchayat and the report of administration of the preceding financial years;
- (b) the report in respect of development programmes proposed to be undertaken during the current year;

- (c) the promotion of unity and harmony among all sections of society in the village;
- (d) programme of adult education within the village;
- (e) such other matters as the State Government may specify

Among the functions entrusted to the *Gram Sabha* are:

- (a) mobilizing voluntary labour and contribution in kind and cash for the community welfare programme;
- (b) identification of beneficiaries for implementation of developmental schemes pertaining to the village;
- (c) rendering assistance in the implementation of developmental schemes pertaining to the village.

Gram Panchayat: Every *Gram Sabha* shall elect from among its members a Gram Panchayat member. The Act stipulates that the Gram Panchayat will have not less than five and not more than nine directly elected members. The term of office is of five years. Every Gram Panchayat shall hold a meeting at least fortnightly. Two-third members shall form the quorum and resolution will be passed by a majority vote. The Act provides for indirect election of the *Sabhapati* and *Up-sabhapati* by directly elected members of Gram Panchayat. A *Sabhapati* or *Up-sabhapati* can be removed from his office if a resolution expressing lack of confidence in him is passed by the majority of the members of the Gram Panchayat. Every Gram Panchayat shall elect one of its elected members to be *Sachiva* of the Gram Panchayat. He or she will assist the *Sabhapti* and maintain the panchayat office. He/she can be removed by a resolution passed by a majority vote of members of the Gram Panchayat. In order to strengthen the Gram Panchayats, Panchayat Assistants of the rank of LDC have been appointed in all Gram

Panchayats who provide secretarial support to the concerned Gram Panchayat.

Reservation of seats for Scheduled Castes (SC), Scheduled Tribes (ST) and Women which is obligatory as per the constitutional amendment has been provided under the new Act, 1993. Provisions of one-third reservation of seats has been provided for women in all categories. There is reservation of seats of Chairpersons for all the three categories viz. Scheduled Castes, Scheduled Tribes and Women in the prescribed ratio. There was no provision of reservation of seats for Other Backward Classes under the Act, 1993. Later, the Sikkim Panchayat (Amendment) Act, 1995 made a provision of reservation of one-third of the total member of seats of Gram Panchayat for the persons belonging to the Other Backward Classes.

Zilla Panchayat: For every district the State Government shall constitute a Zilla Panchayat bearing the name of the district. The district will be divided into territorial constituencies and the State Government will determine the number of members to be elected in each constituency. So, each constituency may elect one or more members through direct elections. Two-third of the total members shall form a quorum.

Zilla panchayat consists of the following members, namely –

- (a) directly elected members from the territorial constituencies in the district;
- (b) twenty per cent of the *Sabhapatis* of the Gram Panchayats within the district by rotation annually;
- (c) member of both the houses of the Parliament and twenty per cent of the members of the Legislative Assembly of the Sate elected

from a constituency comprising the district. The District Development Officer-cum-Panchayat Officer is also an ex-officio member. The District Collector will be the ex-officio secretary. The term of the office of the members of Zilla Panchayat shall (subject to the provisions of the section 64) be co-terminus with the term of the Zilla Panchayat. The Act, stipulates not less than one-third of the total number of seats reserved under sub-section (4) shall be reserved for women belonging to the Scheduled Castes (SC) and Scheduled Tribes (ST). One-third of the total number of seats in a Zilla Panchayat shall be reserved for the persons belonging to the Backward classes. Not less than one-third of the total numbers of seats to be filled up by direct elections in every Zilla Panchayat shall be reserved for women and such seats may be allotted by rotation to different constituencies in a Zilla Panchayat. The directly elected members of every Zilla Panchayat shall elect from among themselves one of the directly elected members to be the *Adhyaksha* and the another to be *Up-Adhyaksha* of the Zilla Panchayat. In the case of election of *Adhyaksha* and *Up-Adhyaksha* of Zilla Panchayat, *Sabhapati* of Gram Panchayat in his capacity as ex-officio member will also have the voting right. He can also contest for the post of *Adhyaksha* and *Up-Adhyaksha*. The MLAs and MPs as ex-officio members of Zilla Panchayat are not eligible for such elections nor do they have a voting right in the election of *Adhyaksha* or *Up-Adhyaksha*. The *Adhyaksha* or the *Up-Adhyaksha* can be removed from the office if a resolution expressing want of confidence in him is passed by the two-third majority of the directly elected members of the Zilla Panchayat present and voting at a meeting specially convened for the purpose. Unlike the Gram Panchayat, the *Sachiva* of the Zilla Panchayat will be appointed by the State Government on such

terms and conditions as may be prescribed. The *Sachiva* shall have authority to supervise all records of every gram falling under the jurisdiction of a Zilla Panchayat of a concerned district. The *Sachiva* shall be in-charge of the office of the Zilla Panchayat and shall discharge such duties and perform such functions as may be prescribed.

The Zilla Panchayats have been given an important role in revenue administration of the district. There is no separate department at the State level for Panchayati Raj. The Rural Development Department also looks after the administration of Panchayats through Director, Panchayat of the rank of Joint-Secretary who reports the Secretary, Rural Development Department. At the district level, the District Development Officer who is also an ex-officio District Panchayat Officer looks after the affairs of the panchayats.

Powers and Functions:

The powers and functions of the Gram Panchayat and Zilla Panchayat have been enumerated in the Act, 1993. Under obligatory duties and other duties. Under the new Act the Panchayati Raj Institutions are expected to perform all developmental functions as suggested in the XI schedule of the Constitution. These include a wide range of maintenance, regulatory and development functions.

Obligatory functions (duties) of the Gram Panchayat include the following items or subjects namely:

- (a) sanitation, conservancy and drainage and the prevention of public nuisance;
- (b) curative and preventive measures in respect of any infectious disease;

- (c) supply of drinking water and the cleaning and disinfecting the sources of supply and storage of water;
- (d) maintenance, repair and construction of village roads and protection thereof;
- (e) the removal of encroachment of village roads and public places;
- (f) the management of common grazing grounds, burning ghats and public graveyards;
- (g) the supply of any local information which the District Collector or District Development Officer-cum-Panchayat Officer of the Zilla Panchayat may require;
- (h) organizing voluntary labour for community works for the upliftment of its areas;
- (i) control and administration of Gram Panchayat fund established under the Act;
- (j) the imposition, assessment and collection of taxes, fees or fares leviable under this Act;
- (k) construction and maintenance of a dharamsalas;
- (l) regulating places for the disposal of dead bodies, carcasses and other offensive matters;
- (m) assisting the development of agriculture, forestry, animal husbandry, poultry, fisheries, village and cottage industries and co-operative;
- (n) registering births, deaths and marriages and annually submitting such records to the Zilla Panchayat;
- (o) maintenance of such records relating to cattle census, population census, crop census and census of unemployed persons and such other statistics as may be required and annually submitting such records to the Zilla Panchayats;

- (p) regulating inflow of animals within the area and their transfer;
- (q) destruction and disposal of ownerless and rabies dogs and disposal of unclaimed animals;
- (r) maintenance, upkeep and supervision of any building or other property which may be entrusted to it by the State Government for management;
- (s) assisting the Zilla Panchayat in preparing development plan of its area;
- (t) rendering assistance in extinguishing fire and protecting life and property when fire occurs;
- (u) any other local work or service of public utility which is likely to promote the health, comfort, convenience or material prosperity of the public not otherwise provided for in this Act;
- (v) such other duties not enumerated specifically in the above clauses but enumerated in the Eleventh Schedule to the Constitution.

The other functions or duties of Gram Panchayat include:

- (a) primary, social, technical or vocational education;
- (b) rural dispensaries, health centres, maternity and child welfare centres;
- (c) minor irrigation;
- (d) grow more food campaign;
- (e) care of the infirm and destitute;
- (f) rehabilitation of displaced persons;
- (g) improved breeding of cattle, medical treatment of cattle and prevention of cattle diseases;
- (h) its acting as a channel through which Government assistance should reach the residents of the gram;

- (i) promotion of plantation in the gram;
- (j) bringing private waste land under cultivation;
- (k) arranging for cultivation of land lying fallow;
- (l) arranging for co-operative management of resources of the gram;
- (m) implementation of such schemes as may be formulated or performances of such act as may be entrusted to it by the State Government.
- (n) field publicity of matters connected with development works and other welfare measures undertaken by the State Government;
- (o) regulation on fairs, melas, hats and exhibition of local produce and products of local handicrafts and home industries;
- (p) assisting and advising the resident of the gram in the matter of obtaining state loan and its distribution and repayment;
- (q) assisting in the implementation of land reform measures in its area;
- (r) the promotion and encouragement of education including adult education;
- (s) such other functions which the State Government may, from time to time, by order in writing, entrust to such Gram Panchayat which is its opinion to promote directly or indirectly the welfare of the public.

The obligatory duties of the Zilla Panchayat are:

- (a) regulating melas or hats within its local limits;
- (b) construction and maintenance of Panchayat Ghars, Dharamshalas and rest houses;
- (c) construction, repair and maintenance of such small irrigation project of such class or type thereof, as may be specified by the

State Government by general or special order in this behalf and regulating of supply of water for irrigation purposes;

- (d) regulating supply of water for irrigation or drinking water supply schemes constructed by the Government and entrusted to it for maintenance and repair;
- (e) regulating, maintaining and development of lands vested in it by the State Government;
- (f) organising plantation programme in the public land, roadsides and such other places or may be specified for promotion of social forestry, environmental conservation, maintaining and regulating of such forest;
- (g) establishing and maintaining primary schools and organising adult education centres;
- (h) establishing health centres and maternity and child welfare centres;
- (i) managing or maintaining any works of public utility and adopting measures for the relief of distress;
- (j) preparing plans for all round development of the district after obtaining prior approval of the State Government and with such technical assistance as may be made available by the State Government;
- (k) coordinating and integrating the development plans and schemes prepared by Gram Panchayat within its jurisdiction;
- (l) fulfilling any other obligation imposed by or under this Act or by any other law for the time being in force or by general or special order of the State Government in this behalf;
- (m) such other duties not enumerated specifically in the above clauses but enumerated in the Eleventh Schedule to the Constitution.

The other duties of the Zilla Panchayat include the following;

- a) The promotion of opportunity of employment through community farming by organizing model agriculture or dairy farms and small-scale village industries
- b) The organization and maintenance of clubs and other places for recreation or games;
- c) Establishment and maintenance of library or reading rooms and public radio listening centres;
- d) Construction and maintenance of destitute home, slaughter houses and encamping grounds;
- e) Rendering assistance in extinguishing fire and protecting life and property when fire occurs;
- f) Assisting in the prevention of burglary and dacoity;
- g) The promotion of socio-cultural and communal harmony.
- h) The promotion of agriculture and allied activities connected with it;
- i) Any other local work or service of public utility which is likely to promote the health, comfort, convenience or material prosperity of the public.

Resources of Gram Panchayats and Zilla Panchayats:

The Sikkim Panchayat Act, 1993 provides power to levy taxes to the both Gram and Zilla Panchayats. Accordingly, a Gram Panchayat has the powers to levy taxes, fares and fees on the following items/subjects;

- a) A tax on fairs, melas, hats and other entertainments;
- b) a general sanitation tax for the construction and maintenance of public latrines and for the removal and disposal of refuse;

- c) a water rate where arrangement for the supply of water for drinking, irrigation or any other purpose are made;
- d) a fee for temporary erection of, or putting up projections over, or temporary occupation of any village road or place;
- e) a fee on private latrines, premises or compound cleaned by the Gram panchayat agency;
- f) a fee for grazing cattle on grazing lands vested in a Gram Panchayat;
- g) a fee on the registration of animal sold in any market or place under the control of the Gram Panchayat;
- h) a market fee on persons exposing goods for sale in any market or on any place or any building or structure therein belonging to or under the control of the Gram Panchayat;
- i) a fee for the use of Dharamsala and Camping ground;
- j) a fee for drainage where system of drainage has been introduced by the Gram Panchayat;
- k) a temporary tax for special works of public utility;
- l) a tax on houses.

Subject to the maximum rates which may be fixed by the State Government, a Zilla Panchayat may levy following taxes, fares and fees. However, the State Government's directions for collection are yet to be issued-

- a) a tax on fairs, melas and other entertainments;
- b) a general sanitation tax for the construction and maintenance of public latrines and for the removal and disposal of refuse;

- c) a water rate where arrangement for the supply of water for drinking, irrigation or any other purpose is made by the Zilla Panchayat within its jurisdiction;
- d) a fee for temporary erection on, or putting up projections over, or temporary occupation of any village road or place;
- e) a fee on private latrines, premises or compounds cleaned by the Zilla panchayat agency;
- f) a fee for grazing cattle on the grazing lands vested in a Zilla Panchayat;
- g) a fee on the registration of animals sold in any market or place under the control of the Zilla Panchayat;
- h) a market fee on persons exposing goods for sale in any market or at any place or in any building or structure therein belonging to or under the control of the Zilla Panchayat;
- i) a fee for the use of dharamsalas, rest houses, slaughter houses and camping ground;
- j) a fee for drainage where system of drainage has been introduced by the Zilla Panchayat;
- k) a temporary tax for special works of public utility.

Every Gram Panchayat has a Gram Panchayat fund. The following are the main sources of Gram Panchayat fund, namely:-

- a) Contributions and grants made by the Central or the State Government;
- b) Contributions and grant made by a Zilla Panchayat or any other local authority;
- c) Loans granted by the Central government or the State Government;

- d) All receipt on accounts of taxes, rates and fees levied by the Gram Panchayat;
- e) All sums received by way of gift or contribution;
- f) All other sums received by or on behalf of the Gram Panchayat;
- g) Such percentage of the land revenue collected by it as may be determined by the State Government.

At present the main sources of funds available to the Gram Panchayats are from plan fund of the Government. Each Gram Panchayat receives a grant of Rs. 1.00 lakh annually for running the office, purchase of stationary, expenditure towards conducting meeting etc. It was learnt through interaction with the elected representatives of the four Gram Panchayats under study that a certain percentage of this amount is used for repair of water resources, minor repairs of public latrines, sanitation and for providing immediate assistance to the victims of landslides.

The following are the main sources of Zilla Panchayat fund:

- a) contribution and grants made by the Central or the State Government including such portion of land revenue collected within its jurisdiction as may be determined by the State Government;
- b) loans granted by the Central or State Government;
- c) contribution and grants made by any other local authority;
- d) proceeds of collection of revenues in respect of schemes, projects and other properties undertaken or vested in the Zilla Panchayat by the government at such rates as may be determined by the State Government;

- e) such fares, fees, taxes as may be imposed and realized under the provisions of this Act;
- f) such sums received from the Government for fulfilling duties and obligations entrusted to the Zilla Panchayat by the State Government;
- g) all other sums received by or on behalf of the Zilla Panchayat.

The present Panchayati Raj Institutions have generated enough enthusiasm among the rural people though there has been no substantial change in their pattern of functioning. As mentioned earlier, the Act, 1993 provided for a long list of functions to Gram and Zilla Panchayats which is equally matched by a long list of sources of finance. But in practice, the main functions of Gram Panchayats, at present, confined to the following:

- (a) identification of beneficiaries for assistance under poverty alleviation programme like Jawahar Rojgar Yojana, Integrated Rural Development Programme, Indira Awaas Yojana, etc;
- (b) maintenance of water resources, sanitation etc;
- (c) repair and maintenance of village roads and small bridges;
- (d) maintenance of muster roll of beneficiaries under Jawahar Rojgar Yojana;
- (e) preparation of estimates in respect of schemes to be undertaken during the subsequent financial year.

The Gram Panchayats have not been able to exercise huge powers of taxation given under the Act. A few Gram Panchayats have been able to tap the revenue from local resources. Neither the State Government nor the elected representative have seriously taken the issues of raising of resources or power of taxation because of some practical reasons

which would be discussed in the subsequent chapters. As far as revenue are concerned, the panchayats are fully dependent on the Government grant because of sparse population and limited local resources.

As stated earlier, the Zilla Panchayats were empowered with huge powers and functions under the new Act, 1993. It has to perform a wide range of both developmental and welfare functions. It is also responsible for the formulation, co-ordination of development plans and schemes prepared by Gram Panchayats within its jurisdiction. Various plans and projects pertaining to the district are decided at the meeting of the Zilla Panchayat which is normally attended by the elected representative, MLAs of the area and district head of departments under the chairmanship of the *Adhyaksha*. In order to strengthen the Zilla Panchayat, the State Government is taking positive steps by strengthening the administrative machineries to function as focal point of development. The administrative machineries in the district level arrange demonstration of new varieties of crop cultivation method for better yield, improved cultural practices in horticulture for enhancement of income through more production of fruit crops. Welfare departments make arrangements of distribution of old-age pension at a central point for the convenient of the beneficiaries. Precautions on diseases which are likely to take place and control of diseases, which has affected the people in general like tuberculosis etc.

As mentioned earlier the Zilla Panchayats were constituted only during April, 1993 by enlisting the *Sabhapatis* of Gram Panchayats as ex-officio members. The MLAs MPs and DDO cum P.O. are also ex-officio members. Contrary to the provision, the direct election to the Zilla Panchayat was held for the first time during 1998 where 80 percent seats were filled up direct elections and the remaining 20% by reservation to the *Sabhapatis* on rotation annually.

Socio-Economic Background of *Gram Sabha* Members.

A brief discussion on the Socio-economic background of the *Gram Sabha* members is thought essential as the constitution or formation of *Gram Sabha* at the village level is mandatory for all the states as per section 243 A of the 73rd Constitution Amendment Act, 1992. Under the new Sikkim Panchayat 1993, *Gram Sabha* as a form of village assembly has to act a sort of direct democracy where all the eligible voters can directly participate in the decision making process pertaining to the development of village. For the first time in the history of Panchayati Raj Institution, wider or greater participation of rural people have been ensured through participatory democracy or democratic decentralization. The 73rd Constitution Amendment has clearly defined panchayats as institutions of self-government constituted for rural areas and not as an agency of government or agent of rural development which was thought previously. The policy framers have realized that an all round development of villages is possible only with the active participation and greater involvement of rural people through *Gram Sabha*.

In order to analyse the socio-economic background of the *Gram Sabha* members, researcher has used the primary data collected during the intensive fieldwork in four Gram Panchayats under the study. The variable used in this section are sex, caste, education, occupation, income, religion, marital status and family.

As stated earlier, the *Nepalis*, *Bhutias* and *Lepchas* are the three major ethnic groups inhabiting in the state of Sikkim. The table-2 shows the caste or ethnic background of the *Gram Sabha* members or electorates of four Gram Panchayats representing four districts under the study.

Table – 2Caste/Ethnic Background of the *Gram Sabha* Members Under Study.

| Sl. No. | Caste/Ethnic groups | No. of Respondents (%) |
|-------------------------------|---------------------|------------------------|
| General Caste | | |
| 1. | Bahun (Brahmin) | 019 (008.26) |
| 2. | Chettri (Kshatriya) | 045 (019.56) |
| 3. | Newar | 009 (003.91) |
| 4. | Plainsmen | 003 (001.03) |
| Schedule Caste | | |
| 5. | Kami (Biswakarma) | 010 (004.34) |
| 6. | Damai (Darjee) | 007 (003.04) |
| 7. | Sunar | 002 (000.86) |
| 8. | Sarki | 002 (000.86) |
| Schedule Tribe | | |
| 9. | Bhutia | 020 (008.69) |
| 10. | Lepcha | 013 (005.65) |
| 11. | Sherpa | 011 (004.78) |
| Other Backward Classes | | |
| 12. | Manger | 005 (002.17) |
| 13. | Gurung | 011 (004.78) |
| 14. | Rai (Khamboos) | 030 (013.04) |
| 15. | Yakha (Dewan) | = (000.00) |
| 16. | Sunwar | 003 (001.03) |
| 17. | Thami | - (000.00) |
| 18. | Bhujel | 005 (002.17) |
| 19. | Jogi | - (000.00) |
| 20. | Majhi | 007 (003.04) |
| 21. | Limbu (Subba) | 012 (005.21) |
| 22. | Tamang (Murmi) | 016 (006.95) |
| Total | | 230 (100.00) |

Source: *Field Work*

From the perusal of the above table-2, it is revealed that out of 230 *Gram Sabha* Members who are respondents the number of *Bhutia*, *Lepchas* and *Sherpa* tribes are 20 (8.69 per cent), 13 (5.65 per cent) and 11 (4.78 per cent) respectively. The majority of these tribal people are from Kabi-Tingda Gram Panchayat of North District. The number of *Limboo (Subba)* and *Tamangs (Murmi)*, the newly enlisted Nepali tribes as per the Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 2002, are 12 (5.21 per cent) and 16 (6.95 per cent) respectively.

About 28 (12.14 per cent) respondents are belong to the Scheduled Castes *Nepalis* like *Kami (Biswakarma)*, *Damai* or *Darjee*, *Sunar*, *Sarki* and *Majhi*. They are mainly from *Longchok-Salyangdang* and *Salghari* Gram Panchayats. There are number of respondents from higher Castes *Nepalis* like *Bahun (Brahmin)* and *Chhetri (Kshatriya)*. Their number are 19 (8.26 per cent) and 45 (19.56 per cent) respectively. Together with *Newars* (3.91 per cent) they represent the General Castes category under our study. There were good number of middle caste *Nepalis* like *Rai (Khamboos)*, *Manger*, *Gurung*, *Sunuwar*, *Bhujel* and their total number are 30(13.04 per cent), 5(2.17 per cent), 11(4.78 per cent), 3(.30 per cent) and 5(2.17 per cent) respectively. These group represent the Other Background Classes category under the present study. There are 3(1.30 per cent) *Gram Sabha* members belonging to *Bihari* and *Bengali* communities. Out of 230 *Gram Sabha* members interviewed, the number of General Castes, Scheduled Castes, Scheduled Tribes and Other Backward Classes are 76 (33.04 percent), 28(12.17 per cent), 72(31.30 per cent) and 54(23.47 per cent) respectively (see table-2).

Table – 3

Caste Background of the *Gram Sabha* Members.

| Caste Category | Gram Sabha Members |
|------------------------|---------------------|
| | No. (%) |
| General Castes | 076 (033.04) |
| Scheduled Castes | 028 (012.17) |
| Scheduled Tribes | 072 (031.30) |
| Other Backward Classes | 054 (023.47) |
| Total | 230 (100.00) |

Source: *Field Work*

As regards the religious background of the *Gram Sabha* members, Hinduism, Buddhism and Christianity are the three main religious groups professed by the *Nepalis, Bhutias, Lepchas* and *Sherpas*. Out of total number of 230 respondents the Hindus are numerically dominant followed by Buddhists and Christians. Their number are 136 (59.13 per cent), 58(25.21 per cent) and 36(15.65 per cent) respectively (see table 4) Among the Nepali Castes, except *Tamangs* and a few *Gurungs*, all are Hindus. *Bhutias, Lepchas, Sherpas* including *Tamang (Nepali Tribe)* are the followers of Buddhism. There were number of *Nepali* castes and tribes like *Rai, Limboos, Newar Chhetri Kami, Damai Majhi* and few *Lepchas* who are the followers of Christianity.

Table – 4

Religious Background of the *Gram Sabha* Members.

| Religion | Gram Sabha Members |
|--------------|---------------------|
| | No. (%) |
| Hinduism | 136 (059.13) |
| Bhudhism | 058 (025.21) |
| Christianity | 036 (015.65) |
| Total | 230 (100.00) |

Source: *Field Work*

Table – 5

Sex Background of *Gram Sabha* Members.

| Sex | Villagers |
|--------------|---------------------|
| | No. (%) |
| Male | 113 (049.13) |
| Female | 117 (050.86) |
| Total | 230 (100.00) |

Source: *Field Work*

The table-5 reveals that out of the total number of 230 *Gram Sabha* Members, the number of male and female respondents are 113(49.13 per cent) and 117(50.86 per cent). The table-6 shows the marital status of the *Gram Sabha* Members. Out of 113 male respondents, 92(81.41 per cent) are married and 16(14.15 per cent) are unmarried. The number of divorcees and widower are 2(1.76 percent) and 3(2.65 per cent) respectively. Out of 117 female respondents, the number of married, unmarried, divorcee and widow are 95(81.19 percent), 16(1.67 per cent), 2(1.70 per cent) and 4(3.41 per cent) respectively.

Table – 6

Marital Status of the *Gram Sabha* Members

| Marital Status | No. of G.S. Members | |
|----------------|---------------------|---------------------|
| | Male (%) | Female (%) |
| Married | 092 (081.41) | 095 (081.19) |
| Unmarried | 016 (014.15) | 016 (001.67) |
| Divorcee | 002 (001.76) | 002 (001.07) |
| Widow | - (000.00) | 004 (003.41) |
| Widower | 003 (002.65) | - (000.00) |
| Total | 113 (100.00) | 117 (100.00) |

Source: Field Work

The table-7 below indicates the educational status of the *Gram Sabha* members. Education is one of the most important indicator of the quality of leadership. Although knowledge is not always dependent on educational qualification, yet it is a significant carrier of knowledge. It is equally true that higher education does not always lead to greater participation or active involvement. Educational qualification not only bring knowledge, it also grants respect and a degree of self confidence. In this sense, education proves to be an important factor in developing

leadership quality and bringing awareness among the people. After the enactment of Constitutional (73rd Amendment) Act, 1992 and the mandatory provision for the reservation for Scheduled Tribes, Scheduled Castes, Other Backward Classes and women, a huge number of these categories, hitherto un represented lot are entering into grass root politics with greater enthusiasm.

Today not only the educated rural elite but even the illiterate villagers are getting opportunities to participate in the local self-governance. Hence the discussion of educational status of the *Gram Sabha* members is very vital in this context.

Table – 7

Educational Status of the *Gram Sabha* Members

| Education Level | No. of G.S. Members | |
|------------------|---------------------|--------------------|
| | Male (%) | Female (%) |
| Illiterate | 16 (14.15) | 30 (25.64) |
| I-V | 41 (36.28) | 35 (29.91) |
| VI-X | 38 (33.62) | 36 (30.76) |
| Senior Secondary | 12 (10.61) | 10 (08.54) |
| Graduate | 03 (02.65) | 06 (05.12) |
| Post Graduate | 03 (02.65) | |
| Total | 113(100.00) | 117(100.00) |

Source: Field Work

The above table-7 reveals that out of 113 male respondents, the number of illiterate are 16(14.15 per cent). In case of female respondents, out of 117, 30(25.64 per cent) are illiterates. The number of male and female *Gram Sabha* members educated upto primary level are 41(36.28 per cent) and 35(29.91 per cent) respectively. A good number of male and female respondents are educated upto secondary level. Their number are 38(33.62 per cent) and 36(30.76 per cent) respectively. The

total number of 12(10.61 per cent) male and 10(8.54 per cent) female respondent have passed upto senior secondary level. It is very interesting to notice that the number of graduates are more among the female i.e. 6(5.12 per cent) than their male counter part, is 3(2.65 per cent). There are three post-graduates among the male *Gram Sabha* members whereas the number of post-graduate female is nil. On the whole, the majority of the *Gram Sabha* members are educated upto secondary level.

Table – 8

Occupational Distribution of *Gram Sabha* Members

| Occupational Category | No. of G.S. Members | |
|--|---------------------|---------------------|
| | Male (%) | Female (%) |
| Agriculture | 40 (35.39) | 24 (20.51) |
| Govt. Service | 37 (32.74) | 18 (15.38) |
| Non-Governmental Service (Private Organization) | 13 (11.5) | 5 (4.27) |
| Business/Trading | 14 (12.38) | 6 (5.12) |
| Student | 9 (7.96) | 8 (6.83) |
| Housewives | - (0.00) | 56 (47.86) |
| Total | 113 (100.00) | 117 (100.00) |

Source: *Field Work*

The above table-8 gives the occupational distribution of the *Gram Sabha* Members under the present study. It is clear from the above table that Sikkim being an agrarian State agriculture is the predominant occupation. Traditionally the panchayats were dominated by feudal lords or *Illakadars* (*Kazis, Lamas, Thikadars*) and their intermediates (*Mondals*). These rural elite comprising both absentee and resident landlords as well as rich peasants dominated the panchayats at the beginning. The small and marginal farmers including tenants and agricultural labourers form the exploited rural mass under the present

study. Along with the changing occupational diversification *Gram Sabha* Members also hail from different occupational background like services, non-governmental service or jobs under private organization, business or trading etc. Out of 113 male respondents, the majority of them 35.39 per cent are in agriculture followed by government service 32.74 per cent. The number of males engaged in non-governmental services and business or trade are 14(12.38 per cent) and 9(7.96 per cent) respectively. And a few are students with no occupation. On the other hand, out of 117 female *Gram Sabha* Members, 56(47.86 per cent) are housewives with no occupation. The number of female engaged in agriculture and government services are 24(20.51 per cent) and 18(15.38 per cent) respectively. A few women are also found to be engaged in non-governmental services and business or trades. Their percentage are 4.27 per cent and 5.12 per cent respectively.

Table – 9

Monthly Income of the *Gram Sabha* Members

| Monthly Income | No. of G.S. Members | |
|----------------|---------------------|---------------------|
| | Male (%) | Female (%) |
| Upto 1000 | 76 (67.25) | 83 (70.94) |
| 1001-2000 | 07 (06.19) | 08 (06.83) |
| 2001-3000 | 11 (09.73) | 11 (09.40) |
| 3001-4000 | 05 (04.42) | 05 (04.27) |
| 4001-5000 | 06 (05.30) | 07 (05.98) |
| 5001-6000 | 02 (01.76) | 03 (02.56) |
| 6001-7000 | 01 (00.88) | - (00.00) |
| 7001-8000 | 02 (01.76) | - (00.00) |
| 8001-9000 | - (00.00) | - (00.00) |
| 9001-10000 | 02 (01.76) | - (00.00) |
| 10000 & Above | 01 (00.88) | - (00.00) |
| Total | 113 (100.00) | 117 (100.00) |

Source: *Field Work*

The above table-9 shows the monthly income of the *Gram Sabha* members. Out of 113 male respondents the majority 67.25 per cent of them have monthly income upto Rs. 1,000/- on the other hand, about 70.94 per cent female respondents have shown their monthly income upto Rs. 1,000/-. The total number of male respondents earning between Rs. 1,001/- to Rs. 3,000/- are 18 i.e. 16 per cent. About 16 (14.12 per cent) respondents whose monthly income ranges between Rs. 300/- to Rs. 8000/- 3(2.64 per cent) male respondents have shown their monthly income level above Rs. 9,000/-. As regards the monthly income shown by female *Gram Sabha* members, about 83 (70.94 per cent) female are earning monthly income upto Rs. 1,000/-. About 34(29.05 per cent) are earning monthly income between Rs. 1001/- to Rs. 6,000/-. There is not a single female *Gram Sabha* member earning monthly income above Rs. 6,000/-.

Table – 10

Sexwise Composition of Family Members by Caste Category

| Caste Category | No. of Family (%) | Family Members | |
|------------------------|---------------------|---------------------|---------------------|
| | | Male (%) | Female (%) |
| General Castes | 76 (33.04) | 215 (31.38) | 198 (32.40) |
| Scheduled Castes | 28 (12.17) | 120 (17.51) | 103 (16.85) |
| Scheduled Tribes | 72 (31.3) | 199 (29.05) | 180 (29.45) |
| Other Backward Classes | 54 (23.47) | 151 (22.04) | 130 (21.27) |
| Total | 230 (100.00) | 685 (100.00) | 611 (100.00) |

Source: *Field Work*

The above table-10 shows the total number of male and female members of the family among the various caste and tribal groups of the study areas. Out of 687 male members from 230 families under the study, the percentage of General Castes, Scheduled Castes, Scheduled

Tribes and Other Backward Classes are 31.38 per cent, 17.51 per cent, 29.05 per cent and 22.04 per cent respectively. As regards to the female members of the respondent families, out of 611 female members 32.40 percent belong to the General Castes groups and 16.85 percent to the Scheduled Castes groups. The percentage of female belonging to the Scheduled Tribe and Other Backward Classes are 29.45 percent and 21.27 percent respectively. The percentage of male members are more than the female members in all the Caste groups.

Table – 11

Classification of Occupational Background of Family by Caste Category

| Caste Category | | Agriculture | Govt. Service | Non-Govt Service | Business/ Trading | Others | Total |
|------------------------|------|-------------------|-------------------|-------------------|-------------------|-------------------|-------|
| | | No. of family (%) | |
| General Castes | N=76 | 22 (28.94) | 37 (48.68) | 05 (06.57) | 10 (13.15) | 02 (02.63) | 076 |
| Scheduled Castes | N=28 | 07 (25.00) | 09 (38.14) | 06 (21.42) | 01 (03.57) | 05 (17.85) | 028 |
| Scheduled Tribes | N=72 | 31 (43.05) | 25 (34.72) | 08 (11.11) | 06 (08.33) | 02 (02.77) | 072 |
| Other Backward Classes | N=54 | 19 (35.18) | 19 (35.18) | 05 (09.25) | 08 (14.81) | 03 (05.55) | 054 |
| Total No. = 230 | | 79 (34.34) | 90 (39.13) | 24 (10.43) | 25 (10.86) | 12 (05.21) | 230 |

Source: *field work*

The above table-11 reveals that out of 230 families of the *Gram Sabha* members, the majority of the families have government services and agriculture as their main occupation. The number of families with government services and agriculture as their primary or main occupation are 90(39.13 per cent) and 79(34.34 per cent) respectively whereas the number of families primarily dependent on non-governmental services or jobs in private organization, business or trading and others are 24(10.43 per cent), 25(10.86 per cent) and 12(5.21 per cent) respectively. Among the General Castes majority of the families are dependent on government

services and agriculture. Their percentage are 48.68 per cent and 28.94 per cent respectively. The percentage of families engaged in non-governmental jobs, business and other are 6.57 per cent, 13.15 per cent and 2.63 per cent respectively. Among the Scheduled Castes, the percentage of families engaged in agriculture, government services, non-governmental jobs, business and other are 25 per cent, 32.14 per cent 21.42 per cent, 3.57 per cent and 17.85 percent respectively. Among the Scheduled Tribes families the majority depend on agriculture 43.05 per cent, followed by government services 34.72 per cent, non-governmental services 11.11 per cent, business 8.33 per cent and 2.77 per cent. Among the Other Backward Classes families, an equal percentage i.e. 35.18 per cent each are engaged in agriculture and government services, whereas the percentage of Other Backward Classes families engaged in non-governmental services, business and others are 9.25 per cent, 14.81 per cent and 5.55 per cent respectively.

Table – 12

Educational Status of the Family Members.

| Caste Category | No. of Family | No. of Illiterate | No. of Literates | | | | |
|------------------------|---------------|-------------------|------------------|------------|------------|-----------|---------------|
| | | | I-V | VI-X | Sr. Sec | Graduate | Post Graduate |
| General Castes | 76 | 48 | 129 | 147 | 49 | 39 | 7 |
| Scheduled Castes | 28 | 30 | 70 | 40 | 6 | 5 | - |
| Scheduled Tribes | 72 | 64 | 143 | 125 | 32 | 16 | - |
| Other Backward Classes | 54 | 35 | 112 | 102 | 20 | 9 | 2 |
| Total | 230 | 177 | 454 | 141 | 107 | 69 | 9 |

Source: Field Work

The above table-12 shows that out of 177 illiterate family members, the majority are from the Scheduled Tribes, 64 i.e. 36.15 per cent. The percentage of illiterate among the General Castes, Scheduled

Caste and Other Backward Classes are 48 (27.11 per cent), 30 (16.94 per cent) and 35 (19.77 per cent) respectively. The majority of the family members of all castes are educated upto primary level. Among the General Castes number of members read upto secondary education level are 147. The number of family members from the General Castes with senior secondary, graduate and post-graduate qualifications are 49, 39 and 7 respectively. Among the Scheduled Castes families, number of members with secondary, senior secondary and graduate qualification are 40, 6 and 5 respectively. There is not a single family member with post-graduate qualification from the Scheduled Caste families. Among the Scheduled Tribes families, the number of members upto Secondary are 125 and 32 respectively. The number of graduate are 16 but there is not a single post-graduate passed member. Among the Other Backward Classes families the number of family members with secondary, Senior Secondary, Graduate and post-graduate qualification are 102, 20, 9 and 2 respectively

CHAPTER – III

OPINION OF THE GRAM SABHA MEMBERS REGARDING PRESENT SCENARIO OF THE PANCHAYATI RAJ INSTITUTION

The system of democratic decentralization of power in India popularly known as the Panchayati Raj Institution is considered to be an excellent instrument to ensure people's participation at grass root level and a vehicle of socio-economic transformation of the rural society. The Constitution (Seventy third Amendment) Act, 1992 envisages empowered *Gram Sabha* as the parliament of the people at the village level to which the Gram Panchayats are solely responsible. In the present scenario of Panchayati Raj setup, the *Gram Sabha* i.e. the general assembly of villagers has a key role in effective functioning of panchayats. In the *Gram Sabha* meeting, the rural poor, women, illiterate and the marginalized people would get opportunities to join in decision-making process on matters affecting their lives. The active functioning of the *Gram Sabha* would ensure a participatory democracy with transparency, accountability and achievement. For strengthening of *Gram Sabha* as a vibrant forum of decentralized democracy and effective instrument for ensuring social audit, the Government of India observed the year 1999-2000 as the "year of *Gram Sabha*". This is in recognition of *Gram Sabha* as potential and the most significant institution for participatory and decentralized democracy.

As mentioned earlier, the Sikkim Panchayat Act, 1993 (Act No. 6 of 1993) besides making provisions for constituting Gram Panchayats and Zilla Panchayats at village and district level respectively, has also made provisions for formation of *Gram Sabha* or village assembly at the Gram Panchayat level. In view of the professed objectives of participatory development through the Panchayati Raj Institution, this

Gram Sabha is considered to be an important forum for people's participation. The *Gram Sabha* is the general body of the Gram Panchayat and every person who is entitled to vote to elect members of a Gram Panchayat and Zilla Panchayat of a district shall be a member of *Gram Sabha*. It has statutorily mandated to have its meeting twice a year. Thus this institution is the corner stone of the entire Panchayati Raj system as it gives opportunities to each and every voters of the Gram Panchayat to participate in decision-making process of decentralized governance.

Considering the importance of *Gram Sabha* as the head and heart of the entire scheme of decentralization and an effective mechanism of direct democracy, researcher thought it important to present the views and perceptions of the *Gram Sabha* members on a very wide gamut of issues ranging from objectives of Panchayati Raj Institution, its structure and composition, its sources of finance, awareness of members about local affairs, empowerment of women and weaker section, political awareness to opinion about functioning and decision-making process. It is agreed by all concern that the success of Panchayati Raj Institution depends upon the extent of people's participation. There is a need to measure as how closely the *Gram Sabha* members identify themselves with these Panchayati Raj Institution and how far they shoulder the responsibilities bestowed on them. It was also essential to know as how many have perceived the entire functioning of Panchayati Raj bodies as an institution of local self-governance. All these issues have been tried to answer in the present chapter.

Views of the *Gram Sabha* Members Regarding the Objectives of the Panchayati Raj Institution.

The Panchayati Raj Institutions (PRIs) have been envisaged as an "institution of self-government" constituted under Article 243-B for

rural areas. They are to look after the rural administration, planning, management and promotion of rural development. The Article 243-B is the head and heart of the entire scheme of decentralization through Panchayati Raj system. The legislature of the state may, by law, endow the panchayats with such powers and authority as may be necessary to enable them to function as institution of self-government. They may also impose such laws containing provisions for the devolution of powers vis-à-vis responsibilities upon panchayats at appropriate levels. The devolution should emphasize upon preparation and implementation of plans for economic development and social justice including the matters listed in the XI Schedule of the Constitution. The Schedule contains a list of 29 subjects like agriculture, education, land reforms, health, poverty alleviation, rural development programme, welfare of weaker section, maintenance of community assets and so on. In conformity with Constitution (73rd Amendment) Act, 1992 the State of Sikkim enacted Sikkim Panchayat Act, 1993 with an attempt to devolve certain powers to the Panchayati Raj Institutions to make them self-governing bodies.

One of the important objectives of Panchayati Raj Institution is to establish a participatory democracy through democratic decentralization so that the members of *Gram Sabha* comprised of all the adult residents of the village not only deliberate but also participate with its executives i.e. the Gram Panchayat in planning and implementation of various programmes.

The concept of participatory democracy has gained momentum and prominence over the years. Its basic objective is to involve people directly in the process of decision-making. The capacity of the people to contribute to the development is of immense importance. Hence, it seeks their participation in developmental programmes of which they are the beneficiaries. They are required to get relevant information necessary for

the proper planning, mobilizing local resources and developing new status of dynamic leadership.

One of the fundamental objectives of the Panchayati Raj Institution is to secure participatory democracy. A true participatory democracy should effectively be promoted at the lower level of the Panchayati Raj Institution i.e. at the level of Gram Panchayat and *Gram Sabha*. The extension process of democracy to the people, in the real sense, should mean that the Gram Panchayat functions as the executive body to give concrete shape to the wishes and aspirations of the village community.

In order to present the views of the *Gram Sabha* members in regard to the objectives of the Panchayati Raj Institution, researcher interviewed all the 230 *Gram Sabha* members of the Panchayats selected for the study and their views have been presented in the following table-13.

Table – 13

Objectives of the Panchayati Raj Institutions as Perceived by the *Gram Sabha* Members

| Caste Category | A | | B | | C | | D | | E | | F | |
|--------------------------------|--|--------------|---|--------------|-----------------------|--------------|---|--------------|--|-------------|--|--------------|
| | To establish local Self Govt. at village level | | To develop areas according to local needs | | To decentralize power | | To encourage people to participate in the affairs of locality | | To act as the agent of rural development | | To settle disputes & problems at local level | |
| General Castes N=76 | 17 | 22.37 | 16 | 21.05 | 16 | 21.05 | 15 | 19.74 | 05 | 6.58 | 07 | 9.21 |
| Scheduled Castes N=28 | 08 | 28.57 | 06 | 21.43 | 06 | 21.43 | 04 | 14.29 | 02 | 7.14 | 02 | 7.14 |
| Scheduled Tribes N=72 | 17 | 23.61 | 15 | 20.83 | 14 | 19.44 | 16 | 22.22 | 04 | 5.56 | 06 | 8.33 |
| Other Backward Classes N=54 | 12 | 22.22 | 11 | 20.37 | 08 | 14.81 | 10 | 18.52 | 05 | 9.26 | 08 | 14.81 |
| Total = 230 | 54 | 23.47 | 48 | 20.87 | 44 | 19.13 | 45 | 19.57 | 16 | 6.96 | 23 | 10.00 |

Source: Field Work

The above table-13 reveals that out of 230 respondents, 23.47 per cent have expressed that establishing local self-government at grass-root level is one of the objectives of the Panchayati Raj Institutions. On the

other hand, 20.87 per cent of the respondents have accepted the idea of developing the area according to local needs as the objective of Panchayati Raj Institutions. Almost an equal percentage of the respondents with 19.13 per cent and 19.57 per cent have accepted that idea of decentralizing powers at the local level and to encourage people to participate in the affairs of the locality respectively have the objectives of Panchayati Raj Institutions. Whereas about 10 per cent respondents feel that to settle disputes and problems at local levels are the objectives of Panchayati Raj Institutions.

If this scenario of the objective of establishing local self government at the village level is analyzed castewise, 28.57 per cent of Scheduled Castes, 23.61 per cent of Scheduled Tribes, 22.37 per cent of General Castes and 22.22 per cent of Other Backward Classes feel that the objectives of Panchayati Raj Institutions are to establish local self-government at the village level. The Scheduled Castes populations, though their number is comparatively lesser than that of other castes, have the highest percentage of respondent, as compared to those of Scheduled Tribes who have 23.61 per cent of respondents. The General Castes and Other Backward Classes are having 22.37 per cent and 22.22 per cent of respondents respectively.

The respondents have given priority to 'establishment of local self-government at local level' with 23.47 percentage rather than 'development of local area according to local needs' with 20.87 per cent of respondents. The researcher has also analyzed castewise percentage of respondents in favour of 'development of local area according to local needs'. In this case Scheduled Castes again have the highest respondents with 21.43 per cent and the Scheduled Tribes is having 20.83 percentage. The Scheduled Castes and Scheduled Tribes population are considered to be the weakest section of the people requiring more attention for their

development have also shown their positive response in regard to the Panchayati Raj's functioning. It is considered to be good sign of prosperity in the panchayat administration.

While interviewing 230 respondents it has been found that 19.57 per cent have favoured 'to encourage people to participate in the local affairs'. On analyzing the castewise views, the respondents belonging to the Scheduled Tribes have 22.22 percentage. In this regard, the General Castes have 19.74 percentage whereas the Other Backward Classes and the Scheduled Castes have 18.52 per cent and 14.92 per cent respectively. On analysis, it is found that the Scheduled Caste populations are to be encouraged much to participate in the local affairs as compared to other castes.

'The decentralization of powers' as one of the objectives of the Panchayati Raj Institution has 19.13 per cent. The percentage of respondents of the Scheduled Castes is 21.43 as compared to 21.05 per cent, 19.44 percent and 14.81 per cent of the General Castes, Scheduled Tribes and Other Backward Classes respectively. Decentralization of powers is the main theme of Constitution (73rd Amendment) Act, 1992 however, it has got 19.13 per cent responses. In responding to 'settle dispute and problems at the local level' Other Backward Classes have 14.81 per cent as compared to 9.21 per cent, 8.33 per cent and 7.14 per cent of the General Caste, Scheduled Tribe and Scheduled Caste respectively. The Scheduled Caste population has given least importance to this subject as compared to others.

It is encouraging that the respondents have condemned the views of settlement of dispute as one of the objectives of the Panchayati Raj Institution. On critical analysis, it is found that the entire caste populations, in general, have given weightage to developmental

programmes rather than administrative issues. It is very interesting to note that only 6.96 per cent of the respondents have agreed that the objective of the Panchayati Raj Institution are to act as the 'agent of the Rural Development Department'.

On the whole, with the exception of 6.96 per cent in favour of 'acting as agent of rural development' and 10 per cent in favour of 'settling disputes at local levels', the majority of the respondents have expressed their views that the main objective of the Panchayati Raj Institutions is to establish local self-government at grass root level (23.47 per cent) and the bodies to encourage people to participate in the local affairs (19.57 per cent). This shows the slow attitudinal changes of the general people towards the real objectives of the Panchayati Raj Institutions. The understanding about the Panchayati Raj Institutions as 'peoples' body is growing slowly and spreading among the general masses.

The Panchayati Raj Institutions are no longer considered as mere agents of Rural Development but considered as self-governing bodies at local level. This awareness and understanding is slowly inculcating in the minds of the people giving the positive indication for the success of the Panchayati Raj Institutions. It can not be successful without proper understanding of its purpose and objectives.

Along with the views of the respondents regarding the objectives of Panchayati Raj Institutions, it is also thought important to know their views in regard to the understanding of the objectives. The respondents have been asked to express their views as how far the Panchayati Raj has been able to achieve its goals in Sikkim. Their views have been analyzed in the table-14 here below.

Table – 14**Opinion of the Panchayat Regarding Achievement of Goals.**

| Caste Category | Total No. of respondent | No. of Gram Sabha Members | | | |
|------------------------|-------------------------|---------------------------|--------------------|-------------------|-------------------|
| | | Fully (%) | Partially (%) | Not at all (%) | Don't Know |
| General Castes | 76 | -(0.00) | 056 (73.68) | 13 (17.10) | 07 (09.21) |
| Scheduled Castes | 28 | -(0.00) | 018 (64.28) | 40 (14.28) | 06 (21.42) |
| Scheduled Tribes | 72 | -(0.00) | 052 (72.22) | 09 (12.05) | 11 (15.27) |
| Other Backward Classes | 54 | -(0.00) | 037 (68.51) | 08 (14.81) | 09 (16.66) |
| Total | 230 | -(0.00) | 163 (70.88) | 34 (14.78) | 33 (14.34) |

Source: Field Work

Note: There are four goals as stipulated in Table 13 under A,B,C,D,E & F.

Fully > Achieving all four goals.

Partly > Achieving two to three goals

Not at all > Achieving one or no goal

Don't Know > Achieving no goal

It is revealed from the above table-14 that there is no response in favour of achieving the goal fully. Out of the total number of respondents interviewed 70.88 per cent have responded that the achievement is partial. As regards the response of 'not at all' and 'do not know' categories the margin is very small which has 14.78 per cent and 14.34 per cent respectively. The expression of 14.78 per cent of the respondents 'not at all' indicates that the Panchayati Raj Institution has failed to achieve its goal. In other words, they have failed to emerge as an institution of self-government at the local level. Almost an equal number i.e. 14.34 per cent of the *Gram Sabha* members have no idea of achieving the goal by the Panchayati Raj Institutions.

Prior to the Constitution (73rd Amendment) Act, 1992 the activities of the Panchayati Raj Institutions were confined to implementation of the government sponsored developmental schemes for poverty alleviation and employment generation programmes. Its role in planning was totally absent. People used to think of the Panchayati Raj Institutions in terms of an agent of Rural Development. After the enactment of Constitution (73rd Amendment) Act, 1992, elected representatives as well as electorates have been given more opportunity for direct participation in planning and formulation of policies and promotion of development. The rural development is still considered to be as one of the central responsibility of Panchayati Raj Institutions. The Union Government with its major financial backup has introduced developmental schemes in the states. The implementing state has to bear a small share of expenditure for the schemes to be implemented by people's representatives in the local level with the cooperation of local level bureaucracy. In this context, the respondents are enquired their views whether or not the Panchayati Raj Institutions should be given full power for Rural Development activities. Their views have been recorded below in table-15.

Table – 15

Opinion of the Gram Panchayat Members Regarding Assigning Full Power of Rural Development

| Caste Category | | No. of Gram Sabha Members | |
|------------------------|-------|---------------------------|--------------------|
| | | Yes (%) | No (%) |
| General Castes | N= 76 | 040 (52.63) | 036 (47.36) |
| Scheduled Caste | N= 28 | 012 (42.85) | 016 (57.14) |
| Scheduled Tribes | N= 72 | 036 (50.00) | 036 (50.00) |
| Other Backward Classes | N= 54 | 030 (55.55) | 024 (44.44) |
| Total= 230 | | 118 (51.30) | 112 (48.70) |

Source: Field Work

The responses are quite surprising, 51.30 per cent of the members have responded in support of assigning full power and responsibilities of

rural development to the Panchayati Raj Institutions whereas on the other hand, 48.70 per cent have responded in support of not giving full power to the Panchayats for rural development. It is a matter of great concern as why almost an equal percentage of respondents have replied in favour and in against. The failure of the *Gram Sabha* members to identify themselves with the developmental activities, lack of knowledge, illiteracy, unexposed and incapable in their role in planning and implementation of rural development schemes may be the reasons for their negative attitude towards assigning full powers of rural development to the Panchayati Raj Institutions.

Many respondents have interacted that the schemes for rural development do not actually reach to the poor and the target groups for whom it is prepared. The selection of beneficiary of the schemes have not been done properly and democratically as they are always influenced by the party bosses. Many respondents also expressed their opinion that political leaders as well as the elected representatives are more corrupt than the state bureaucracy. Hence, they should not be given all the responsibilities and power of rural development.

Members' View About the Structure and Composition of the Panchayati Raj Institutions.

The present section deals with the members' view about the present structure and composition of Panchayati Raj Institutions envisaged by the Sikkim Panchayat Act, 1993. As we know the Act 1993 provides for two-tier structure of elected bodies at village level and district level each having its separate sphere of activities. Since the population of the state is less than 20.00 lakhs there is no constitutional obligation to provide for intermediate tier. The Act 1993 also has provided for the constitution of *Gram Sabha* i.e. village assembly consisting of all those who are eligible for vote in the Gram Panchayat

and Zilla Panchayat elections as *Gram Sabha* members. The provision has provided for constitution of *Gram Sabha* as a forum for direct participation of grass root level people in the process of democratic decentralization is a landmark provision. Therefore, in order to know about their views and awareness of present structural pattern of the Panchayat Raj Institutions in the state, the *Gram Sabha* members are asked to express their views in terms of satisfaction regarding the present structure of the Panchayat Raj Institutions at Gram Panchayat as well as Zilla Panchayat levels. Their opinions about the present structural framework have been summarized in the following table-16.

The table-16 below reveals that 90.43 per cent of the respondents are satisfied with the present two-tier structure of the Panchayat Raj Institutions at Gram and Zilla levels, and 9.57 percentage have expressed there views against it. On the whole, their awareness level regarding the structure of the Panchayat Raj Institutions is good. Almost cent percent of the respondents are aware of the functioning of the Panchayat Raj Institutions at village as well as district level.

Table – 16

Opinion Regarding Two-tier Structure of Panchayati Raj Institutions.

| Caste Category | Total No. of Respondents | Satisfied (%) | Not satisfied (%) |
|------------------------|---------------------------------|----------------------|--------------------------|
| General Castes | 076 | 067 (88.15) | 09 (11.84) |
| Scheduled Castes | 028 | 026 (92.85) | 02 (07.14) |
| Scheduled Tribes | 072 | 066 (91.66) | 06 (08.34) |
| Other Backward Classes | 054 | 049 (90.74) | 05 (09.25) |
| Total | 230 | 208 (90.43) | 22 (09.57) |

Source: Field Work

The Scheduled Castes population seems to be most satisfied with the present structure of two-tier system of the Panchayati Raj with 92.85

per cent of members supporting and expressing satisfaction against 91.66 per cent, 90.74 per cent and 88.15 per cent of the Scheduled Tribes, Other Backward Classes and General Castes respectively.

Table – 17

Opinion Regarding the Present Selection Procedure of *Sabhapati*, *Up-sabhapati* and *Sachiva*.

| Caste Category | | No. of Respondents | |
|------------------------|-------|--------------------|--------------------|
| | | Satisfied (%) | Not satisfied (%) |
| General Castes | N= 76 | 34 (44.73) | 042 (55.26) |
| Scheduled Castes | N= 28 | 10 (35.71) | 018 (64.28) |
| Scheduled Tribes | N= 72 | 25 (34.72) | 047 (65.27) |
| Other Backward Classes | N= 54 | 26 (48.14) | 028 (51.86) |
| Total = 230 | | 95 (41.30) | 135 (58.70) |

Source: *Field Work*

The information available from the above table-17 reveals that majority of the members with 58.70 per cent are not satisfied with the selection procedure of the panchayat leaders like *Sabhapati*, *Up-sabhapati* and *Sachiva*. In the composition of Panchayats in the village level the three members mentioned hereabove play a vital role in the activities of the Panchayat as they are the main pillars at the village level. When we find that there is dissatisfaction in their selection, it is a matter of great concern. The Scheduled Tribes population who are given reservation in all corners are the most unsatisfied caste with 65.27 per cent of the members. It is followed by the Scheduled Castes with 64.28 per cent dissatisfied over the selection procedure. The General Castes and the Other Backward Classes represent 55.26 per cent and 51.86 per cent respectively.

It is also tried to assess the views in regard to the composition of the Gram and Zilla Panchayats. The Gram Panchayat consisted of 5-9

members elected directly by the people who are residing within the Gram Panchayat areas. The elected members of the Gram Panchayat select from among themselves a *Sabhapati* and an *Up-sabhapati*. It is surprising to note that cent percent respondents could give the total number of elected representatives representing various wards of their Gram Panchayat area but only a few could answer the minimum and maximum number of elected members (i.e. 5-9 members) in each Gram Panchayat. They have expressed their full satisfaction with composition of the Gram Panchayat representing the members from all sections (General Castes, Scheduled Castes, Scheduled Tribes and Other Backward Classes) but a few have expressed their dissatisfaction over the selection procedure of *Sabhapati* and *Up-sabhapati* and also over the reservation for the post of *Sabhapati*.

As regards to the composition of the Zilla Panchayats, there is a provision in the Sikkim Panchayat Act, 1993 for direct election of members from different territorial constituencies. The *Sabhapatis* of the Gram Panchayats are ex-officio members of the Zilla Panchayat. Twenty percent of the *Sabhapatis* of the Gram Panchayats within the district are taken as members of the Zilla Panchayat annually on rotation basis in order to give chances to all *Sabhapatis* in course of five years. The Zilla Panchayats also include the members of the Legislative Assembly of the state from the constituency comprising of the district by rotation annually. The directly elected members of the Zilla Panchayats elect from among themselves the *Adhakshya* and *Up-adhakshya* of the Zilla Panchayat. In this context, it is thought essential to present their views and opinion regarding the composition of the Zilla Panchayats. They do have ideas about the direct election of the Zilla Panchayat members from respective territorial constituencies but they are not aware of representation of 20 per cent *Sabhapatis* on annual rotation basis as ex-officio members of the Zilla Panchayats. The knowledge about the ex-

officio membership of Members of Parliament and Members of Legislative Assembly in the Zilla Panchayat is also absent among many respondents. Due to lack of awareness about the composition of the Zilla Panchayats, the majority of the respondents could not express their views regarding whether or not they are satisfied with the present composition of Zilla Panchayats in the state.

Members' View About People's Participation.

It is felt essential to know whether all the members always attend the meeting of the *Gram Sabha* and whether the unprivileged category of members have problems in attending so, therefore, opinion of the members in this respect is shown in the table-18.

Table – 18

Attendance of the Members in *Gram Sabha* Meeting

| Caste Category | Total No. of Respondents | No. of G.S. Members | | |
|------------------------|--------------------------|---------------------|-------------------|------------------------|
| | | Attended (%) | Not Attended (%) | Sometimes Attended (%) |
| General Castes | 076 | 23 (30.26) | 15 (19.73) | 038 (50.00) |
| Scheduled Castes | 028 | - (00.00) | 03 (10.71) | 025 (89.28) |
| Scheduled Tribes | 072 | 03 (04.16) | 11 (15.27) | 058 (80.55) |
| Other Backward Classes | 054 | - (00.00) | 14 (25.92) | 040 (74.07) |
| Total | 230 | 26 (11.30) | 43 (18.70) | 161 (70.00) |

Source: *Field Work*

Table-18 above depicts the detail of the different percentage of members participating in the *Gram Sabha* meeting. It is evident that 11.30 per cent of (members) villagers regularly and actively participate in the meeting. This category of villagers are the most advanced, politically conscious and aware about on developmental activities vis-à-

vis development of the village. They are the people who actively take part in the discussion and selection of schemes required for the village in the order of priority.

The second category of the members are those who attend 'sometimes' i.e. whenever they are free and feel like attending the meeting or in other words whenever it becomes mandatory to attend the meeting. This category represents 70 per cent of the total members wherein the Scheduled Castes population have 89.28 per cent of members. The Scheduled Tribes have 80.55 per cent, the Other Backward Classes have 74.07 per cent and the General Castes have 50.00 per cent.

Ten per cent of the total number of members present in the meeting makes the quorum for legalizing the decision taken for the development and welfare of the village. As such the category of members responding to attend meeting 'sometime' plays a vital role in the *Gram Sabha*. This category of members have their own profession for livelihood against the category with 11.30 per cent for whom income out of the developmental activities of the gram are the bread and butter. They have given full time for activities of the Gram and are not dependent on their own income i.e. they are dependent either on the earning of the parents or have sufficient earning members for which they are not to bother for wages.

It is also wanted to know the problems faced by the Scheduled Castes, Scheduled Tribes and Women in attending *Gram Sabha* meeting as well as in formulation and implementation of the schemes pertaining to the village (see table-19).

Table – 19**Problem Faced by the Scheduled Castes, Scheduled Tribes and Women
in Attending *Gram Sabha* Meeting**

| Caste Category | Problem not faced | | Problem faced | | No Idea | |
|------------------------|-------------------|--------------|---------------|--------------|-----------|--------------|
| | No. | Per cent | No. | Per cent | No. | Per cent |
| Scheduled Castes N= 14 | 9 | 64.29 | 5 | 35.71 | 0 | - |
| Scheduled Tribes N= 31 | 15 | 48.39 | 15 | 48.39 | 1 | 03.23 |
| Women N=117 | 76 | 64.96 | 25 | 21.37 | 16 | 13.68 |
| Total = 162 | 100 | 61.73 | 45 | 27.78 | 17 | 10.49 |

Source: Field Work

It is revealed from the table-19 above that 10.49 per cent of the members belonging to Scheduled Castes, Scheduled Tribe and Women of the research areas of *Gram Sabha* have no idea about the problem faced by the Scheduled Castes, Scheduled Tribes and Women members. This category of *Gram Sabha* members hardly bother for the development and improvement of the village as they may have no time to think and discuss on such matters as they are to work hard for their livelihood. 27.78 per cent of the members have responded that they have problems. Probably this category of members are mainly weaker who cannot raise voice due to fear of others. 61.73 per cent of Scheduled Castes, Scheduled Tribe and Women members have expressed that they have no problem to be the members of the *Gram Sabha* and to take part in meeting and in any other activities.

Members' View About the Sources of Finance.

Availability of adequate resources is one of the vital aspects related to establishment of the Panchayati Raj Institutions as an institution of local self-government. No institution can function

satisfactory without adequate and timely financial backup. Therefore, there is a need to find out whether or not Panchayati Raj Institutions have a sound fiscal resource and how the *Gram Sabha* members, as responsible citizens, perceive the fiscal decentralization attempted under the new Act, 1993. It is also essential to know the views of the members as how the Panchayati Raj Institutions generate their own income, whether the existing funding pattern provides adequate fund and how they perceive their own role in internal resource mobilization.

The Panchayati Raj Institutions like many other institutions have internal as well as external resources. The external resources may be in the form of grants, aid and loan as well. But no institution is economically viable if its external resource base is stronger than internal resources. Fiscal dependence tends to weaken independent action (Mukherjee: 1996). It was felt that fiscal decentralization can help to mobilize resources, introduce local solution over the growth and promote equitable growth by bringing the poor into the mainstream of development. A new legislation constituted following the Constitution (73rd Amendment) Act, 1992 transferred many subjects to both the levels i.e. at the village and the district levels of the Panchayats. Transfer of functions has to be accompanied by funds to cover the incremental establishment cost of governance.

New fiscal arrangements necessitate every state to constitute, once in every five years, a State Finance Commission to review the financial position of the Panchayati Raj Institutions and to make recommendations on the sharing of various taxes, duties, tolls, fees and grant-in-aid etc. to the Panchayati Raj Institutions from the consolidated fund of the State Government. Despite the constitutional requirements of establishment of State Finance Commission within a year from April 24, 1993, the State of Sikkim constituted the same in July, 1998 almost five years behind

the schedule. The first report of State Finance Commission was submitted in August 16, 1999.

The important recommendations of the First State Finance Commission are as under: "The Institute of Local Self-Government will not be able to discharge their responsibilities without required fund and staff. Presently, these institution are totally dependant on Grant-in-aid provided by the State Government and the grants from the Union government through poverty alleviation and other schemes. As such commission recommends to provide and enhance funds provided to the local bodies".

Sharing of Tax: In view of financial position of the State Government, the commission has recommended that one per cent of the net proceed of all taxes collected by the state in the year should be transferred to the local bodies. Such funds may be released to the district on quarterly basis.

The total tax revenue return of the State Government as per the budget for 1999-2000 envisaged to Rs. 47.00 cr. Out of Rs. 47.00 cr. of tax revenue a devolution component to the Panchayat finance is recommended to be 1% which works out to Rs. 47.00 lakhs. The total Grant-in-aid of Rs. 47.00 lakhs available from tax revenue required to be further disbursed to each Gram Panchayat of all the four districts by adopting the following conversion factor.

North – 0.15, East – 0.26, West – 0.27 and South – 0.32.

| | | | | | |
|----|-------|---|---------|---|------------------------------|
| 1. | North | – | 47x0.15 | = | 07.05 lakhs |
| 2. | East | – | 47x0.26 | = | 12.22 lakhs |
| 3. | West | – | 47x0.27 | = | 12.69 lakhs |
| 4. | South | – | 47x0.32 | = | 15.04 lakhs |
| | | | | | Total Rs. 47.00 lakhs |

Sources: *First State Finance Commissions Report*

Itemwise recommendation of the First Finance Commission are as under -

- (i) House Tax (*Dhuri Khajana*) : The commission recommended that the Panchayat Units should realize the *Dhuri Khajana* at the following rates instead of Rs. 1/- per house as collected by the Land Revenue Department:
 - (a) R.C.C. building Rs. 50 per annum.
 - (b) Other house (Ekra wall) Rs. 20 per annum.
 - (c) Huts (temporary) Rs. 5 per annum.
- (ii) Water Tax: The Panchayat Unit should realize Rs. 1/- per month from the user of the water tap.
- (iii) Water Cess: The Panchayat Unit should realize the following water cesses from the user of irrigation water at the following rates:
 - (a) User having the holding upto 5 acres Rs. 25/- per annum.
 - (b) Above 5 acres upto 8 acres – Rs. 50/- per annum.
 - (c) Above 8 acres Rs. 100/- per annum.
- (iv) Fee for construction of new house: The commission also recommended to the Panchayat Unit to realize the fee for construction of house within the Panchayat Unit at the following rates:
 - (a) Pucca house/RCC – Rs. 50/-
 - (b) Temporary house/huts – Rs. 10/-
- (v) Rural Marketing Centre: The commission recommended to realize the fee from occupation of haat area under rural marketing centre at the rate of Rs. 2/- per occupation during the haat days from the public.

The commission in 1998 in its report stated that neither efforts by the Panchayats had so far been made for the generation of own resources nor positive steps for collection and augmentation of own resources had been done though the Act contained such provision. The Panchayats were funded solely through budgetary support without their own resources. The commission further stated in its report that the Panchayats were used to get Rs. 10,000/- as a lump sum grant from the Government to meet their administrative expenses with no remuneration and wages. The Panchayats resources were not available for the maintenance of assets transferred to them. The tax and the non-tax revenues whatsoever levied by the states had been collected by the Government itself without the transfer of these responsibilities to the Panchayats contrary to the provision of the Act (State Finance Commission: 1998). Considering the absence of own revenue base and its dependency totally on the Government, the recommendation of the State Finance Commission were of utmost importance to the Panchayati Raj Institutions. Although the State Government had accepted in full the recommendations of its First State Finance Commission yet executive follow up in terms of operationalising the accepted recommendation is still tardy.

The Second State Finance Commission was constituted vide Notifications No. 4(26) FC/98-99/31 dated 05.07.2003. The important recommendation of the State Finance Commission regarding collection of fund from local resources of the Panchayati Raj Institutions are as under:

- (i) Drinking Water Charge: User's charge for drinking water within a panchayat area may be introduced at the rate of Rs. 10/- per house hold per month. Such charges may be realized for use of drinking water provided by the Government under the Rural Water Supply Scheme. The Panchayati Raj Institutions may regulate the use of

water, the location of tanks, pipes and any other matter necessary for availability of sufficient potable drinking water in the Panchayat area.

- (ii) **Irrigation Water Charge:** Users' charges may be collected for the use of irrigation water from irrigation channels provided by the State Government at the following rates-
- (a) For user having a holding upto 2 hectares – Rs. 25.00 per annum.
 - (b) For user having a holdings of 2 hectares and upto 4 hectares – Rs. 50.00 per annum.
 - (c) For user having a holding above 4 hectares – Rs. 100.00 per annum. The Panchayati Raj Institutions may regulate the use of such water to provide sufficient water for all users.
- (iii) **Construction of new houses:** It may be made mandatory for the Panchayati Raj Institutions to issue clearance certificate for construction of new houses. For this purpose the Panchayati Raj Institutions may be charged fee at the following rates:
- (a) RCC building – Rs. 100.00 per annum.
 - (b) Other type of building (ekra, brick, kutchha etc.) – Rs. 50.00 per annum.
- (iv) **Haat Sheds:** Fees may be charged for occupation of Government constructed haat-sheds located in the Panchayat area @ Rs. 5.00 per occupation per day of an area measuring 16 sq.ft. For occupation of additional areas, the charge may be Rs. 1.00 per square feet. An assessment of annual receipts may be made and the Panchayati Raj Institutions may call for tenders from local residents rather than collecting the fees itself.

Taxes on fairs, melas, markets and entertainment in the panchayat area may be charged and collected by the Panchayati

Raj Institutions. The existing rates, prescribed by the State Government may be continued.

- (v) Birth: Service charges for registration of birth in the panchayat area may be introduced @ Rs. 10.00 for case. Such charges may be collected by the Panchayati Raj Institutions at the time of filling of applications.
- (vi) Establishment Grants: The Second State Finance Commission recommended for transfer of Rs. 525 lakhs as Grant-in-aid to the Panchayati Raj Institutions to meet the establishment cost for the year 2004-05. The commission examined the present set up of organizational structure existing in such Zilla and Gram Panchayats. Their salary allowances and other recurring cost has been worked out at current rates. Summary of itemwise expenditure requirement is given below:

Itemwise expenditure:

| | | |
|----|---|-------------------------------|
| 1. | Salary and wages of officials | – Rs.410.00 lakhs |
| 2. | Salary and honorarium of elected Members | – Rs. 64.97 lakhs |
| 3. | Office expenses for four Zilla Panchayats @ Rs. 5 lakhs | – Rs. 20.00 lakhs |
| 4. | Office expenses for 166 Gram Panchayats @ Rs. 10.00 lakhs | – Rs. 16.60 lakhs |
| 5. | Travel expenses for officials | – Rs. 5.00 lakhs |
| 6. | Travel expenses for elected members | – Rs. 8.00 lakhs |
| | Total | <u>Rs.524.57 lakhs</u> |

Say Rs. 525.00 lakhs.

Source: *Report of Second State Finance Commission, 2003.*

The Second State Finance Commission in its report stated that “Sikkim Panchayat Act, 1993 expects generation of certain internal revenue resources like water cess, fees from melas, haats, markets etc.

But the rules determining such rates, fees and taxes are not in position, spelling out of the mode of modifying them, giving opportunity of hearing and finally levying them; the mode of collection, their deposits in the treasury, timely reconciliation; action to be taken against defaulters and their realization. Only with the availability of the legal framework can the Panchayati Raj Institutions be expected to be in a position to collect rates fees and taxes” (Second State Finance Commission: 2003).

At the Gram Panchayat level the sources of finance may be categorized as under:

- (a) **Taxes, rates and fees** (Revenue generated internally by utilizing the fiscal powers given to them under the statute): Panchayati Raj Institutions have been empowered to levy and collect taxes like house tax (*Dhuri Khajana*), water tax, water cess on irrigation facilities, fee for construction of new houses, fees for occupation of haats areas under rural marketing centres, taxes on fairs, melas, markets and entertainment in the panchayat areas, service charge for registration of birth in the panchayat areas etc.

The Sikkim Panchayat Act, 1993 empowers the Gram Panchayat to raise internal resources through above mentioned taxes, fees and user charges. But the Gram Panchayats have not been able to exercise the fiscal powers provided under the Act due to the absence of proper instruction and guidelines from the Government. The State Government has not enforced the fiscal powers provided in the Act. Till now State Government has not been able to enact Gram Panchayat financial rules. In the absence of proper guidelines, Gram Panchayat has failed to raise its resources. Hence they are totally dependent on the Government

grants either from the state or from the central Government. In the absence of generation of internal resources Panchayati Raj Institutions are totally dependent on grant. Almost cent percent of the developmental expenditure is financed by schematic funds received from Central Government specially Jowhar Rojgar Yojana and other poverty alleviation schemes like Employment Assurance Schemes (EAS). They are also totally dependent on State Government for their revenue expenditure.

The entire expenditure on the salary of their staff is borne by the State Government. Case studies done on the sample Gram Panchayats indicate that they do not generate or raise any internal resources due to the absence of any guidelines from the Government.

Another point for attention is the collection of taxes. Panchayat must take sincere effort for collection of taxes. Involvement of village community is essential for initiating voluntary payment of taxes. They should be made aware of the direct relation between the collection and development activities.

Other than taxes, the Panchayat can also levy other items for raising its own resources viz. charging fee for service rendered, sale of community products, raising a recurring fund from sale of community commodity like horticulture and agriculture products, timber from forest lands etc.

- (b) **State assistance:** Share of the revenue of the state as per the recommendation of the Second State Finance Commission. In the sphere of state Panchayat fiscal adjustment in India, Panchayati Raj Institutions are assigned the revenue relating to some of the state-administered taxes/cesses/surcharges such as land revenue,

stamp duty on transfer of immovable property, profession taxes, entertainment taxes, forest revenue and mineral cess. Data on assigned revenues of Gram Panchayat in Sikkim shows that these revenue do not contribute any amount to the local exchequer. Gram Panchayat do not have ample sources of revenue in their favour. The bulk of the revenue is with the State Government. The State Government is not willing to share financial resources with Panchayati Raj Institutions. There is a need to shift these revenue resources directly to the Panchayats so that it becomes their own internal financial resource rather than external resources available from the Government. The First State Finance Commission recommended one per cent of the net proceed of the all taxes collected by the state in the year should be transferred to the local bodies i.e. Panchayati Raj Institutions.

- (c) **Grant-in-aid:** In regard to the State Government grants to the Gram Panchayats, their shares is cent per cent i.e. in Sikkim Gram Panchayat are totally funded by State Government which contribute 100 per cent in the total receipt.

The State Government gives a variety of grants to the Panchayati Raj Institutions from consolidated fund of the State Government. Some of which are of specific purpose while others for general purposes. Various types of grants from the state include grants to run, maintain and implement development schemes and establishment grant for staff expenses.

Presently all the Gram Panchayat are getting Rs. 10.00 lakhs per annum as grants from the consolidated fund of the State Government since 2004-05 financial year. It was learnt during the fieldwork that the grant of Rs. 10.00 lakhs is placed in the *Gram*

Sabha and discussed thoroughly in accordance to the guidelines and instructions received from the Government and sanctioned adopting the following norms.

| | | |
|--|--------------|--------------------|
| 1. Maintenance and minor repairs | - | 15% |
| 2. Infrastructure | - | 20% |
| 3. Productive Sector | - | 20% |
| 4. Rural Micro enterprises including village tourism | - | 20% |
| 5. Social Sector | - | 10% |
| 6. Administration and Miscellaneous | - | <u>15%</u> |
| | Total | <u>100%</u> |

- (d) **Central Assistance:** The grants under various centrally-sponsored schemes also constitute one of the main sources of income of Panchayati Raj Institutions. In the post Constitution (73rd Amendment) Act, 1992 period the centre Government used to directly pass on the requisite fund to the local bodies instead of channelising through State Government. Presently, the Gram Panchayat gets grants from various centrally sponsored poverty alleviation programmes like Jawahar Rojgar Yojana, Indira Awaas Yojana, Employment Assurance Schemes etc. through the State Government. It is learnt from the field survey that each of the Gram Panchayat received Rs. 1,12,127/- in cash and 54.740 quintals of rice in kind as a first instalment under Sampurna Gramin Rojgar Yojana (SGRY) for the period 2004-05. The second instalment was Rs. 73,025/- in cash and 116.30 quintals of rice in kind for 2005-06 financial year and the third instalment was Rs. 92,000/- in cash only. All these grants received under Sampurna Gramin Rojgar Yojana (SGRY) were utilized for the payment of labourers both in cash and in kind.

As per the recommendation of Eleventh Finance Commission, each Gram Panchayat received Rs. 1,34,338/- as grant for repair and maintenance of water supply scheme.

Eleventh Finance Commission had recommended to the State Government to make a budgetary provision of Rs. 530.00 lakhs for the period of five years commencing from 01.04.2000 as grants to Panchayati Raj Institutions. The following table-20 depicts the reports furnished by the State Government to the State Finance Commission on this budgetary provision. The figures available at the time of writing this thesis were as under:

Table – 20

Budgetary Provision Commencing from April, 2000-2005

| Financial Year | Quantum of Grants (Rs. In Lakhs) | Amount Utilized (Rs. in lakhs) | Balance Amount (Rs. in Lakhs) |
|----------------|----------------------------------|--------------------------------|-------------------------------|
| 2000-01 | 106 | 048.85 | 057.15 |
| 2001-02 | 106 | 068.12 | 037.88 |
| 2002-03 | 106 | 109.82 | (-) 3.80 (excess) |
| 2003-04 | 106 | 105.80 | 000.20 |
| 2004-05 | 106 | - | 106.00 |
| Total | 530 | 152.59 | 205.03 |

Source: *State Finance Commission, 2003.*

The Constitution (73rd Amendment) Act, 1992 entrusted to Panchayati Raj Institutions with wide range of responsibilities. In order to discharge these responsibilities a good sources of fund is essential but in case of the state where study is being carried the Panchayati Raj Institutions are heavily depended on grants available mainly from the Central and State Government. Though the Panchayati Raj Institutions

are given wide taxation powers yet they do not utilize in the absence of proper instruction and guidelines from the State Government. As such the Panchayats can not impose taxes in the state of Sikkim.

Prior to the 73rd Constitutional Amendment Act, Panchayats survived mostly on the Government grants and they had functioned as agent of the government. During the post amendment period the Panchayati Raj Institutions have been made self-governing institutions. Consequently, in the changed scenario serious efforts are to be made to improve their financial capabilities to satisfy rural people's aspirations for socio-economic development. The Panchayati Raj Institutions in Sikkim depend mostly on state and central government finance. The fiscal powers provided under the Act of 1993 to raise revenue from tax and non-tax sources remains mostly underutilized. With no resources of their own, effectiveness of these bodies depend totally upon the grants from the Government. Thus Panchayats in Sikkim remain a part of the delivery system and an agent of the Government instead of a self-governance.

Their emergence as a self-reliant and a local self-government with this present funding system, will remain a distant dream.

Against this backdrop it is thought imperative to assess the knowledge and views of the *Gram Sabha* members regarding the sources of finance. As stated earlier, the Gram Panchayat has been given huge responsibilities under the Sikkim Panchayat Act, 1993. The State Government has already transferred the functions to be performed by the Gram Panchayats and Zilla Panchayats. In order to carry over these huge functions transferred to them the Gram Panchayats are in need of sound resource base. Without fiscal autonomy and adequate finances the objectives of the self-government cannot be achieved. Hence, the

questions to the members of the *Gram Sabha* regarding as how do Gram Panchayat raises fund to perform their functions, whether or not the existing funding pattern is satisfactory, their knowledge about the actual quantum of grants received, whether or not they enquire about the income and expenditure of Gram Panchayat etc. are asked to know their views regarding sources of income. All 230 *Gram Sabha* members were asked as how do the Gram Panchayat raises the fund. The responses received are summarized in table-21.

Table – 21

The Sources of Funds Raised by the Gram Panchayat

| Caste Categories | Govt. Grants | Other than Govt. Grants | Both | Don't Know |
|------------------------------|---------------------|--------------------------------|-------------------|-------------------|
| General Castes N= 76 | 046 (60.52) | 09 (11.84) | 18 (23.68) | 03 (03.94) |
| Scheduled Castes N= 28 | 017 (60.71) | 03 (10.71) | 04 (14.28) | 04 (14.28) |
| Scheduled Tribes N= 72 | 043 (59.72) | 05 (06.94) | 08 (11.11) | 16 (22.22) |
| Other Backward Classes N= 54 | 031 (57.40) | 02 (03.70) | 14 (25.92) | 07 (12.96) |
| Total = 230 | 137 (59.56) | 19 (08.26) | 44 (19.13) | 30 (13.05) |

Source: Field Work

On perusal of the table-21 above it is revealed that out of 230 respondents 59.56 per cent of the members have responded that panchayat funds are received from the Government. These category of members whose number is more than 50 per cent of the total number of members interviewed are considered to be aware of the actual happening in regard to the fund of the Panchayat Unit. Their response is correct as there is no other source of income for the Panchayati Raj Institutions other than the Government grants. It is not because that they are incapable to raise the fund in accordance to the authority given by the constitution but because the State Government has not given any

directive to raise the fund. The State Finance Commission may recommend but unless the recommendations are accepted by the State legislature and authorized through notification it is not materialized. During interview of the Panchayat officials one of the District Development officers who is also the District Panchayat Officer has remarked that there are Central Audit quarries for not allowing Panchayats to raise its fund in accordance with the guidelines and recommendation given by the State Finance Commission. This confirms that the Panchayats in Sikkim are not collecting funds by levying taxes etc. As such the response with 8.20 per cent of members are totally wrong as the responses are not based on any facts and figures. 19.13 per cent of members have said that funds have been raised from both the Government as well as non-government sources. These category of respondents do not have the clear idea about the present scenario of raising of the Panchayat funds though they know that Government is giving grants to the Panchayats. There is constitutional provisions as well regarding recommendations of the State Finance Commission to raise the fund through collection of taxes, fees, cesses etc. 13.05 per cent of members have responded that they do not know anything about raising of panchayat fund. This category of members either work on daily wages in central, state or private organizations and are busy for hand to mouth having no linkages with the Panchayat and its developmental activities. Some of them may be out stationed for wages and have come home and were present at the time of interview.

If we analyse the field data and try to ascertain the percentage of castes involved in responding, we find 60.71 per cent of the members of the Scheduled Castes have responded in favour of grants being received from the Government. The General Castes with 60.52 per cent, Scheduled Tribes, with 59.72 per cent and Other Backward Classes members with 57.40 per cent respectively have responded. It is also

essential to know about the members' idea in regard to the quantum of grant-in-aid received from the Government and all the 230 members have been questioned and the response received are recorded in the following table-22.

Table – 22

Idea of the Members about the Quantum of Grant-in-aid Allotted to the Gram Panchayat

| Caste Category | | Opinion | |
|------------------------|-------|--------------------|--------------------|
| | | Having idea (%) | Having No idea (%) |
| General Castes | N= 76 | 028 (63.15) | 048 (36.84) |
| Scheduled Castes | N= 28 | 017 (39.28) | 011 (60.71) |
| Scheduled Tribes | N= 72 | 043 (40.27) | 029 (59.72) |
| Other Backward Classes | N= 54 | 029 (46.29) | 025 (53.70) |
| Total = 230 | | 117 (49.14) | 113 (59.86) |

Source : *Field Work*

On reading the table-22 hereabove it is revealed that on interviewing the total number of *Gram Sabha* under study members 59.86 per cent of the members have responded that they have ideas about the quantum of grant-in-aid allotted to the Panchayat Unit. Contrary to this, 49.14 per cent have responded that they have no ideas. This category of members are least concerned about the financial support received by the Panchayats for executing the developmental work as well as social activities in the villages. They simply know to derive the benefit from the Panchayats. The category of members with 59.86 per cent expressing that they know the quantum of grant allotted to the Panchayat are the category which keep tracks of all events taken place in regard to developmental activities in the Panchayat. It can be presumed that they are also aware about the amount spent on different items.

If we examine the caste category in regard to the positive response i.e. the caste having better understanding with higher percentage of members knowing the actual quantum of grant allotted to the Panchayats we find Scheduled Castes to be the first with 60.71 per cent of respondents. The General Castes with 36.84 per cent of the respondents know about the quantum of grant allotted to the Panchayat. 59.72 per cent of the Scheduled Tribes and 53.70 per cent of Other Backward Classes also have responded.

It is also felt necessary to know the opinion of the *Gram Sabha* members regarding the adequacy of fund available to the Gram Panchayat. The effective functioning of the Gram Panchayat always depends upon the adequate fund raise from its own internal resources. The opinion of the electorate on these aspects are very vital. The members have been asked to respond whether or not the grant-in-aid available to the Panchayats from the State Government are adequate. The response received from 230 members are recorded in the table-23 below.

Table – 23

The Opinion of the Member Regarding Adequacy of Grant-in-aid Received from the State Government.

| Caste Categories | No. of G.S. Members | | |
|------------------------------|---------------------|-------------------|-------------------|
| | Adequate (%) | Not adequate (%) | Don't Know (%) |
| General Castes N= 76 | 44 (57.89) | 23 (30.26) | 09 (11.08) |
| Scheduled Castes N= 28 | 15 (53.57) | 10 (35.71) | 03 (10.71) |
| Scheduled Tribes N= 72 | 39 (54.16) | 21 (29.16) | 12 (16.66) |
| Other Backward Classes N= 54 | 37 (68.51) | 08 (14.81) | 09 (16.66) |
| Total = 230 | 135 (58.70) | 62 (26.96) | 33 (14.34) |

Source: *Field Work*

It is revealed from the table-23 above that out of 230 *Gram Sabha* members interviewed to know their awareness whether or not the grant-in-aid being received is adequate, 58.70 per cent of the members have responded that the grant-in-aid received from the State Government is adequate. The adequacy have been considered in view of the prevailing consumption capacity of grant-in-aid. In order to utilize the grant received from the Government sufficient infrastructures are also required supported by technical know how for implementation. In the absence of proper infrastructure, the fund cannot be utilized.

26.96 per cent of the members are of the opinion that the grant available from the State Government is not adequate. Their views are based not on the consumption capacity of the grant but on the overall requirement in the village. A village may require many things but sometimes it becomes impracticable to carry on the work. For an example, a community hall is required in the middle of the village where there is no road linkages to the proposed site of the community centre as such funds for road linkages are to be provided and not for the construction of community which can be taken up later. The panchayat members with 58.70 per cent have responded that fund is sufficient because in their opinion unless road construction are done no community hall can be build up. Whereas the rest of the members with 26.96 per cent have responded that the fund is not adequate as they wanted to take up both the road construction and building up of community hall at a time which are not practicable within the same financial year due to dearth of time. Hence, the opinion differs from member to member regarding the requirement of fund.

If we examine this responses of the members castewise, the Other Backward Classes with 68.51 per cent of the members have responded that the fund is adequate. Whereas to justify this adequacy of the fund

the members belonging to the General Castes, Scheduled Tribes and Scheduled Castes have responded with 57.89 per cent, 54.16 per cent and 53.57 per cent respectively.

There are 14.34 per cent of members of the *Gram Sabha* who do not know anything about the adequacy of fund. These members have difficult time in their life. They work hard for hand to mouth and have no time to know and discuss the matters relating to the panchayat's fund and the question of adequacy and inadequacy.

The members have also been asked to respond whether they enquire about income and expenditure of the Gram Panchayat. The responses received are recorded in the table-24 below.

Table – 24

Whether the Members Inquire About Income and Expenditure of the Gram Panchayat

| Caste Category | Opinion | |
|------------------------------|--------------------|-------------------|
| | Enquire (%) | Not enquire (%) |
| General Castes N= 76 | 059 (22.36) | 17 (77.63) |
| Scheduled Castes N= 28 | 026 (07.14) | 02 (92.85) |
| Scheduled Tribes N= 72 | 061 (15.27) | 11 (84.72) |
| Other Backward Classes N= 54 | 041 (24.07) | 13 (75.92) |
| Total = 230 | 187 (81.30) | 43 (18.70) |

Source: Field Work

On examining the table-24 above it is seen that out of the total of 230 number of *Gram Sabha* members interviewed to respond whether they do enquire about the income and expenditure of the *Gram Sabha*, 187 members i.e. 81.30 per cent of the members have responded that

they enquire about the income and expenditure whereas 18.70 per cent of the members have expressed that they do not enquire about it. This is basically the development of accounting habits in the minds of public. This is the indication as how conscious the members are in regard to fiscal freedom of Panchayat.

If we examine the caste categories, the Scheduled Caste with 92.85 per cent of their members are most conscious about the income and expenditure of the Gram Panchayats. The members of the Scheduled Tribes, General Castes and Other Backward Classes with 84.72 per cent, 77.63 per cent and 75.92 per cent respectively have also responded that they do enquire about income and expenditure of the Gram Panchayat.

Prior to the Constitution (73rd Amendment) Act, 1992, Panchayats were starved of inadequacy of funds as the system of raising of the panchayat funds by levying taxes etc. are not in vogue. After enactment of the new Act, Panchayats got the opportunity to involve themselves in the process of strengthening their fund. Gram Panchayat used to get Rs. 10,000/- per annum as grants to meet up the expenditure related to meeting, minor repair and maintenance of water supply system. This is now increased 100 times and each Panchayats presently are getting Rs. 10.00 lakhs as grants from the State Government for implementation of their programmes. The subjects which are within their purview are transferred to the Panchayats and those subjects which are not within their purview are not transferred and are implemented by the respective departments.

In order to assist the Panchayats in implementating and providing technical back up, each department of the State Government have provided services of officers. This officer are called *line officers* and remains attached to the Panchayat for any exigencies. Among the line

officers the senior most one is designated as *guardian officer*. The *guardian officer* guides to conduct all meeting, helps in planning and preparing village schemes and guides to record proceeding and preparing important minutes. Besides the *line officer* and *guardian officer* there is a committee which is called 'Social Audit cum Vigilance Committee'. This committee is constituted with two members from each wards. The selection is done in the *Gram Sabha* preferably of those persons who are not holding office of profit, not involving in criminal cases and leading a simple and ideal life. Invariably they are preferred to be social workers.

Inspite of the presence of the Social Audit and Vigilance Committee, it is observed that there are corruptions in the Panchayats. It is worth mentioning the movement initiated for 'right to information' in Rajasthan where Mazdoor Kisan Shakti Sangathan surveyed Raja Samand Zilla Parishad in Pali and revealed that 85.00 per cent of the budget was not spent on developmental work. False vouchers and bills were produced by panchayat representatives to get official sanction. This ugly facts came to light as a result of public hearing or *Jan Sunwai* organized by the Sangathan. Rajasthan has become the first state to confer on citizens the 'right to information'. Any person on payment can ask for copies of vouchers and bills of expenditure details of the past five years. This practice is followed by Tamil Nadu, Goa and Kerala and is getting momentum day by day. The State of Sikkim has also enforced the 'Right to Information Act' and the public are taking advantage of the same, however, it is not yet introduced at the Gram Pannchayat level.

Awareness of the *Gram Sabha* Members About Local Affairs.

In order to assess the successful participatory democracy of the Panchayati Raj Institution, awareness among the *Gram Sabha* members in regard to politics, knowledge about *Sabhapati* and *Sachiva* of their respective Gram Panchayats, the contestants of the Gram Panchayat

election during 1997 and 2002 elections, knowledge about Zilla Panchayat *Adhakshya* and name of the Zilla Panchayat members of respective territorial constituencies were considered to be the important indicators. Accordingly all 230 members of the *Gram Sabha* from four Gram Panchayats representing four districts of Sikkim are interviewed and responses received are interpreted and reflected herebelow.

Since the Panchayats in Sikkim are party-based, political awareness are considered to be the most important of all, as such the respondents were asked as how they get information about State politics. The responses received are presented in the table-25 here below.

Table – 25

Media and Information Received by the Members about the State Politics

| Caste Categories | Total No. of Respondents | Radio/TV (%) | News papers (%) | Attending Public Meeting (%) |
|------------------------|--------------------------|-------------------|-------------------|------------------------------|
| General Castes | 76 | 21 (27.63) | 11 (14.47) | 44 (57.89) |
| Scheduled Castes | 28 | 06 (21.42) | 01 (03.57) | 21 (75.00) |
| Scheduled Tribes | 72 | 16 (22.22) | 03 (04.16) | 53 (73.61) |
| Other Backward Classes | 54 | 13 (24.07) | 07 (12.96) | 34 (62.96) |
| Total | 230 | 56 (24.34) | 22 (09.56) | 152 (66.10) |

Source: *Field Work*

The Gram Panchayats selected for the research are having of heterogeneous population with illiterate and literate people and rural and semi-rural areas. 24.34 per cent of the members interviewed have responded that they get information about the state politics through radio and through televisions channels. These members belong to semi-literate categories as they have access to the radio and televisions but there are other members who do not have such access. 66.10 per cent of the members have responded that the sources of getting the information

about the state politics are through attending public meetings addressed by their political bosses. Thus majority of the members are not getting such information regularly as the public meetings do not take place very often. As such as regards to the awareness of the members depending on political speeches are miserable. It can be revealed that the majority are illiterate or semi-literate too and prefer to gather information by attending public meetings. The third category of members receive information about state politics through newspapers and represents 9.56 per cent of the total number of members. These members are literate, well off and represent the aware-category of members of the society. It is interesting to note that there is not a single member even at the Gram Panchayat level who is politically not conscious. The political consciousness inculcated in their minds are due to the Gram Panchayat election and the panchayat system are based on politics.

The second question asked to the respondents is to know whether the members of the *Gram Sabha* are aware of the names of *Sabhapati* and *Sachiva* of their respective Gram Panchayats during the previous two tenures of the panchayats i.e. during 1997 and 2002. Their responses have facilitated to know whether or not the *Gram Sabha* members are close to their local leaders and have close linkage for formulation and implementation of developmental programmes in the villages besides activities leading to social service. The table-26 below reveals the awareness about the *Sabhapati* and *Sachivas* of the Gram Panchayat.

Table – 26

Whether the Members Know Names of the *Sabhapati* and *Sachivas* of 1997 and 2002 Panchayats.

| Caste Categories of the members | No. of Respondents. | | |
|---------------------------------|---------------------------|--------------------------|----------------------------|
| | Fully Known the names (%) | Don't Know the names (%) | Partly Known the names (%) |
| General Castes N= 76 | 32 (42.10) | 10 (13.15) | 34 (44.73) |
| Scheduled Castes N= 28 | 08 (28.57) | 14 (50.00) | 06 (21.42) |
| Scheduled Tribes N= 72 | 38 (52.77) | 13 (18.05) | 21 (29.16) |
| Other Backward Classes N= 54 | 21 (38.88) | 18 (33.33) | 15 (27.77) |
| Total = 230 | 99 (43.04) | 55 (23.91) | 16 (33.05) |

Source: *Field Work*

Note: *Fully Known* > Respondent giving all four names of two terms.

Partly Known > Respondent giving names of either *Sabhapati* or *Sachiva* but not both.

Don't Know > Respondent giving one name of two terms or not Giving any name.

The above table-26 reveals that 43.04 per cent of the members could tell the names of the two panchayat members which indicates not even 50 per cent of the *Gram Sabha* members are close to the *Sabhapati* and *Sachiva* during 1997 and 2002 periods. This is the clear indication that much of developmental activities vis-à-vis social service activities are not taken place during those periods though the panchayat elections are held on party basis; and to some extent, training to the elected members to be responsible citizens and to render required services in the local area are imparted. Paper evidence speaks that attempts for decentralization are also made. 33.05 per cent of the *Gram Sabha* members out of the total 230 interviewed could respond 'partly known', i.e., they could tell either the name of the *Sabhapati* or *Sachiva* but not

both. This is another indication that about one-third of the number of the *Gram Sabha* members interviewed could also not establish direct contact with the *Sabhapati* or *Sachiva* as because the direct contact with the local leaders is the evidence of having some local activities in the village that seems to be lacking behind. The inability of about 76 members out of 230 to tell the names of *Sabhapati* and *Sachiva* is the clear proof of not developing good rapport with the elected representatives. 23.91 per cent of the *Gram Sabha* members interviewed could not respond even a single name of the *Sabhapati* or *Sachiva*. This category is either jealous to the elected members and do not want to utter their names or are of unaware category of people who has no say in the village affairs and for developmental activities or some may be out stationed on employment and were present only at the time of interview.

The next question in the schedule was to assess the knowledge of the *Gram Sabha* members regarding the candidates contesting in 1997 and 2002 panchayat elections. In order to define the full knowledge and part knowledge a yardstick was prepared. The members who could name five or more contestants per election are categorized as 'fully known' as because the Gram Panchayat members range from five to nine and the contestant would minimum be five. Therefore, those who could name five contestants per election are considered to be in 'fully known' category. Under this category 66.08 per cent of the members could name five or more contestants during 1997 election. During 2002 election 65.65 per cent of members also responded under the 'fully known' category.

Table – 27

Whether the Members Know the Names of the Persons Contested in the Elections Held in 1997 and 2002.

| Caste Category | 1997 Elections | | | 2002 Elections | | |
|--------------------------------|--------------------|-------------------|-------------------|--------------------|-------------------|-----------------|
| | Fully Known (%) | Partly Known (%) | Don't Know (%) | Fully Known (%) | Partly Known (%) | Don't Know (%) |
| General Castes N= 76 | 038 (50.00) | 30 (39.47) | 08 (10.52) | 032 (42.10) | 44 (57.89) | - (0.00) |
| Scheduled Castes N= 28 | 022 (78.57) | 02 (07.14) | 04 (14.28) | 021 (75.00) | 07 (25.00) | - (0.00) |
| Scheduled Tribes N= 72 | 048 (66.66) | 11 (15.27) | 13 (18.05) | 056 (77.77) | 16 (22.22) | - (0.00) |
| Other Backward Classes N=54 | 044 (81.48) | 02 (03.42) | 08 (14.81) | 042 (77.77) | 12 (22.22) | - (0.00) |
| Total = 230 | 152 (66.10) | 45 (19.56) | 33 (14.34) | 151 (65.65) | 79 (34.34) | - (0.00) |

Source: *Field Work*

Note: *Fully Known* > Respondent giving names of ten or more contestants.

Partly Known > Respondent giving names less than ten but more than five contestants.

Don't Know > Respondent giving names less than five or not giving any names.

It is revealed from the above table-27 that practically there were hardly any differences between the percentage of respondents under 'fully known' category in 1997 and in 2002 panchayat elections. This is the indication that the people in the grass-root level are politically more aware. The reason of more than 50.00 per cent awareness is mainly due to introduction of party-based Panchayat election wherein all voters required to know the contestants. However, the party workers, by way of approaching the voters and explaining to vote in favour of the party candidates, have played a significant role in making grass-root level people more conscious about contestants. The second reason may be the fast and regular transport available from the village to the town areas and vice-a-versa and the third reason may be spread of education.

All *Gram Sabha* members of the four sample Gram Panchayats selected for research purpose are asked as how many gram panchayat members are there in their respective districts. Their views have been presented below in table-28.

Table – 28

Knowledge About Number of Gram Panchayat Members

| Caste Category | No. of Respondents | |
|------------------------------|--------------------|-------------------|
| | Know (%) | Do not Know (%) |
| General Castes N= 76 | 070 (76.00) | 06 (07.89) |
| Scheduled Castes N= 28 | 020 (71.42) | 08 (28.57) |
| Scheduled Tribes N= 72 | 070 (97.22) | 02 (20.77) |
| Other Backward Classes N= 54 | 050 (92.59) | 04 (70.40) |
| Total = 230 | 210 (91.31) | 20 (08.69) |

Source: *Field Work*

On careful examination of the data recorded in the table-28 above, it is revealed that 91.31 per cent of the total number of members could give the correct number of the Gram Panchayat members in their respective districts. It is a positive sign and indicates that a very high number of members are aware of local affairs. Probably this figures are flashed by the political leaders in their respective speeches in the district. There are a majority of members in the gram who are politically conscious as mere 8.69 per cent of members are ignorant about the number. This category of members perhaps hardly bother about the local affairs.

In order to ascertain the level of knowledge of local affairs a scheduled has been prepared to know as how many members know the

Zilla Panchayat *Adhakshya*. The table-29 herebelow depicts the details of response collected from the field.

Table – 29

Knowledge About the Zilla Panchayat *Adhakshya* of Respective District.

| Caste Category | Total No. of Respondents | No. of Respondents | |
|------------------------|--------------------------|--------------------|-------------------|
| | | Know (%) | Do not Know (%) |
| General Castes | 076 | 069 (90.78) | 07 (09.21) |
| Scheduled Castes | 028 | 026 (92.85) | 02 (07.14) |
| Scheduled Tribes | 072 | 068 (94.44) | 04 (05.55) |
| Other Backward Classes | 054 | 052 (96.29) | 02 (03.70) |
| Total | 230 | 215 (93.48) | 15 (06.52) |

Source: Field Work

It is one of the simplest method to get the know how on local affairs required to be known by the researcher from among the members. The above table-29 reveals that 93.48 per cent of the members could respond positively i.e. they could name and identify the Zilla Panchayat *Adhakshyas*. Normally Zilla Panchayat *Adhakshyas* do not directly come into contact with the *Gram Sabha* members as the *Adhakshya* meet regularly the Zilla members for its day to day affairs and occasionally with the panchayat members at the time of co-ordination of developmental activities and social works being carried over. In general *Gram Sabha* members seldom have any occasion to meet the *Adhakshya* as such there are chances of not knowing them personally by 6.52 per cent of members.

Table-30 herebelow reveals the responses received from the members in regard to their knowledge as who are the members of Zilla Panchayat in their respective territorial constituencies.

Table – 30

Knowledge About the Zilla Panchayat Members of Respective Territorial Constituencies.

| Caste Category | | No. of Respondents | |
|------------------------|-------|--------------------|-------------------|
| | | Yes (%) | No (%) |
| General Castes | N= 76 | 042 (55.26) | 34 (44.73) |
| Scheduled Castes | N= 28 | 018 (64.28) | 10 (35.71) |
| Scheduled Tribes | N= 72 | 029 (40.27) | 43 (59.72) |
| Other Backward Classes | N= 54 | 043 (79.62) | 11 (20.37) |
| Total = 230 | | 132 (57.40) | 98 (42.60) |

Source: *Field Work*

Note: *Knowing more than half > Yes*
Knowing less than half > No

On examining the information available in the table-30 above, 57.40 per cent of respondents are aware about more than 50.00 per cent names of the Zilla Panchayat members and 42.60 per cent are knowing the names of less than 50.00 per cent members. Unless otherwise one is politically conscious, as the members under questions are all politically nominated. It not only indicates that majority of members are politically conscious but are also taking interest in the activities of the members of the Zilla Panchayat.

The table-31 below presents the knowledge of *Gram Sabha* members regarding the total numbers of Zilla Panchayat members.

Table – 31

Knowledge About the Zilla Panchayat Members of Respective District.

| Caste Category | | No. of Respondents | |
|------------------------|-------|--------------------|-------------------|
| | | Know (%) | Do not Know (%) |
| General Castes | N= 76 | 070 (92.10) | 06 (07.89) |
| Scheduled Castes | N= 28 | 023 (82.14) | 05 (17.85) |
| Scheduled Tribes | N= 72 | 070 (97.22) | 02 (02.77) |
| Other Backward Classes | N= 54 | 049 (90.74) | 05 (09.25) |
| Total = 230 | | 212 (92.17) | 18 (07.83) |

Source: *Field Work*

Note: *Know* > *Those who could answer more than 50 per cent.*

Do not know > *Those who could not answer even less than 50 per cent.*

It is revealed from the above table-31 that 92.17 per cent of the members interviewed are able to tell the number of more than 50.00 per cent of the members and there are hardly 7.83 per cent of the members who could not tell the number of more than 50.00 per cent of the members.

If we compare the figures available in table-30 with the figures available in table-31 we find that 92.17 per cent of the members know the correct numbers but 57.39 per cent of the members could tell the names of the members. It is easier to remember the number than to know by name. Such high rates of responses on positive side are the good indications of people's participation in the process of local governance.

Members' Opinion About Functioning and Decision Making Processes.

The *Gram Sabha*, the general assembly of people in the gram level in the Panchayati Raj set up is only the forum for direct participation of villagers who get an opportunity to join in decision-making process on matters which affect their life. Constitution (73rd Amendment) Act, 1992 has empowered the *Gram Sabha* as assembly of people at grass-root level to whom the Gram Panchayat are solely accountable. The participatory democracy can be considered successful only when the members of *Gram Sabha* participate effectively in decision-making and functioning of *Gram Sabha*. After enforcement of the Amendment act, the Government of India has taken several measures to strengthen the *Gram Sabha* as a vibrant forum of decentralized democracy and an effective instrument for ensuring social audit. We have already observed 1999-2000 as the year of *Gram Sabha*.

Any efforts towards empowerment of the rural people will not be achieved until and unless the institution of the *Gram Sabha* is effectively put to use. In order to strengthen the institution of *Gram Sabha*, the Government of Sikkim has already passed the Sikkim Panchayat (Procedure for Convening and Conducting the meeting of *Gram Sabha*) Rules, 1998 (For detail see Appendix-K). Every person who is entitled to vote to elect members of a Gram Panchayat and Zilla Panchayat of a district shall be a member of the *Gram Sabha* of that Gram Panchayat. The notice of every meeting of a *Gram Sabha* shall be given atleast fifteen days prior to the commencement of the meeting and such notices shall also be affixed on the Notice Board of the Panchayat Bhawan and such other places where people gather to the maximum. All resolutions shall be passed by a majority of votes of the members present and voting in the meeting and in case of equality of votes the person presiding over

the meeting shall have a power of casting votes. The quorum for the meeting of a *Gram Sabha* shall be one-tenth of the total members.

The *Gram Sabha* should be able to facilitate peoples participation in the decision-making process. It is expected to bring transparency in the functioning of the Gram Panchayat units, perform social audit and ensure equitable distribution of benefits accruing from development projects to all sections of the people. The *Gram Sabha* have been empowered to perform following functions:

- (a) Examine annual statement of accounts and audit report.
- (b) Discussion of reports of the administration of the preceding year.
- (c) Review programme of work for the year or any new programme.
- (d) Promote unity and harmony among all sections of society.
- (e) Undertake programme for adult education within the village.
- (f) Mobilise voluntary labour and contribution in cash and kind for the community welfare programme.
- (g) Render assistance in the implementation of development schemes pertaining to the village.
- (h) Identify the beneficiaries for implementation of development scheme pertaining to the village.
- (i) Consider last audit note and replies made thereto.
- (j) Consider the budget prepared by the Gram Panchayat and the future development programmes and the plans for the *Gram Sabha* area.

The Government of Sikkim has been making continuous efforts towards revitalizing and strengthening the institution of the *Gram Sabha* as a forum for popular participation and ensuring participatory

democracy. Against this legal framework researcher has tried to make an attempt to study the views of *Gram Sabha* members regarding the process of decision-making and functioning at the village level. In order to present the opinion of *Gram Sabha* members regarding the functioning and decision-making process it has been tried to examine as how far the people can take part in decision-making process at the *Gram Sabha* level, whether or not meetings are held regularly, how are decisions arrived at, whether or not issues related to village development are discussed in the meeting.

In all the four Gram Panchayats under the present study it has been found that the *Gram Sabha* meetings are held regularly (see table-32). They have strictly followed the provision under the Act, 1993 by holding the *Gram Sabha* at least twice in a year. Not only the *Gram Sabha* meetings are held regularly but also attendance of members is satisfactory. In the sampled Gram Panchayats under the study, it has been found that attendance of members is much higher than the prescribed quorum provided in the Act, 1993, i.e., more than one-tenth of the total members of the *Gram Sabha*.

Table – 32

How Often the *Gram Sabha* Meetings are Held in Your Gram Panchayat.

| Caste Category | Regularly (%) | Irregularly (%) |
|-----------------------------|----------------------|------------------------|
| General Castes N=76 | 072 (94.73) | 04 (05.26) |
| Scheduled Castes N=28 | 027 (96.42) | 01 (03.57) |
| Scheduled Tribes N=72 | 064 (88.88) | 08 (11.11) |
| Other Backward Classes N=54 | 049 (90.74) | 05 (09.25) |
| Total = 230 | 212 (92.17) | 18 (07.83) |

Source: *Field Work*

On perusal of above table-32, it is learnt that out of 230 sample respondents, 92.17 per cent have answered that the *Gram Sabha* meetings are held regularly twice a year, one during summer and another in winter season. Only a few respondents have answered that the *Gram Sabha* meetings are not held regularly. The majority of the respondents have expressed their opinion that holding of regular *Gram Sabha* meeting in each Gram Panchayat is a recent phenomena particularly after 2002 panchayat election. Prior to that people were not aware about the importance of *Gram Sabha* and it was very difficult to make a quorum in such meetings. About 70 per cent respondents have said that they get timely information about the *Gram Sabha* meetings. The date and time of such meeting is announced 15 days in advance by putting up notices on the notice board of the Panchayat Bhawan. In some Gram Panchayats where Panchayat Bhawans are yet to be constructed, it is the responsibility of ward panchayat members to inform the villagers of their respective wards. It is learnt that the *Gram Sabha* meetings are called by *Sabhapati* of the concerned Gram Panchayat and in his absence by the *Up-Sabhapati* of the Gram Panchayat. It was found by the researcher that recently the meetings are attended not only by the elected representatives of Gram Panchayat and electorate but also by Zilla *Adakshya*, *Up-Adakshya*, local politician including area MLAs and Panchayat officials like District Development Officer, Sub-divisional Development Officer, Panchayat Inspector, Rural Development Assistants, Village Level Workers and so on working at Gram Panchayat and Zilla Panchayat levels. The agenda of *Gram Sabha* meeting are decided by the *Sabhapati* in consultation with other elected members of the concerned Gram Panchayat and few influential village level officials. When asked about the agenda of the *Gram Sabha* meeting, majority of the respondents said that they have no role regarding the agenda. It is mostly decided by *Sabhapati* in consultation with other elected members

and of course on the dictation of ruling party and influential bureaucrats. Few respondents have expressed their anger that the Gram Panchayat members do not consult the villagers prior to finalizing the agenda of the *Gram Sabha* meeting. They have further expressed their opinion that the panchayat leaders do not give them opportunity in selecting the agenda. They have expressed their views that ward level meeting convened by concerned ward representatives for consultation should be held prior to the fixing of the agenda. It was found that in all the four Gram Panchayats under the study agenda of *Gram Sabha* meeting are related to matters like annual statement of accounts, grants received from various sources and expenditure incurred thereof for developmental activities, work done under poverty alleviation programme such as *Jawahar Rojgar Yojana, Indira Awas Yojana, Employment Assurance Schemes* along with distribution of loans to different Self Help Group, State Government grant and its allocation under different sectors in different wards as per the guidelines of the Government, preparation of annual budget etc.

When asked about the most common issues that they have discussed in such *Gram Sabha* meetings the common answer that they have given were the statement of income and expenditure of the Gram Panchayat. The respondents are asked whether or not they attend the *Gram Sabha* meeting regularly (see table-33). The majority of members, i.e., 64.78 per cent have replied that they do attend such meetings sometimes and 11.30 per cent replied that they attend the meeting regularly. There are 23.91 per cent of the respondents who have replied that they do not attend the *Gram Sabha* meetings. The common reasons shown for not attending the *Gram Sabha* meetings are –

- a) Lack of time as they are busy in bread earning activities.
- b) Lack of faith in the utility of such meetings;

- c) Village leadership is not ready to take any suggestion from poor people. The majority of respondents who do not attend such *Gram Sabha* meeting have expressed their opinion that elected leaders being mostly young members are not ready to accept any suggestions and advices from old village people. They listen to their political bosses rather than the poor people, therefore by attending the *Gram Sabha* meetings they can help neither themselves nor villagers.

Table – 33

Whether Meetings of the *Gram Sabha* Attended Regularly.

| Caste Category | No. of Respondents | | |
|-----------------------------|--------------------|--------------------|-------------------|
| | Yes (%) | Sometimes (%) | No (%) |
| General Castes N=76 | 07 (09.21) | 054 (71.05) | 15 (19.73) |
| Scheduled Castes N=28 | 04 (14.29) | 016 (57.14) | 08 (28.57) |
| Scheduled Tribes N=72 | 08 (11.11) | 044 (61.11) | 20 (27.78) |
| Other Backward Classes N=54 | 07 (12.96) | 035 (64.81) | 12 (35.18) |
| Total= 230 | 26 (11.30) | 149 (64.78) | 55 (23.19) |

Source: *Field Work*

All along the fieldwork, whenever asked about the *Gram Sabha* meetings the respondents have referred the meeting as the meeting where villagers are to be told about Gram Panchayat's income and expenditure. The purpose of these meetings is not so limited. There is no clear idea among villagers about the purpose of these institution and how far people can influence decision-making process by participating in such meetings. It has been found in course of fieldwork that many people have failed to understand the purpose of such forum. It is learnt that even those who attend the *Gram Sabha* meetings hardly give any suggestions. They act as mere audience to whatever the *Sabhapati* or any

other members of Gram Panchayat speak out. The respondents are asked whether or not they are freely allowed to express their opinion in the *Gram Sabha* (see table 34). The majority 77.85% have answered 'Yes', they are freely allowed to express their opinion in such meetings but normally they cannot express their heart and mind because the deliberations and discussions in such meetings which are dominated by Gram Panchayat *Sabhapati*, *Sachiva* and local politicians including influential bureaucrats. Respondents have said they cannot speak freely even if they get permission to speak.

Table – 34

Whether Opinions are Freely Expressed in *Gram Sabha*.

| Caste Category | | No. of Respondents | |
|-----------------------|------|--------------------|-------------------|
| | | Yes (%) | No (%) |
| General Castes | N=54 | 043 (79.62) | 11 (20.37) |
| Scheduled Castes | N=16 | 011 (68.75) | 05 (31.25) |
| Scheduled Tribes | N=44 | 035 (79.54) | 09 (20.45) |
| Other Backward Castes | N=35 | 027 (77.14) | 08 (22.85) |
| Total = 149 | | 116 (77.85) | 33 (22.15) |

Source: *Field Work*

What is expected from the *Gram Sabha* members is that they must discuss their needs, select priorities and think about availability of finance, deliberate upon which task to be taken on priority. They must also think how to increase the financial resources of the Gram Panchayat, how to mobilize internal resources, how to encourage people for voluntary contribution of cash or kind and how to bring peaceful co-existence in the multi-ethnic village. *Gram Sabha* meetings are not the platform for expressing one's anger and grudge against the ruling government or the ruling party. The idea that still exist among people is

that Panchayat are agents of State Government to implement development work in villages. Hence people always expect benefit out of them. They are not yet aware that Panchayats are decentralized units to ensure self-governance. The people should understand the need to ensure self-governance. They should come forward and make some constructive contribution to the activities of the Panchayats. If the *Gram Sabha* works effectively they can not only check the activities of the Gram Panchayat but also can share the responsibility of the Panchayat by ensuring the participation of common people in every sphere.

As far as the decision-making process of the *Gram Sabha* is concerned the majority of the *Gram Sabha* follow the principle of consensus as there are no strong opposition parties at the Gram Panchayat level who demand for secret ballot or voting. But there are some Gram Panchayats who follow the principle of majority vote while deciding the crucial issues affecting the welfare of the village. The Act, 1993 have provided that all resolutions at the *Gram Sabha* shall be passed by a majority of votes of the members present in the meeting and in case of equality of votes the person presiding over the meeting shall have a casting votes. This formal procedure is slowly in the process of adoption by many Gram Panchayat. It was found that in all the four Gram Panchayats under study, the principle of consensus supported by raising of hands have been adopted by Gram Panchayat at the *Gram Sabha* meeting. All the sample respondents have said that while conveying the opinion raising of hands are followed but not the secret ballot.

Consensus as a principle for procedure of decision-making has both positive and negative aspects. While on the one hand it speaks of the unity among the villagers and the ability of the leaders to convince the mass about utility for developmental schemes on the other hand it

signifies lack of interest among the mass due to Panchayat's working inability to understand their needs for the Panchayat is dominated by single political party. The adoption of consensus as a principle of decision-making in the *Gram Sabha* level could also be cited from Gram Panchayat dominated by Sikkim Democratic Front wherein majority of members have contested and won the elections on party tickets. The principle of consensus also indicates one party dominance at the decision-making process wherein the small minority group belonging to opposition political parties have to remain silence over many matters. On the other hand, principle of majority vote adopted by some Gram Panchayats is justified on the ground that society is throwing more intricate problems the solution of which could not be found in the consensus. The multi-ethnic composition of the villagers with greater density of population give rise to many problems for which majority principle is justified. It is found that in some Gram Panchayats where the strong opposition is visible at the Gram Panchayat level people have forced the panchayat leaders to adopt the majority principle by secret ballot to arrive at decisions on some crucial issues. Our sample respondents from four Gram Panchayats have been asked to answer as how the decision is taken in case of dispute in the *Gram Sabha* meeting. Their replies have been summarized below in table-35. The majority (77.82 per cent) of the *Gram Sabha* members have replied that in case of dispute arising out of certain issues they usually adopt principle of majority vote to arrive at the conclusion. About 22.18 per cent have replied that in case of disputes over certain matters the *Sabhapati* will dictate over the issue or act as sole decision-makers. The following table depicts the response from members at the time when dispute arises.

Table – 35

How Decisions are Taken in the *Gram Sabha* in Case of Dispute.

| Caste Category | | By dictation of the President | By majority vote |
|------------------------|------|-------------------------------|------------------------|
| | | No. of Respondents (%) | No. of Respondents (%) |
| General Castes | N=76 | 24 (31.57) | 052 (68.42) |
| Scheduled Castes | N=28 | 04 (14.28) | 024 (85.71) |
| Scheduled Tribes | N=72 | 12 (16.66) | 060 (83.33) |
| Other Backward Classes | N=54 | 11 (20.37) | 043 (79.62) |
| Total = 230 | | 51 (22.18) | 179 (77.82) |

Source: *Field Work*

The respondents are also asked to express their opinion on the factors influencing the decision-making process at the *Gram Sabha* level in their respective Gram Panchayats. Their replies have been presented in the following way.

Table – 36

Political Factors Influencing the Decision-Making Process at *Gram Sabha* Level.

| Caste Category | | Political Consideration | | |
|------------------------|------|-------------------------|------------------|-------------------|
| | | Very Much (%) | Partially (%) | Not at all (%) |
| General Castes | N=76 | 34 (44.73) | 27 (35.52) | 15 (19.73) |
| Scheduled Castes | N=28 | 11 (39.28) | 14 (50.00) | 03 (10.71) |
| Scheduled Tribes | N=72 | 29 (40.27) | 33 (45.83) | 10 (13.88) |
| Other Backward Classes | N=54 | 23 (42.59) | 17 (31.48) | 14 (25.92) |
| Total = 230 | | 97 (42.17) | 91(39.56) | 42 (18.26) |

Source: *Field Work*

Table – 37Caste/Community Affiliation Influencing the Decision at the *Gram Sabha*.

| Caste Category | Caste/Community Affiliation | | |
|-----------------------------|-----------------------------|-------------------|--------------------|
| | Very Much (%) | Partially (%) | Not at all (%) |
| General Castes N=76 | 11 (14.47) | 32 (42.10) | 033 (43.42) |
| Scheduled Castes N=28 | - (00.00) | 08 (28.57) | 020 (71.42) |
| Scheduled Tribes N=72 | 04 (05.55) | 42 (58.33) | 026 (36.11) |
| Other Backward Classes N=54 | - (00.00) | 04 (07.40) | 050 (92.59) |
| Total = 230 | 15 (06.52) | 86 (37.39) | 129 (56.09) |

Source: *Field Work***Table – 38**Government Pressure Influence the Decision of the *Gram Sabha*.

| Caste Category | Government Pressure | | |
|-----------------------------|---------------------|--------------------|-------------------|
| | Very Much (%) | Partially (%) | Not at all (%) |
| General Castes N=76 | 21 (27.63) | 038 (50.00) | 17 (22.36) |
| Scheduled Castes N=28 | 07 (25.00) | 021 (75.00) | - (00.00) |
| Scheduled Tribes N=72 | 22 (30.55) | 041 (56.94) | 09 (12.50) |
| Other Backward Classes N=54 | 16 (29.62) | 026 (48.14) | 12 (22.22) |
| Total = 230 | 66 (28.69) | 126 (54.78) | 38 (16.53) |

Source: *Field Work*

Table – 39**Kinship Ties Influencing Decision of the *Gram Sabha*.**

| Caste Category | | Family/Kinship tie | | |
|------------------------|------|---------------------------|----------------------|-----------------------|
| | | Very Much (%) | Partially (%) | Not at all (%) |
| General Castes | N=76 | 04 (05.26) | 38 (50.00) | 034 (44.73) |
| Scheduled Castes | N=28 | - (00.00) | 03 (10.71) | 025(89.28) |
| Scheduled Tribes | N=72 | - (00.00) | 31 (43.05) | 041 (56.94) |
| Other Backward Classes | N=54 | - (00.00) | 20 (37.03) | 034 (62.96) |
| Total = 230 | | 04 (01.73) | 92 (40.00) | 134 (58.26) |

Source: Field Work

The above table-36 revealed that the political consideration is one of the most important factors influencing the decision-making process at the *Gram Sabha* level. Out of 230 respondents the majority i.e. 42.17 per cent have agreed that political considerations or party affiliation affects the decisions very much. The 39.56 per cent members have responded that the political considerations partly affects the process of decision-making whereas 18.27 per cent members have responded that political considerations do not influence the decision-making process at the gram level. Another table-37 indicates that about 56.09 per cent of the respondents have expressed their opinion that the caste or community affiliation do not influence the decision-making process at the *Gram Sabha* level. On the other hand, 37.39 per cent of the respondents have replied that decisions are partially influenced by caste or community affiliation. About 6.52 per cent have expressed that caste or community affiliation have important role to play in decision-making process. The respondents have also been asked to express their opinion on whether or not the pressure from ruling government influence the decision making

process at the *Gram Sabha* level. Table-38 depicts that 54.78 per cent respondents that is the majority have responded that pressure from the ruling government partially influence the decisions whereas 28.69 per cent respondents have said that the pressure of the government very much influence the decision making process. A few have replied that pressure from the government do not influence the decision. The respondents are also asked to comment on whether or not the family relations or kinship ties have any role to play in the decision-making process. In their replies, as shown in table-39 58.26 per cent i.e., the majority have said it has nothing to play any role in the decision-making process. Whereas about 40.00 per cent respondents have replied that decisions are partially influenced by family and kinship ties. About 1.73 per cent have replied that decisions are very much influenced by family relations and kinship ties at the village level.

Another question asked to the respondents is related to their satisfaction over the present decision-making process at the *Gram Sabha* level. The table-40 below shows that 16.08 per cent respondents are fully satisfied with the present decision-making process followed at the *Gram Sabha* level. It is very interesting to note that though the percentage of people attending the *Gram Sabha* meetings is high, much above the required quorum, yet the majority of them are not satisfied with the process of decision adopted at the *Gram Sabha* meetings. About 57.39 per cent respondent have replied that they are not satisfied with the decision-making process because decision are always influenced by powerful local party cadre and elected Panchayat leaders. About 26.52 per cent respondents have said that they refused to comment over whether or not they are satisfied. It is learnt that though the Government of Sikkim have relentlessly put their efforts for strengthening *Gram Sabha* as an institution for direct participation of village people yet the

people in general are not satisfied with the decision-making process of Gram Panchayats.

Table – 40

Whether Members are Satisfied with the Present Decision-Making Process of the *Gram Sabha*.

| Caste Category | Opinion | | |
|-----------------------------|-------------------|--------------------|-------------------|
| | Yes (%) | No (%) | Don't Know (%) |
| General Castes N=76 | 13 (17.10) | 046 (60.52) | 17 (22.36) |
| Scheduled Castes N=28 | 04 (14.28) | 015 (53.57) | 09 (32.14) |
| Scheduled Tribes N=72 | 09 (12.50) | 043 (59.72) | 20 (27.77) |
| Other Backward Classes N=54 | 11 (20.37) | 028 (51.85) | 15 (27.77) |
| Total = 230 | 37 (16.08) | 132 (57.39) | 61 (26.52) |

Source: *Field Work*

The identification or selection of beneficiaries under the various schemes is one of the most important functions assigned to the *Gram Sabha*. The *Gram Sabha* is consisted of villagers of the panchayat area who not only have face-to-face relationship with the beneficiaries but also can identify who are the poor and needy and who needs support from the Government. In this context, the respondents are asked whether or not the selection of beneficiaries for various government sponsored schemes are done properly. The table-41 below reveals that 19.56 per cent have replied as "Yes" the identification or selection of beneficiaries are done properly by the *Gram Sabha*. While 60 per cent, the majority have replied that it was not done properly because the Panchayat leaders protect the interest of their party followers and close relatives. They discriminate those people who do not belong to the same political party.

Table – 41

Whether Selection of Beneficiaries are Done Properly or not.

| Caste Category | Opinion | | |
|-----------------------------|-------------------|--------------------|-------------------|
| | Yes (%) | No (%) | Don't Know (%) |
| General Castes N=76 | 16 (21.05) | 046 (60.52) | 12 (15.78) |
| Scheduled Castes N=28 | 05 (17.85) | 019 (67.85) | 04 (14.28) |
| Scheduled Tribes N=72 | 14 (19.44) | 042 (58.33) | 16 (22.22) |
| Other Backward Classes N=54 | 10 (18.51) | 029 (53.70) | 15 (27.77) |
| Total = 230 | 45 (19.56) | 138 (60.00) | 47 (20.43) |

Source: Field Work

In order to know their views on village level planning the respondents are also asked to state whether they have any idea about decentralized planning that is, the planning at the grass root level and their role in the plan formulation. It is sad to note that the majority of the respondents are not aware about their rights, responsibilities and role in formulating the village plans which would affect their day to day life. Many *Gram Sabha* members have expressed their views that though they attend *Gram Sabha* meeting yet they do not get opportunity to actively involve in formulating the village plan because the activities of the *Gram Sabha*, the only forum, where the grass root people can raise their voice have been jeopardized by the presence of huge officials. These people work in close association with the Gram and Zilla Panchayats, local politicians including Area MLAs; therefore, it is obvious that simple villagers cannot express freely in front of so many political and administrative elites. They have further said that the formulation of annual plan is done by elected representatives but even these people have no freedom in plan formulation for their village because they have to strictly abide by the Government guidelines regarding the allocation

and expenditure of funds under various sectors. Thus, planning is not done from grass root level but from the top. Mere attendance of *Gram Sabha* meetings does not amount effective functioning of *Gram Sabha*. It is learnt during the fieldwork that many respondents have attended *Gram Sabha* meetings owing to the fear of political victimization. They prefer to remain as silent spectators rather than to antagonize the panchayat leaders. Their voice and suggestions are not respected by panchayat leaders who mostly belong to younger generation. It was also found that in many Gram Panchayats, villagers have set up a Village Planning Forum comprising of members of the village panchayat and representatives of the village such as (a) selected village elders (b) teachers (c) youth (d) government officials posted in the village. This Village Planning Forum will be the main mechanism to plan and to bring about coordination in the village programmes between village panchayat and local communities. The formation of such forum promotes decentralized democracy. We have yet to see how this bodies will realize the objectives for which it has been set up.

Another forum meant for people's participation is the Social Audit-cum-Vigilance Committee which are to be formed compulsorily at each *Gram Sabha* level. It is found that in all the sample Gram Panchayats Social Audit cum Vigilance Committee have been formed recently in accordance with the guidelines issued by the State Government vide Notification dt. 01.09.2005. The main purpose behind the formation of such committee is to curb corruption and misutilisation of funds at the Gram Panchayat level. A huge amount of funds are being flowed to Gram Panchayat from State Government as well as from various centrally sponsored schemes for execution of poverty alleviations programmes. Therefore, the Social Audit-cum-Vigilance Committee is an important complement to formal audit for the sound and healthy development of Panchayati Raj Institutions. It is learnt from the

respondents that these committees are to be constituted by Gram Panchayats with the advice and guidance of *Gram Sabha* but many respondents expressed their opinion that Gram Panchayats virtually have total control over the appointment and constitution of these powerful committees. The present practice is to select minimum ten representatives in a Gram Panchayat and at least one from each ward. During the fieldwork, many respondents have complained that while selecting and appointing the representatives from each wards people were not consulted properly though the selection is done in the *Gram Sabha* meeting. The panchayat leaders always managed and manipulate to have their own partymen as members of such committees.

Terms and reference for the constitution of the Social Audit-cum-Vigilance Committee are as under:

- (i) A committee known as the Gram Panchayat Social Audit-cum-Vigilance Committee shall be constituted in each Gram Panchayat Unit.
- (ii) The nomination of the Committee members to be done in the *Gram Sabha*.
- (iii) The minimum number of members in the Committee shall be 10 people.
- (iv) Tenure of the Committee shall be for one financial year. Re-election of the Committee shall be conducted before end of the financial year.
- (v) No Panchayat members shall be included in the Committee.
- (vi) At least one person from each ward to be nominated as a Committee member.

- (vii) The Committee members shall be a Sikkim Subject/Certificate of Identification holder and permanent resident of the particular Gram Panchayat Unit.
- (viii) The member should not be a servicing Government employee.
- (ix) Rural Management and Development Department to also nominate one or more persons at its discretion to be the Committee member or members, if felt/deemed necessary.
- (x) A Chairperson and a Member Secretary of the Committee to be selected from the nominated Committee members.
- (xi) Quorum for recommendation of any bill to be passed should be $\frac{3}{4}$ (three fourths) of the total strength of the Committee as a whole.
- (xii) It should be mandatory for the Committee member(s) selected from a particular ward to be present at the meeting and recommend the passing of the bill for the work/scheme implemented in his/her ward.
- (xiii) No final bill to be passed and released without the recommendation of the Committee.
- (xiv) The Committee shall inspect the work compulsorily before giving the recommendation for passing of the bill(s).
- (xv) A copy of the social estimate of the schemes/work to be given to the Committee by the section/department concerned so that the latter may have a clear knowledge about the materials issued or sanctioned for the work.
- (xvi) A copy of the inspection/verification report of the Committee is to be submitted to the Director, Panchayat through the Block Development Officer/Sub-divisional Officer/District Development Officer of the Rural Management and Development Department.

In course of fieldwork, it is also learnt that Social Audit-cum-Vigilance Committee have been set up very recently in Sikkim. All the four Gram Panchayats under study have set up such committees recently for 2006-07 as such a very few villagers could understand the term Social Audit-cum-Vigilance Committee. There is a need to popularize among the people about these committees. This may be possible if these committees can be made more active and more operative. People should be made more aware about the formation of such committees and its twin purpose of facilitating popular participation in fighting corruption in Panchayats as well complementing formal audit processes.

It can be concluded that though the State of Sikkim have been taking several measures to strengthen the *Gram Sabha* as a forum for popular participation yet it needs more efforts for enhancing the quality of people's participation through greater empowerment of *Gram Sabha*. *Gram Sabha* will have to be further activated and strengthened which will improve the quality of local decision-making and ensure accountability of Panchayati Raj leaders and officials.

CHAPTER-IV

BACKGROUND AND VIEWS OF ELECTED REPRESENTATIVES AND PANCHAYAT OFFICIALS.

Socio Economic and Political Background of Elected Representative.

One of the major objectives of the Panchayati Raj is to develop proper leadership suited to the development needs who will encourage the rural people to come forward and become a part of the democratic political process. With the introduction of party-based Panchayati Raj, the local political system has been changed considerably. The rural leaders have become more and more powerful as they are the persons on whose support the higher leadership depends. The success of the Panchayati Raj Institutions depends on the quality of leadership available at the grass-root level. They are the leaders who are supposed to work at the grass-root level trying to bring profound social and economic improvement through new ideas and sincere efforts. One significant indicator of democratization of the political process is to see which socio-economic strata of the people occupy the seats of power. Though it is not always the formal holders of power who actually wield power, yet it is of great significance to find out as who are occupying the formal seats of power. Now-a-days the elected representatives take the credit of all developmental and administrative activities being carried in the village and have become the symbol of authority in rural areas.

In Sikkim, the process of democratization has already been set in motion. During the earlier days of uni-tier Block Panchayat, the elected forum wore an elitist look. For the first time in 1982 the Panchayats (including women) who were popularly elected and had the support of the people of their area. In 1997 election, with the implementation of

principle of reservation, the character of panchayats of Sikkim was changed radically. In their efforts to get candidates in the seats reserved for women, Scheduled Castes, Scheduled Tribes and Other Backward Classes, the political parties had to give nomination to a plethora of rural people. The new cross-section of elected representatives were comprised of literate and illiterate, high castes and low castes, men and women, tribals and non-tribals, old and young, poor and rich and experienced and inexperienced. Thus the elitist look of the old Panchayati Raj Institution could absolutely be changed.

Against this backdrop, the main focus of this section is to analyze the socio-economic and political backgrounds of elected representatives to determine their socio-economic status and to investigate the political orientation of the panchayat leaders. An attempt has been made to study the emerging leadership pattern in rural Sikkim with the help of field data collected during intensive fieldwork in four Gram Panchayats of the four districts under study. The variables used are age, sex, caste, ethnicity, education, occupation, income and political party affiliation.

Determinants for Changing Pattern of Leadership.

Age: Age is an important variable in the study of grass-root leadership. Traditionally, it was the privilege of the elders to occupy important positions in the villages and the village leadership remain the monopoly of the village elders. Oscar Lewis writes "In the traditional pattern of leadership the old men were both the ceremonial and panchayat leaders. With the coming of education and outside employment, however, middle-aged educated people are being given opportunities by the older people to represent them in Offices, Panchayat, School Committee, deputation outside the village" (Lewis: 1974). New problems of the society demand new leaders, who alone can grasp the problems and find proper remedies. Rural society is predominantly traditional and

conservative but the need of the time is an orientation towards progress and change. Such changes can be initiated and promoted only by younger leaders who are comparatively free from the domination of custom (Bhargava: 1979). The present study reveals the observation of young leadership increasingly coming to the fore.

The age group of panchayat leaders were divided into four categories ranging from below 30 to above 50 years. The four age groups were- below 30 years, 30 to 40 years, 40 to 50 years and above 50 years. The study revealed that out of the 21 elected representatives of the four Gram Panchayats, the majority of the panchayat representatives (66.66 per cent) belonged to the age group of 30 to 40 years of age. Nearly an equal percentage (14.28 per cent) of panchayat members belonged to the age group of 40 to 50 years and above 50 years. There was only one member below 30 years of age (see table-42).

Table – 42

Age Composition of Elected Representatives Under Four Gram Panchayats (2002)

| Age - range (in yrs.) | Frequency | Percentage |
|------------------------------|------------------|-------------------|
| Below 30 | 01 | 04.76 |
| 30 – 40 | 14 | 66.66 |
| 40 – 50 | 03 | 14.29 |
| Above 50 | 03 | 14.29 |
| Total | 21 | 100.00 |

Source: *Field Work*

It is evident from the above table-42 that young leaders are taking more interest in panchayat elections. Tendency to elect young leaders particularly in the age group of 30 to 40 years is noticeable. It shows

that the voters prefer people of younger generation who would be dynamic than the aged leaders of more than 50 years.

Sex: In general, women all over the world participate less in politics which is regarded as the 'public sphere'. Though in India both the sexes are given equal right yet politics has primarily remained the domain of men. Women who participate are regarded as exceptional either at village level or national level. Prior to the Constitution (73rd Amendment) Act, 1992, a very few women participated in village politics in Sikkim and the majority of them came through statutory provision of co-option. After enactment of Amendment Act, one-third of the total seats in all the tiers of Panchayati Raj Institution were reserved for women along with posts of chairperson, as a result a large number of women emerged in 1997 panchayat election. As the state is having two-tier structure, the percentage of women representation in both the tiers have attained 33 per cent as stipulated. In the following table-43, sexwise composition of elected representatives under four Gram Panchayats have been presented.

Table - 43

Sexwise Composition of Elected Panchayat Representatives Under Four Gram Panchayat.

| Gram Panchayat | Sex | | Total Members (%) |
|----------------------|-------------|------------|-------------------|
| | Male (%) | Female (%) | |
| Kabi-Tingda | 04 (066.67) | 02 (33.33) | 6 (100.00) |
| Samdur-Tadong | 03 (060.00) | 02 (40.00) | 5 (100.00) |
| Longchok-Salyangdang | 05 (100.00) | - (00.00) | 5 (100.00) |
| Salghari | 04 (080.00) | 01 (20.00) | 5 (100.00) |

Source: *Field Work*

The above table-43 indicates that out of 21 sample representatives from four Gram Panchayat units 5 members were women. The elected representatives at the Gram Panchayat level in Sikkim, ranges from

minimum 5 to maximum 9 members. In Kabi-Tingda Gram Panchayat of North district, out of six representatives two were women. In Samdur-Tadong Gram Panchayat of East district, out of 5 members, 2 were women and in Salghari Gram Panchayat of South district there was one women representative out of five members. Lungchok-Salyangdang Gram Panchayat of West district have cent percent male members. It was known from the fieldwork that these five women from four Gram Panchayat units have entered into grass-root politics and have occupied seats of power not just because of sheer reservation policy. They have been into politics for many years. Out of the five, two women were very active in women's wing of the political parties and the rest three had close relatives of committed political workers. It was known from the interview that out of this five women representatives, three won the seats as uncontested but in the case of rest two, they worked very hard and did rigorous campaign to win the election. The following table-44 gives the picture of seats won, contested and uncontested by male and female candidates in four Gram Panchayat units under study.

Table -44

Sexwise Gram Panchayat Members Elected Uncontested and Contested in Four Gram Panchayats Under Study.

| District | Gram Panchayat | Seat won Uncontested | | Seat won Contested | | Total Members (%) |
|--------------|----------------------|----------------------|------------------|--------------------|------------------|--------------------|
| | | Male (%) | Female (%) | Male (%) | Female (%) | |
| North | Kabi-Tingda | 03 (50.00) | 1 (16.66) | 1 (16.66) | 1 (16.66) | 06 (100.00) |
| East | Samdur-Tadong | 03 (60.00) | 1 (20.00) | - (00.00) | 1 (20.00) | 05 (100.00) |
| West | Longchok-Salyangdang | 05(100.00) | - (00.00) | - (00.00) | - (00.00) | 05 (100.00) |
| South | Salghari | 04 (80.00) | 1(20.00) | - (00.00) | - (00.00) | 05 (100.00) |
| Total | | 15 (71.42) | 3 (14.29) | 1 (04.77) | 2 (09.52) | 21 (100.00) |

Source: Field Work

Caste and Ethnicity: There is widespread feeling that caste plays an important role in determining rural leadership. Traditionally men from higher castes use to head the villages. The studies conducted by M.N. Srinivas, Iqbal Narain and others found that in villages the socially influential actors often stem from higher castes, who are virtually superior economically, educationally and culturally as compared to lower castes (Srinivas: 1960; Narain: 1960). Unlike the typical Indian caste villages, the leadership pattern in rural Sikkim was slightly different as the state was under monarchical system based on feudalism where panchayat leadership was equally dominated by both higher and middle castes *Nepalis* as well as *Lepcha* and *Bhutia* tribals in their respective areas. The village leadership was not totally dominated by higher caste people alone as that of Indian villages. In order to discuss the leadership pattern at panchayat level it is, therefore, essential to find out as to what extent an ethnic factors play its role in determining leadership pattern at panchayat level. Since the Constitution of India is committed for development of tribal and lower castes, the Sikkim Panchayat Act, 1982 also had provision for nomination to panchayat to protect the interest of minority (*Bhutia, Lepcha*). After the enactment of the Constitution (73rd Amendment) Act, 1992 and conformity Sikkim Panchayat Act, 1993, for the first time a wide reservations were given to Scheduled Castes, Scheduled Tribes and Other Backward Classes in proportion to their population. The following two tables-45 give the picture of wider representation provided to the different caste groups in the Gram Panchayat election in Sikkim.

Table - 45

Number of Gram Panchayat wards Reserved for Various Categories of Candidates (2002).

| District | SC | SC(W) | ST | ST(W) | OBC | OBC(W) | UR | UR(W) | Total |
|-----------------|-----------|--------------|------------|--------------|------------|---------------|------------|--------------|--------------|
| North | - | 01 | 064 | 29 | 006 | 001 | - | - | *103 |
| East | 15 | 04 | 051 | 22 | 046 | 027 | 072 | 36 | 273 |
| West | 12 | 05 | 038 | 19 | 082 | 045 | 051 | 22 | 274 |
| South | 14 | 02 | 032 | 18 | 064 | 031 | 059 | 35 | 255 |
| Total | 41 | 12 | 185 | 88 | 198 | 104 | 182 | 93 | 905 |

*Including 2 *Dzumsas* of *Lachen* and *Lachung* villages which are treated as Gram Panchayats.

Source: *State Election Commission, Sikkim.*

Table – 46

Caste Categorywise Number of Gram Panchayat Members Elected in Gram Panchayat Election (2002).

| District | SC | SC(W) | ST | ST(W) | OBC | OBC(W) | UR | UR(W) | Total |
|--------------|-----------------|------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-----------------|--------------------|
| | No. (%) | No. (%) | No. (%) | No. (%) | No. (%) | No. (%) | No. (%) | No. (%) | No. (%) |
| North | - (00.00) | 01(00.99) | 062(61.38) | 031(30.69) | 006(05.94) | 001(00.99) | - (00.00) | - (00.00) | *101(100.00) |
| East | 16(5.86) | 04(01.46) | 054(19.78) | 031(11.35) | 054(19.78) | 031(11.35) | 051(18.68) | 32(11.72) | 273(100.00) |
| West | 12(4.37) | 05(01.82) | 040(14.59) | 019(6.93) | 087(31.75) | 046(16.78) | 045(16.42) | 20(07.29) | 274(100.00) |
| South | 15(5.88) | 02(00.78) | 036(14.11) | 020(7.84) | 073(28.62) | 031(12.15) | 047(18.43) | 31(12.15) | 255(100.00) |
| Total | 43(4.76) | 12(01.32) | 192(21.26) | 101(11.18) | 220(24.36) | 109(12.07) | 143(15.83) | 83(9.19) | 903(100.00) |

* Excluding two *Dzumsas*Source: *State Election Commission, Sikkim.*

The tables-45 and 46 above reveal that the reservation brought a considerable number of Scheduled Castes, Scheduled Tribes and Other Backward Classes population in Gram Panchayat election. The imposition of mandatory reservation of seats in the panchayat has completely changed the pattern of panchayat leadership in rural Sikkim. The above table shows that out of 903 Gram Panchayat representatives (excluding two *Dzumsas*) the majority of them (329 i.e. 36.43 per cent) belonged to the Other Backward Classes. The reasons being their numerical dominance in *Nepali* Caste Society is because of the policy decision of the State Government to include almost all the middle caste *Nepalis* into Other Backward Classes (see later in table-47).

The next dominant caste at the Gram Panchayat was scheduled Tribes having 293 members i.e. 32.44 per cent against the unreserved category mostly represented by upper and higher caste *Nepalis* with 25.02 per cent of members. The percentage of Scheduled Castes representatives in the total Gram Panchayat seats was 6.09 per cent as the population of this caste was very scanty in the State.

With this let us analyze the caste background of the elected representatives of four the Gram Panchayats under study. The table-47 below reveals that out of the sample representative of 21 members from the four Gram Panchayat units, the majority belonged to the Scheduled Tribe category represented by *Bhutia*, *Lepcha*, *Sherpa*, *Limboo* and *Tamang* (the last two are *Nepali* tribes) with 52.38 per cent followed by Other Backward Classes (OBC) having 23.80 per cent represented by *Rai*, *Manger*, *Gurung*, *Bhujel* etc. *Damai* (*Darjee*) and *Majhi* are the two *Nepali* Scheduled Castes. The rest three members belong to General Caste represented by higher caste *Chhetris*. On the whole, the sample representatives belonged to all the caste categories. Of the three major ethnic groups like *Nepalis*, *Lepchas* and *Bhutias*, the *Lepchas* were not

represented by the sample respondents as the Kabi-Tingda, Gram Panchayat Unit of North district selected for study from the tribal district was dominated by *Bhutia* and *Sherpa* tribes only.

Table-47

Caste Background of Gram Panchayat Members (Elected Representatives) Under Study (2002).

| Caste Categories | Caste/Ethnic Background | Frequency | Percentage |
|------------------------|-------------------------|-----------|---------------|
| General Castes | Bahun (Brahmin)-Nepali | -- | 00.00 |
| | Chhetri (Kshatriya)- " | 03 | 14.28 |
| | Newar | -- | 00.00 |
| Other Backward Classes | Manger - " | 01 | 04.76 |
| | Gurung - " | 01 | 04.76 |
| | Rai (Khamboos) - " | 02 | 09.52 |
| | Sunuwar (Khincho)- " | -- | 00.00 |
| | Thami - " | -- | 00.00 |
| | Bhujel - " | 01 | 04.76 |
| Scheduled Castes | Kami (Biswakarma)- " | -- | 00.00 |
| | Damai (Darjee) - " | 01 | 04.76 |
| | Sunar - " | -- | 00.00 |
| | Sarki - " | -- | 00.00 |
| | Majhi - " | 01 | 04.76 |
| Scheduled Tribes | * Limboo (Subba) - " | 02 | 09.52 |
| | * Tamang - " | 01 | 04.76 |
| | Bhutia - Bhutia | 05 | 23.80 |
| | Lepcha - Lepcha | -- | 00.00 |
| | Sherpa - Sherpa | 03 | 14.28 |
| Total | | 21 | 100.00 |

Source: *Field Work*

* *Limboo* and *Tamang* are included under S.T. Category

Of the four Gram Panchayats selected in the state for intensive studies, Kabi-Tingda Gram Panchayat of North district is dominated by tribals wherein out of six Gram Panchayat members three are represented

by the members belonging to *Bhutia* tribe and the rest three are represented by *Sherpa* tribe. Samdur-Tadong Gram Panchayat of East district has five elected members. Out of which two were represented by *Bhutia* tribes, two by Other Backward Classes and the rest one by the General Caste. Lungchock-Salyangdang Gram Panchayat of West district was also having five elected members with two members from Other Backward Classes category, two from General Castes and one from Scheduled Tribes and the fourth district under study was the South district. Salghari Gram Panchayat of South district was also having five elected members, one each from Scheduled Castes and Scheduled Tribes and the three belonging to Other Backward Classes. On the whole, the panchayat leaders in rural Sikkim were dominated by members belonging to Scheduled Tribes and Other Backward Classes after the inclusion of *Limboo* and *Tamang* in Scheduled Tribe category, followed by General Castes category. The Scheduled Castes representation was insignificant as their population in the state was meagre. Ethnically, *Nepalis* were dominant in all the three districts except North which is tribal dominated wherein the panchayat leadership is in the hands of *Bhutia*, *Lepcha* and *Sherpa* tribes.

Education: Education is considered to be one of the most important indicators of the quality of leadership. But traditionally, literacy and education were not associated. The spread of education has made the people realize the importance of education. Education facilitates the development of progressive ideas and attitudes of human being. In order to ensure the proper understanding of the objectives of Panchayati Raj and the role of functioning as a member of the Gram Panchayat, education is considered to be of prime importance. The complex problem of Panchayati Raj and rural society demand educated leadership. Education is the major instrument of social change. Present scenario of the Panchayati Raj in Sikkim do not call for the educated and

experienced leaders rather it gives weightage to the castes in regard to selection of contestants in the panchayat election. Even uneducated and inexperienced persons get the berth in the panchayat on being selected on caste basis. The table-48 below represents the educational background of the panchayat leaders.

Table-48

Educational Status of Gram Panchayat Members (Elected Representatives) Under Study (2002)

| Educational Status | Number of Members (Frequency) | Percentage |
|---------------------------|--|-------------------|
| Illiterate | 01 | 04.76 |
| Primary | 05 | 23.80 |
| Secondary | 09 | 42.85 |
| Sr. Secondary | 04 | 19.04 |
| Graduate | 02 | 09.52 |
| Post Graduate | - | 00.00 |
| Total | 21 | 100.00 |

Source: Field Work

The above table-48 indicates that out of 21 elected representatives from four Gram Panchayats under study, 42.85 per cent are educated upto Secondary level followed by 23.80 per cent upto the Primary level. The representatives educated upto Sr. Secondary level are 19.04 per cent and upto graduate level 9.52 per cent. There is only one illiterate old men of 60 years who is elected for the second time. The member having graduation degree indicates a healthy sign. Highly educated person should be attracted towards the panchayat leadership. Comparatively educational level of women representatives are lower than their man counterparts. Only one women member out of the five, under study is educated upto Secondary level and the rest are educated upto Primary level.

Occupation: Panchayat representativenesship is basically a non-profitable volunteer work however, the state of Sikkim by way of paying honorarium to the members, it has become a subsidiary occupation having their own primary occupation as the source of income for maintenance of family. Occupation is another determinant of grass-root level leadership. The general pre-condition is that the leader should reside in the village and the primary occupation should not be a hindrance to have a leisure time to work as a panchayat representative. As such the primary occupation or the profession of the representation is another factor which plays an important role in the developmental progress of the village. Sikkim being an agrarian state, agriculture is the pre-dominant occupation of the rural people. Accordingly in the beginning the rich and middle class peasants dominated the panchayats. Gradually the pattern of traditional leadership started changing slowly and steadily. Presently due to the policy of reservation and also due to the occupational diversification in the villages, people from various occupational background are attracted to the seats of power. The following table-49 depicts the occupational background of the elected representatives of the four sample Gram Panchayats.

Table – 49

Occupational Background of Gram Panchayat Members

| Occupational Category | Frequency | Percentage |
|------------------------------|------------------|-------------------|
| Agriculture | 12 | 57.14 |
| Government Services | - | 00.00 |
| Non-Government Services | 02 | 09.52 |
| Business/Trading | 04 | 19.04 |
| Housewives | 03 | 14.28 |
| Total | 21 | 100.00 |

Source: *Field Work*

The above table-49 indicates that besides agriculture, which is still the pre-dominant occupation of the majority of panchayat leaders are drawn from different occupations like service in the government and non-government organizations, private business, housework, etc. The policy of reservation has encouraged and enabled the rural women too to occupy the seats of power. It is known from the fieldwork that out of five women representatives in the sampled Gram Panchayat, two are actively involved in party politics and social services. These women refuse to designate themselves as housewives as occupation as they are full time party workers and the party cadre help them to be elected. As such the household works are secondary to them. Whereas three of the elected women representatives have said that the household works are of primary importance even after being elected as women representatives. The panchayat activities are greatly helped by the other male members of the family as well as by other elected male members of the panchayat units. Among the male leaders, the majority of them have agriculture as main occupation hailing from rich and middle class farmers. There is no share-cropper or agriculture labourers. Two of the male members are doing small business and the another two are serving in a private organization besides their activities in agriculture. On the whole, agriculture is still predominant occupation of panchayat leaders. Prior to enactment of 73rd Amendment Act the leaders were hailing basically from rich or middle class peasants whereas after the enforcement of reservation system the leaders are drawn from cross section of occupation and status.

Income: It is a widely shared view that economic status is a powerful determinant of rural leadership. Income could be a good measures of economic status provided they give correct figure of the income. It is usually not possible mainly because of evasive nature of human beings to disclose the real income. It is unable to assess correctly due to the

uncertainties and unpredictability involved in both agriculture as well in business pursuits. However, attempts have been made to collect information about the income of the elected representatives and present in the following table-50.

Table – 50

Monthly Income of the Gram Panchayat Members.

| Monthly Income (In Rs.) | Frequency | Percentage |
|----------------------------|-----------|---------------|
| Upto 1,000 | 11 | 52.38 |
| 1,001 – 2,000 | 05 | 23.80 |
| 2,001 – 3,000 | 03 | 14.28 |
| 3,001 – 4,000 | - | 00.00 |
| 4,001 – 5,000 | 02 | 09.54 |
| 5,000 and above | - | 00.00 |
| Total | 21 | 100.00 |

Source: *Field Work*

The above table-50 reveals that monthly income of the elected leaders of the panchayat is divided into six groups. The majority of the respondents with 52.38 per cent of members belong to income group upto Rs. 1,000/- per month followed by members with 23.80 per cent under the group having income Rs. 1,001/- to Rs. 2,000/- per month. There are 14.28 per cent of members having monthly income ranging from Rs. 2,001/- to Rs. 3000/- whereas two of the members have shown their monthly income ranging from Rs. 4,001/- to Rs. 5,000/-. There is no member having monthly income in between Rs. 3,001/- to Rs. 4,000/- and also Rs. 5,000/- and above. The above statistics are indicative of the facts that affluent persons do not take part in the panchayat activities.

Political Party Affiliation: The Asoke Mehta Committee Report in 1978 had recommended open participation of political parties in panchayat election. The state of Sikkim opted it in 1997 panchayat elections. Originally it was thought by the framer of the Constitution that panchayat should be free from politicization and should be based on consensus. Later it was realized that the village governance, which was tied up with the total administrative setup of the country, can not be kept away from the influence of political parties. Earlier it was found that though the panchayat elections were held on non-political basis and elected representatives were not allowed to fight elections with party symbols yet they were associated with different political parties.

After Sikkim Democratic Front coming into power defeating Sikkim Sangram Parisad in 1994, the section 129 of Sikkim Panchayat Act, 1993 which prohibited any person from contesting panchayat election with the support of the political party was deleted in May 1997 by an Amendment and on October 6, 1997, for the first time in the history, the panchayat election was held on party basis. Since then the Sikkim Democratic Front has been dominating the Gram and Zilla Panchayats as the major force. The Sikkim Sangram Parisad which dominated the political scenario of Sikkim for more than ten years lost its hold in Gram Panchayat election held in 1997. Since 1997 Sikkim Democratic Front worked hard to consolidate its position at grass-root level. In 2002 election again it came with landslide victory winning 834 seats out of 903 seats of the Gram Panchayat. The following two tables-51 and table-52 show the political affiliation of panchayat representatives elected in Gram Panchayat election held in 2002.

Table – 51

Districtwise Total Number of Seats Won by Various Political Parties in Gram Panchayat Election, 2002.

| Gram Panchayat | Total Seats | Total Seats won | | |
|----------------|-------------|-------------------------|--------------------------|-------------|
| | | Sikkim Democratic Front | Indian National Congress | Independent |
| North | 101 | 095 | 0 | 06 |
| East | 273 | 244 | 0 | 29 |
| West | 274 | 269 | 0 | 05 |
| South | 255 | 226 | 0 | 29 |
| Total | *903 | 834 | 0 | 69 |

Source: *State Election Commission*

* *Excluding two Dzumsas of Lachen and Lachung.*

Table – 52

Districtwise Total Number of Seats Won (Uncontested and Contested) by Various Political Parties in Gram Panchayat Election, 2002

| Gram Panchayat | Total Seats | Seats Won Uncontested | | | Seats Won Contested | | |
|----------------|-------------|-------------------------|--------------------------|-------------|-------------------------|--------------------------|-------------|
| | | Sikkim Democratic Front | Indian National Congress | Independent | Sikkim Democratic Front | Indian National Congress | Independent |
| North | *101 | 078 | 0 | 1 | 017 | 0 | 05 |
| East | 273 | 135 | 0 | 0 | 109 | 0 | 29 |
| West | 274 | 241 | 0 | 0 | 028 | 0 | 05 |
| South | 255 | 177 | 0 | 0 | 049 | 0 | 29 |
| Total | 903 | 631 | 0 | 1 | 203 | 0 | 68 |

Source: *State Election Commission, Sikkim*

* *Excluding two Dzumsas of Lachen and Lachung*

It is clear from the above two tables-51 that out of 903 Gram Panchayat seats, the ruling Sikkim Democratic Front has bagged as much as 834 seats while the independent candidates (mostly comprising of former staunch supporters of Sikkim Sangram Parisad) has won only 69 seats. The Indian National Congress could not win a single seat as the party has no strong organization at the grass-root level. If we look at the

table-52, we will find that in the majority of Gram Panchayat in all the three districts, Sikkim Democratic Front candidates have won the seats as unopposed whereas in the east district where the state capital is located, Sikkim Democratic Front could win 109 seats out of 273 seats after rigorous and stiff competition with the other parties. Unlike other districts Sikkim Democratic Front candidates from east district has to face strong opposition posed by the independent candidates winning as much as 29 seats. In the South district an equal number i.e. 29 seats are bagged by the independent candidates. It is evident from the above table-51 and table-52 that though Sikkim Democratic Front party has dominated the panchayat election since 1997 yet the village governance is not without opposition. Although there is an absence of strong opposition party at the grass-root level yet the fact that independent candidates winning 68 seats is the full proof of hidden opposition present at the panchayat level.

Against this backdrop, the analysis of the political party affiliation of sample elected representatives have been presented in the table-53 below.

Table – 53

Political (Party) Affiliation of Elected Representatives in Four Gram Panchayat Under Study (2002).

| Gram Panchayat | Party Affiliation | | | Total |
|----------------------|-------------------------|--------------------------|-------------------|--------------------|
| | Sikkim Democratic Front | Indian National Congress | Independent | |
| | No. (%) | No. (%) | No. (%) | |
| Kabi-Tingda | 04 (66.67) | - (0.00) | 02 (03.33) | 06 (100.00) |
| Samdur-Tadong | 05 (00.00) | - (0.00) | - (00.00) | 05 (100.00) |
| Longchok-Salyangdong | 05 (00.00) | - (0.00) | - (00.00) | 05 (100.00) |
| Salghari | 05 (00.00) | - (0.00) | - (00.00) | 05 (100.00) |
| Total | 19 (66.67) | - (0.00) | 02 (33.64) | 21 (100.00) |

Source: *Field Work*

From the above table-53 it is revealed that out of 21 sample respondents, 66.67 per cent i.e. 19 respondents are affiliated to Sikkim Democratic Front and two of them are supported by INC. Both of these respondents uphold the political ideology of Congress (INC) party. Among them Mrs. Sonam Doma Sherpa has won the panchayat election with support of Sherpa Association affiliated to Congress and another male candidate, Mr. Pintcho Tashi Bhutia has won as independent candidate supported by the followers of Congress party. On the whole, in all the four Gram Panchayats under study, Sikkim Democratic Front is the dominant political party at the Gram Panchayat levels.

Capacity Building of Elected Panchayat Representatives.

The Article 243(G) of the Constitution (73rd Amendment) Act, 1992 assigns panchayat leaders the responsibilities of planning for economic development and social justice. To execute these effectively, development of right quality of leadership among the elected representative is imperative. The success of any development programmes has direct relationship with the quality of persons involve in implementing and executing them. Building up of quality required and experience sharing can be ensured only through training imparted to them. The training develops individual's skills and improves the overall performance which help the local institution to work more effectively. Hence the capacity building of the elected representative is an urgent need specially for those new entrants who do not have much experience in their life, exposure and training. Since the panchayats are to handle almost all the rural development activities belonging to their panchayat areas, the knowledge of managerial functions, tools and techniques of handling and implementation are essential for the effectiveness and proper impact of the activities performed. They are also supposed to utilize available resources optimumly for attaining the pre-determined

goal such as employment and income generation, creation of public health facilities, agricultural development, creation of mass awareness, education etc.

Training to the elected representatives for their capacity building is felt mandatory in Sikkim after 1997 panchayat election which is, for the first time in the state, is conducted on political party basis. Immediately after the election, with a view to initiate the decentralization process, the Government of Sikkim transferred many activities of concerned development departments to the Gram Panchayat and Zilla Panchayat vide notification no. 35(2)94-95/38/RDD/P(II) dated 13.05.1998. These direct transfer of subjects to the panchayats in the village and in district level has developed an excitement among the elected representatives as how to handle the subjects which they have never handled before in the past. At this juncture the State Institute of Rural Development (SIRD), in the absence of NGOs in the state for such activities, has started a massive training programme to elected panchayat representatives. The primary objective of the training is to make the panchayat representative more aware of the administrative technicalities to handle the subjects transferred and vested on them for supervision, guidance and implementation besides the knowhow of Panchayat Acts and the provision contained in it.

Different training courses (foundation/basic) are designed for different categories of elected members. The courses designed for *Sabhapati*, *Up-sabhapati* and *Sachiva* are different from the courses designed for the ordinary elected members. Since the members are not directly involved in preparation and maintenance of accounts these portions are omitted and on implementation and maintenance of rural water supply, village foot path, etc extra importance are given. Similarly the *Sabhapati*, *Up-sabhapati* and *Sachiva* are asked to pay more

attention on maintenance of records of works done and proper accountability whereas Zilla Panchayat members are trained to supervise the work done by the Gram Panchayat members and give guidance in case of need. The *Adhakshya* and *Up-adhakshyas* of all the four districts are made aware of the technicalities of training imparted to all the three groups of trainees i.e. members of Gram Panchayat, *Sabhapati*, *Up-sabhapati* and *Sachiva* and the members of Zilla Panchayat besides training on plan formulation, estimates preparation and control of districts and guidance to the villagers for its prosperity. Preparation of schemes relevant to the need and development of the district are the main theme of training.

Later when such awareness training has started catching momentum, there are pressure from the Gram Panchayat members too to arrange awareness training camps for them by State Institute of Rural Development. The venue of training is extended to the districts as well as sub-divisional level. Trainings to the Trainer (TT) are organized and imparted to the probable resource persons available locally, specially from the teachers community and to some extent from among the panchayat officials posted in such areas. With the help of such trainers prepared locally a sizeable area are covered by a single training institute available in the state. While conducting training, reading materials in local language are prepared in the form of leaflets and pamphlets for circulation to the proposed trainees.

The training duration according to the need are varying from a single day, three days to seven days. The key areas of capacity buildings are:

- i) Understanding democratic values and the usefulness of local self-government, gender issues and self-reliance.

- ii) Micro-planning, financial management documentation, record keeping, book keeping etc.
- iii) Involvement of panchayats in the delivery of development programmes.
- iv) Leadership development, development of skills on solution of conflict etc.

The training programmes have the following main objectives:

- i) Cognitive objective- Transfer of knowledge and information.
- ii) Skill objects- Transfer of skill to enable the trainees to produce the desired effect with accuracy, speed and economy.
- iii) Affective objective- To enable trainees to acquire right kind of attitude and values in handling the issues and problems they face in their work situation.

Keeping in view the necessity of dissemination of appropriate knowledge and information to the elected representatives for enriching their intellectual capacity in tackling problems and to enable them to acquire proper attitudes and values, the training materials are divided into the following modules:

- i) After 73rd Amendment, the panchayats have become an institution of self-government at the grass-root level. Many of them still feel that they are mere agents and implementing agencies. This attitude is not conducive to the local self-government and people's participation. Idea of autonomy is to be shared with and the restrictions within which such autonomy can be exercised are to be taught.

- ii) Panchayat leaders are to be sensitive on matters relating to socio-economic and gender equality. Transfer of knowledge and information on most important problem areas of rural society namely education, unemployment, health, sanitation, nutrition etc are to be done.
- iii) Planning and management of existing programmes of rural development and implementation of ongoing programmes like agriculture, animal husbandry, education, literacy, dairy development, family planning, fisheries development, social forestry, irrigation etc.
- iv) Formulation of plan and project within the available local resources for the local area development with projects coming under the category of felt-need of the people.
- v) To make aware of the provisions contained in the Panchayat Act, its rules, structure and functions. Create ability to decision-making process in regard to collection of revenue and financial management etc.

The Ministry of Rural Development extends financial assistances to the states in their efforts to train and create awareness among the elected members of panchayat functionaries. The element of support given by the Ministry includes the following:

- i) Expenditure on participation for training of elected representatives of Panchayati Raj Institutions including awareness generation programmes.
- ii) Cost of accommodation for conducting training i.e. hiring charges of the rooms.
- iii) Expenditure on audio-visual training equipment.

- iv) Workshops, Seminars, awareness generation campaign on Panchayati Raj.
- v) Support for mobile training facilities.

The said ministry also provides financial assistance to the Non-Government organization through Council for Advancement of People's Action and Rural Technology (CAPART) for conducting training and awareness generation programmes on Panchayati Raj.

It is felt essential to know the view of panchayat representative in regard to their training and capacity building. All elected representatives of the four Gram Panchayat units under study are asked whether or not they have undergone panchayat training earlier. The response received are incorporated in the table-54 below.

Table – 54

Training Programmes Attended by Panchayat Members.

| Gram Panchayats | District Level | | State Level | | Outside State | |
|----------------------|----------------|----------|-------------|-----------|---------------|-----------|
| | Yes | No | Yes | No | Yes | No |
| Kabi-Tingda | 06 | - | 02 | 04 | - | 06 |
| Samdur-Tadong | 05 | - | 03 | 02 | - | 05 |
| Longchok-Salyangdang | 05 | - | 03 | 02 | 01 | 04 |
| Salghari | 05 | - | 02 | 03 | - | 05 |
| Total | 21 | - | 10 | 11 | 01 | 20 |

Source: *Field Work*

It is understood from the above table-54 that all 21 elected representatives from four Gram Panchayat Units have attended the training conducted by State Institute of Rural Development (SIRD) in the districts namely Mangan, Gangtok, Gyalshing and Namchi after 2002 elections. Out of these 21 representatives 10 representatives have also attended state level training conducted at State Institute of Rural

Development (SIRD). It is found that these 10 representatives are the *Sabhapati*, *Up-sabhapati* and *Sachiva* of different panchayat units who are compulsorily underwent training in State Institute of Rural Development (SIRD) in subjects pertaining to book keeping, maintenance and preparation of accounts beside the training in the district level along with other members of the Gram Panchayat unit. The rest eleven number are found to be ordinary member who were trained in their respective districts organized by State Institute of Rural Development (SIRD).

As regards training outside the state it is not yet organized mainly because the members elected are not all literate having low capacity to interact with the people speaking language other than local language. Moreover, exposure also plays a vital role in interacting with the people outside the state which the elected representatives are lacking behind. Therefore, a single participant is found to have undergone training outside the state in State Institute of Rural Development (SIRD), Kalyani, West Bengal.

The elected representatives are also asked to comment on whether or not the training is beneficial to them. The response recorded is reflected in the follow table-55.

Table – 55

Opinion of the Members About Training Programme

| Gram Panchayats | No. of Responses | | Total Members (%) |
|----------------------|-------------------|--------------------|--------------------|
| | Beneficial (%) | Not Beneficial (%) | |
| Kabi-Tingda | 05 (83.33) | 01 (16.67) | 06 (100.00) |
| Samdur-Tadong | 04 (66.67) | 01 (16.67) | 05 (100.00) |
| Longchok-Salyangdang | 03 (50.00) | 02 (33.33) | 05 (100.00) |
| Salghari | 04 (66.67) | 01 (16.67) | 05 (100.00) |
| Total | 16 (76.19) | 05 (23.80) | 21 (100.00) |

Source: Field Work

It is clear from the table-55 above that out of the 21 elected representatives interviewed in all the four panchayat units of four districts under study, 16(76.19 per cent) of them responded that the training is beneficial to them. These elected representatives have been able to understand the subject matter taught in the training. Their literacy level and the exposure are considered to be upto the expectation of an elected members whereas the rest five members i.e. 23.80 per cent who have not been able to understand the utility of the subject matters taught to them. Such circumstances arise when the overall standard of the candidate is very low to be the member of a panchayat unit however, since selection and nomination are done on the basis of castes, even the illiterate and some literate get opportunity in the panchayat. It is also noticed as how the weaker and backward category of people get chance to improve. Therefore, election on the basis of reservation are both advantageous and disadvantageous.

Those who answered negatively that training is not beneficial said that for effective functioning as an elected member in the panchayat unit, the few days' training is not sufficient and can not develop skills and build up the capacity. The duration of training should be more so that they get ample opportunity to interact with the colleague of other districts attending the same training.

On the whole, it is observed that though the trainings are being organized both at district as well as state levels yet the trainees are not fully aware of all the information and knowledge that are required to work independently. Without adequate knowledge and information, they are to depend on bureaucrats as well as local politicians for regular guidance. Therefore, emphasis for arranging more trainings are required to be given to make the awareness level of the members at least upto the expectation. The trainings to some extent can be supplemented by

exposure tour inside and outside the state (States where Panchayati Raj Institution have been successfully working like Kerala, Andhra Pradesh, West Bengal) so that the participants can compare and judge their efficiency and standard with the panchayat members outside their unit.

Decentralized Planning and Elected Panchayat Representatives

Planning is the process of determining the objectives of administrative effort and of devising the means calculate to achieve them (Millet: 1954). Planning is complementary to implementation. It is an essential requirement for the administrative process. The planning process is followed by implementation which is full of activities. It is an action oriented process which translates the dream of planning into physical reality. Planning is mandatory for implementation of different development and welfare schemes normally taken over by the panchayats in the village level. In order to encounter the problems and encourage the prospects of the village and to involve the beneficiaries as participants in the planning process a decentralized planning is envisaged.

With the enactment of Constitution (73rd Amendment) Act, 1992 *Gram Sabha* with the voters of that area as members was created. The planning of the felt need of the *Gram Sabha* members and its implementation locally along with the reservation to women and weaker section of the people are given priority. Decentralized planning is entrusted in order to bring community development through the participation of local people with voluntary co-operation, coordination and contribution. In decentralized planning a gradual shift in the rural administrative mechanism, participatory growth in the development process, promotion of locally elected institutions and coordination among people of the locality is ensured. The decentralization of power and the role of panchayats not only empowers the rural people but also

enhances the democratic functioning. The members of elected representatives minimize the influence of the local bureaucrats and the political bosses upto a great extent. Planning leads to development, the planning from the top leads to "imposed development and the planning from the grass-root level gives rise to "self-determined development". In such self-determined developmental projects, the local people develop a feeling of belongingness to the activities of elected representatives and they get a chance of questioning in case the elected representative does not function according to the expectations and aspirations of the local voters for achieving community welfare and development.

Decentralization leads and gives birth to 'transfer of power'. Rajni Kothari says that the transfer of power by itself can not arrest the distortion of the development process. It is required to change the social context substantially. The rural poor, dispossessed, innocent and illiterate persons of the village are effected much by the widespread exploitation, hardship and inhuman condition prevailing in the society (Kothari: 1990). He writes "I believe it is possible to use these instruments, for inherent in them is a transfer of power to lower level. But it is also incumbent upon those who do this to see that this transfer of power to lower levels infact becomes a transfer to the people....." (Kothari: 1990).

Decentralized planning involves a process of social mobilization where once people embodied themselves with the culture of participation in the development process they not remaining merely as beneficiaries start insist upon the state government to continue such system. The faith in the system inculcates commitment to collective participation and empowerment of ordinary people in having and knowing their world and their role in the process of transformation (Dutta: 2000). Such plans are realistic based and can meet the immediate need of the local people

whose leadership is given by elected representative taking into consideration of the local area, physical and human resources potential available in the local area. Direct participation of the people increases coordination among themselves and between the authorities. It makes the process more transparent, effective and flexible for modification when required. Decentralized planning can also bring end to bureaucratic delay, red tapism, corruption, nepotism and favouritism in the rural development process being managed by the elected representatives.

The basic objective is to examine the views of the elected representatives in regard to decentralized planning. As decentralized unit, the Panchayati Raj Institutions' involvement in the planning process is the most significant aspects of elected representatives.

Till 1993 the Panchayati Raj Institutions in Sikkim was mainly involved in implementation of state and central funded developmental programmes. The plannings were done at the state level and implemented through agencies appointed for the purpose. The Panchayati Raj Institution was not authorized to undertake functions related to planning. Since late nineties, the state government has been making deliberate attempts to decentralize planning activities. For this, under the State Planning Board, District Planning Committees were constituted at district levels. The constitution of District Planning Committee by the states in every district in accordance with the provision of the Article 243 ZD of the constitution was therefore, considered to be a milestone in involving people and the communities in the decentralized planning process.

One of the most important functions assigned to the local bodies under the Constitution (73rd Amendment) Act, 1992 was the planning for social and economic development. The amendment has given

decentralized planning a constitutional status. This is a multi leveled planning covering villages, blocks and districts. Decentralization enables a better perception of the needs of local areas, makes better decision making possible, gives people a greater voice for these development and welfare, ensures effective participation of the people, builds up self-community and thereby makes rural development a self sustaining. Recently there has been more stress on a participatory planning process by involving local representatives.

Section 127 of the Sikkim Panchayat Act, 1993 as amended by the Sikkim Panchayat (Amendment) Act, 1995 the Gram Panchayat and Zilla Panchayat will make their plans. The State of Sikkim has also set up District Planning Committee in each district. The District Planning committee is to consolidate the plans prepared by the panchayats in the district and to prepare draft Development Plan for the district as a whole. The legislature will make law with respect to composition of the District Planning Committee and ensure that not less than four-fifth of the total number of members shall be elected from among the elected members of the panchayat at the district level. The *Adhakshya* and the District Development Officer who is also District Panchayat Officer by virtue of his posts will be Chairperson and *Sachiva* respectively. Other members are drawn from the Members of Legislative Assembly (MLA) of the district and District Collector.

After consolidation of the plan prepared by the panchayat and recommended by the District Planning Committee, the Chairperson shall forward such plan to the State Government for consideration, approval and implementation. The annual plan thus formulated shall be binding on all the Gram and Zilla Panchayats.

Although in Sikkim, there is no planning structure constituted at the village level under the decentralized planning system yet each Gram Panchayat will prepare a statement of pressing need of the people of that locality. Commonly referred to as 'basic needs statement' is prepared in the *Gram Sabha* meetings by involving and consulting the beneficiaries.

With a view to ensuring active involvement of the people not only in identification and formulation of district plan but also in implementation and maintenance of the assets created, the Second State Finance Commission has recommended the constitution of Gram Panchayat Planning Forum in every Gram Panchayat comprising of the following members.

- i) All elected members of the Gram Panchayat.
- ii) One senior citizen/resident government official from each ward nominated by the Gram Panchayat.
- iii) One representative each from Below Poverty Level/Scheduled Castes /Scheduled Tribes/Other Backward Castes/Women category nominated by the *Gram Sabha*.

The Planning Forum is not expected to prepare a real plan but a comprehensive list of activities required to be undertaken for overall development of its area and people.

The comprehensive list of activities referred to as basic need statement thus prepared by the Forum shall be placed in the *Gram Sabha* for its thorough screening and prioritize schemes for implementation. This will next be submitted to District Planning Committee. The District Planning Committee may revert back the Gram Plan to the Gram Panchayat for its review and ratification if:

- i) the proposal is not within the financial allocation;
- ii) the proposal is not technically feasible;

- iii) there is duplication of proposal and
- iv) the proposal violates the pronouncement of the policy already made by the State Government.

The Gram Panchayat Planning Forum is the main mechanism to plan and bring about co-ordination in the village programmes between the village panchayat and the local communities. The constitution of Village Planning Forum gives unique opportunity to make the developmental process a bottom up exercise. It is considered as an essence of a real democratic panchayat.

In the context of decentralized planning, the observation made by the Second Finance Commission is worth mentioning. It is observed that neither the Gram Panchayat nor the District Planning Committee are capable of preparing plans. Moreover, there is no one to monitor and evaluate the various programmes implemented by Panchayati Raj Institutions. Therefore, the Commission has further suggested for the formation of Monitoring and Evaluation Committee in each Gram Panchayat with the following as members.

- i) Members of the Territorial Constituency in which the Gram Panchayat falls.
- ii) *Sabhapatis* of the Gram Panchayat.
- iii) Three senior citizens of the Gram Panchayat nominated by the *Gram Sabha*.
- iv) One official of the line department concerned nominated by the Secretary of Rural Management and Development Department.

The Second Finance Commission has also recommended a planning calendar as under.

- July - The Gram Panchayat Planning Forum to prepare a list of activities proposed to be taken up in the subsequent

financial year. Zilla Panchayats are required to follow the same. *Gram Sabha* to be convened to deliberate on such list and submission of final list to the District Planning Committee.

August - District Planning Committee to prepare Gram Panchayat and Zilla Panchayat plans and to consolidate these into Draft District Plan.

September - Submission of District Plan to the State Government.

February - Preparation of budgets of Zilla Panchayat and Gram Panchayat.

March - Submission of budget to the State Government.

This process has been designed to ensure that every reasonable local aspiration even at the village level is taken care of.

Decentralization is supposed to foster planning from below to enable citizens' views to give shape to an official policy. The Sikkim Panchayat and Municipalities (Election of members of District Planning Committee and manner of convening meeting) Rules, 1996 have been framed. In addition to this, the government has further nominated members to the District Planning Committee on an advisory capacity. They are senior citizens, intelligentsia, social workers who have experience in the formulation of economic and social developmental plans to assist in the formulation of the District and Gram Panchayat level plans (see Appendix...). Against this backdrop, the perception of elected representative on the effectiveness of decentralized planning is considered to be important. Hence it has been tried to present the views of the elected representatives and questioned them as how far the decentralized planning has been successful in the State of Sikkim.

Local level planning would be effective provided the following three pre-requisites are fulfilled.

- i) A viable people's organization with dynamic leadership.
- ii) Close cooperation and co-ordination between people's institutions and government agencies and
- iii) Adequate knowledge and understanding of why, what and how of local level planning (Misra: 1983). Therefore, in this context, responds from elected representatives were collected to know whether they really involve themselves in preparing micro-level planning.

It is revealed from study that 52.38 per cent respondents involve themselves in preparing micro-level planning for the village. This category of elected representatives are considered to be better half of the panchayat members who are literate, can understand the problem and need of the village thoroughly and also can deliberate the same in the meeting. Persons with sound knowledge on the relevant subjects of the village can understand and interact on village planning. As such 52.38 per cent of the elected representatives are considered to be understandable citizen who take care of the development of the village. Contrary to this 47.61 per cent of the elected representative have responded that they do not involve themselves in preparing micro-level planning. To discuss or to involve in planning a lot many knowledge about the need and resources of village are required along with ability of presenting the same in the form of deliberation in the meeting. This may not be possible with 47.61 per cent of persons having limited knowledge about the felt need of the locality.

Another reason for not involving in micro-level planning is due to unaware of the usefulness of the village planning. Moreover, due to

political criteria of nomination of candidates for contesting the panchayat election, there are many new entrants who are young and inexperience in their life. As a result during the learning and experiencing period of the life they can not contribute significantly and involve themselves effectively in the micro-level planning process.

The Gram Panchayat with the support of the *Gram Sabha* is required to assist the Zilla Panchayat in preparing development plan. It is thought essential to know from the elected representatives whether or not the Gram Panchayat assist the Zilla Panchayat to prepare the development plan.

It has been seen that 57.14 per cent of the respondents accepted that the Gram Panchayat assist the Zilla Panchayat in preparing development plan. Here we find that the 57.14 per cent are the literate Gram Panchayat members who are aware of the local problems and can suggest for its redressal duly assisting the Zilla Panchayat in preparation of development plan. Whereas 42.85 per cent of the respondents say that the Gram Panchayat do not assist the Zilla Panchayat for preparation of development plan. In other words 42.85 per cent of the elected representatives are not well informed about the resources and requirement and do not assist the Zilla Panchayat.

Views on Power and Functions of Gram Panchayat.

The Constitution (73rd Amendment) Act, 1992 vested power in the State Government to endow panchayats with such powers and authorities as may be necessary to enable them to function as institution of self-government. They are as under.

Preparation of plans and their execution for economic development and social justice in relation to 29 subjects listed in the XI scheduled

under Article 243 G of the Constitution, Authority to levy, collect and appropriate taxes, duties, tolls and fees, Transfer of taxes, duties, tolls and fees collected by the state government to panchayats.

The Amended Act also envisages empowerment of panchayats as institutions of self-government at the village level. The empowered panchayats are entitled to perform the following functions.

Planning and execution of village level public works and their maintenance.

Ensuring welfare of the people at the village level including health, education, communal harmony, social justice particularly gender and caste based discrimination, dispute resolution, welfare of children specially the girl child. Thus the Amendment Act of the Constitution recognizes a fresh role the panchayat can play in promoting economic development and social justice and improving services for better community life.

Eleventh schedule (Article 243 G) for the domain of panchayats includes such key functions as agriculture, irrigation, drinking water, poverty alleviation programmes, public distribution system, rural electrification, roads, primary and secondary level education, adult education, maintenance of community assets etc. Keeping in view the provision of Eleventh schedule of the Constitution, the Sikkim Panchayat Act, 1993 was enacted wherein power and functions of Gram Panchayat are provided in chapter IV, section 34 and 35.

Section 34 deals with the obligatory functions of the Gram Panchayat while section 35 deals with other discretionary functions. Under obligatory functions, 22 subjects relating to development of village are included such as sanitation, supply of drinking water,

maintenance, repair and construction of village roads, management and protection of public assets, development of agriculture, social forestry animal husbandry, poultry farming, fisheries development, village and cottage industries, co-operatives, registrations of birth and death, organizing voluntary labours, construction and maintenance of dharamsalas, supply of information to the government, control and administration of panchayat fund, management of public land, imposition, assessment and collection of taxes, fees or rates, assisting the Zilla Panchayat in preparing development plan etc. The other functions of panchayat provided under section 35 are to implement the following sections subject to availability of fund and technical support from the government. The other functions provided under section 35 deals with subjects like education (primary, social, technical or vocational) health and family welfare, minor irrigation, regulation of fairs, *melas* and *hats*, assisting in the implementation of developmental schemes and land reform measures, adult education, promotion of plantation, rehabilitation of displaced persons, assisting the villager in the matter of obtaining, disbursement and repayment of state loans, field publicity on development and welfare activities, co-operative, management of resources etc. In addition to the subjects enumerated above, the State government is empowered to transfer or assign additional powers and functions to the Gram Panchayat.

In exercise of the powers conferred by section 34 of the Sikkim Panchayat Act, 1993, the government of Sikkim has already transferred the functions pertaining to various development departments to Gram Panchayat such as agriculture, animal husbandry, health and family welfare, education (including primary and pre-primary) rural development including water supply and bridges, land revenue, minor irrigation, social forestry. Now every Gram Panchayat can sanction,

supervise and implement rural development schemes upto Rs. 3.00 lakhs at a time subject to availability of fund.

Thus with the devolution of powers and functions, under decentralized planning, Panchayati Raj Institution namely Gram Panchayats are entrusted with great responsibilities of planning, implementation and monitoring of all rural developmental activities in the village, involving rural people in the decision making process. They are the key agent of fulfilling the felt needs and aspiration of the rural people for the development of villages. The Gram Panchayats are also empowered to assess the administrative and financial resources to enable them to discharge their duties over an assigned sets of functions independently.

Against this backdrops, the functioning of Gram Panchayat in Sikkim in regard to the developmental activities in the village would be discussed.

Development functions of the Gram Panchayats may be grouped into three sections as under.

- (i) The Poverty Alleviation Programme (both employment generation and income-generation).
- (ii) Functions Regarding Overall Development of the village and
- (iii) Social Welfare Functions.

(i) **Poverty Alleviation Programme**

The poverty alleviation programme which is one of the important functions of the panchayat could broadly be classified into two groups. The first group belongs to programmes which provide casual wage employment to the workers. In a country like India, the poor people in the village have hardly any income to feed themselves properly throughout the year. Providing additional

opportunities for employment and income to such rural poor, therefore, has been an integral part of the rural development activities. These include Rural Manpower Programme (RMP), Food for Work (FFW), National Rural Employment Programme (NREP), Rural Landless Employment Guarantee Programme (RLEGP), Jawahar Rojgar Yojana (JRY), Employment Assurance Scheme (EAS) etc. The second group belongs to those programmes which are directed at enhancing the capabilities of the poor for self-employment. The capabilities are enhanced either by helping the poor to acquire productive assets or by imparting training to acquire skills. All the arrangements are the primary duties of the panchayats. Therefore, the programmes like Integrated Rural Development Programme (IRDP), Development of Women and Children in Rural Areas (DWCRA), Training of Rural Youth for Self-Employment (TRYSEM) and Supply of Improved Toolkits to Rural Artisans (SITRA) etc fall under this group. In the following sections we will discuss the programmes which are in operation.

Wage-Employment Programme:

Jawahar Rojgar Yojana. In the last year of the Seventh Five year Plan i.e. in 1989 two ongoing employment programmes viz. National Rural Employment Programme (NREP) and Rural Landless Employment Guarantee Programme (RLEGP) were merged together into a single programme called Jawahar Rojgar Yojana (JRY). The primary objectives of this programme was to provide additional gainful employment for the unemployed and underemployed men and women of the rural areas wherein panchayats had to ensure proper identification of beneficiaries. Apart from this it also aims at strengthening the rural infrastructure by creating community assets for the direct and continuing benefit of the rural poor. It also envisages overall

improvement in the quality of life in rural areas by creating a positive impact on wage level. The people below the poverty line (BPL) are the targeted group under Jawahar Rojgar Yojana. Preference regarding employment is given to Scheduled Castes and Scheduled Tribes along with at least 30.00 per cent employment to women. It is a centrally sponsored scheme and the resources are shared with centre and the state in the ratio of 80:20 wherein 60 per cent is required to spent on wages and 40 per cent on cost of materials.

Under Jawahar Rojgar Yojana, there are three types of works (a) Million Wells Scheme (MWS) (b) Indira Awaas Yojana (IAY) and (c) General Jawahar Rojgar Yojana (GJRY).

- (a) **Million Wells Scheme (MWS)** – This scheme was launched during 1988-89 to provide irrigation facilities to small and Marginal farmers belonging to Scheduled Tribes and Scheduled Castes categories. From 1993-94 onwards the schemes were extended to non Scheduled Tribes and Scheduled Castes categories of farmers too to undertake construction of wells for irrigation purposes. Through the schemes, employment and wages were also provided along with irrigation facilities. The selection of beneficiaries, supervision and execution were entrusted to panchayats.
- (b) **Indira Awaas Yojana (IAY)** – It was originally started during 1985-86 as a part of Rural Landless Employment Guarantee Programme (RLEGP). Later it became a sub-scheme of Jawahar Rojgar Yojana since 1989-90. It aims at providing dwelling houses free of cost to rural poor with special preferences to Scheduled Castes, Scheduled Tribes and Others belonging to below the poverty line. The allotment of houses was originally thought of

giving in the name of the female member alone. Later it was considered to allot in the joint names of wife and husband. The responsibilities for proper construction were vested to the panchayats as well to the beneficiaries themselves in order to insure quality construction. Presently the construction estimates has been increased to Rs. 22,000/- per house in case of hill and difficult areas and Rs. 20,000/- per household for plain areas. Emphasis was given to use the materials available locally and construction using local technology. The Gram Panchayat in Sikkim are directly involved in selection of beneficiary and implementation.

As per elected panchayat representatives of one of the sample Gram Panchayat, Indira Awaas Yojana has become very popular as a result the targeted number of houses to be constructed exceeds every year since its inception in the state. The following table-56 reveals that 2,392 houses were constructed during 2000-2001 to 2002-2003 with an allocation of Rs. 490.37 lakhs and 1488 houses were upgraded at the cost of Rs. 144.84 lakhs.

Table – 56

**House Constructed and Upgraded Under Indira Awaas Yojana
(2000-2003)**

| Sl. No. | Name of the Scheme | Year | Achievement | |
|---------|--------------------|---------|-------------|-----------------------------|
| | | | Physical | Financial (Rs. in Lakhs) |
| 1 | New Construction | 2000-01 | 872 | 206.00 |
| | | 2001-02 | 762 | 167.00 |
| | | 2002-03 | 758 | 117.36 |
| 2 | Upgradation | 2000-01 | 667 | 066.70 |
| | | 2001-02 | 404 | 040.44 |
| | | 2002-03 | 417 | 037.80 |

Source: *Sikkim Rural Development Agency, Gangtok, 2004.*

(c) **General Jawahar Rojgar Yojana (GJRY)** – A varieties of works were undertaken under Jawahar Rojgar Yojana with greater transparency and people's participation through Gram Panchayats and *Gram Sabha* for the benefit of the targeted group. The important works taken up under Jawahar Rojgar Yojana are as under: Social forestry, soil and water conservation, minor irrigation, flood control, drainage and water logging, construction and maintenance of roads, libraries, school buildings, sanitary latrines, Development of Women and Children in Rural Areas centres, community halls, panchayat ghars, *anganwadis* (ICDS centre) etc. The work taken up under Jawahar Rojgar Yojana must be based on the felt need of the beneficiaries. All fund available under this programme is spent through panchayats and the execution of works too is the primary responsibility of the panchayats. The Gram Panchayats in Sikkim are overwhelmingly busy in implementing such schemes. The Gram Panchayat maintains a register containing the names of the beneficiaries who need extra income from part time employment in the government's employment generating schemes. The selection of beneficiaries are done from such register, in times of need, for execution of works. The Gram Panchayat also purchases materials required for the programme.

Sampurna Gramin Rojgar Yojana (SGRY) is one of the most popular scheme in Sikkim. It is the specified scheme of the Jawahar Rojgar Yojana having almost same criteria and conditions for implementation except Sampurna Gramin Rojgar Yojana is specified and Jawahar Rojgar Yojana is general in nature. The important and popular schemes of Gram Panchayats are related to Jawahar Rojgar Yojana and with the monitory support from

Jawahar Rojgar Yojana various types of important and useful activities are taken up in the village by the panchayats.

While asking the panchayat representatives who had won the election held during 2002, about the types of works undertaken in Sampurna Gramin Rojgar Yojana schemes, the following information were revealed. The *Sachiva* of Lungchok-Salyangdang Panchayat Unit of west district, one of the sample Gram Panchayats, informed that during 2004-2005 financial year, under Sampurna Gramin Rojgar Yojana a grant of Rs. 1,12,227/- in cash and 54.74 quintals of food grains in kind were received by his panchayat which were utilized for construction of cement concrete footpath (CC footpath) and fencing of Gram Prasashan Kendra (Village Administrative Centre). Under this scheme the payment of wages were done both in cash and in kind. Wages were paid at the rate of Rs. 30/- per day with 4 kg. of rice (calculated at the rate of Rs. 5/- per kilogram) making a total wage of Rs. 50/- per head per day. During 2005-2006 the receipt under this scheme was Rs. 73,025/- in cash and 116.30 quintals of rice in kind. At the time of fieldwork it was learnt that the rate of wages had increased from Rs. 50/- per day to Rs. 85/- per day as well as the price of rice. The wages of Rs. 40.75 was paid in cash and 5 kg. of rice (calculated at the rate of Rs. 8.85 per kilogram) in kind making a total wages of Rs. 85/- per head per day. The labour thus available out of the grant received under Sampurna Gramin Rojgar Yojana schemes were utilized in fencing the village primary school. The following table-57 gives the detail statement of receipt, expenditure and physical achievement under Sampurna Gramin Rojgar Yojana scheme during 2001-2003.

Table – 57

**Statement of Receipt, Expenditure and Physical Achievement Under
Sampurna Gramin Rojgar Yojana (Rs. in Lakhs)**

| Year | Scheme | Allocation | | | Total | Expenditure | | Mendays Gener- ated |
|---------|---------|-----------------------------|--------|--------|--------|-----------------------------|--------|---------------------------|
| | | Centre | | State | | Food Grain (in MT) | Cash | |
| | | Food Grain (in MT) | Cash | Cash | | | | |
| 2001-02 | SGRY I | | 259.60 | 254.00 | 513.60 | | 497.62 | 05.97 |
| | SGRY II | | 259.69 | 020.00 | 279.69 | | 279.69 | 03.39 |
| 2002-03 | SGRY I | 2040 | 246.88 | 186.00 | 432.88 | 426.88 | 432.88 | 05.77 |
| | SGRY II | 2760 | 270.11 | 134.00 | 404.11 | 358.81 | 404.11 | 04.65 |

Source: *Rural Management and Development Department, Government of Sikkim, 2004.*

Employment Assurance Scheme (EAS) originally started on 2nd October, 1993 in 1778 blocks of 261 districts in India. The scheme aimed at providing 100 days of unskilled and manual work to each person per year. The beneficiary must belong to Below Poverty Line (BPL) group and must be between the age group of 18 years to 60 years. The primary objective of this scheme is to provide gainful employment during agriculturally lean season. Second objective is the creation of economic infrastructure and community assets. The burden of finance is shared by centre and the State Governments in the ratio of 80:20. The Gram Panchayats have been involved by way of recommending to the Zilla Panchayats the name of the families as prospective beneficiaries. The District Collectors of the respective districts are overall in-charge of the scheme as the implementing authority. In this capacity he is also responsible for allocating the works in the districts among the various implementing agencies and coordinating the execution. All

works started under Employment Assurance Scheme should be labour intensive.

Under this scheme the following activities have been taken up.

- (a) Waiting sheds on the roadside.
- (b) Community godowns.
- (c) School Kitchens.
- (d) School Playground.
- (e) ICDS centres etc.

Self-Employment Programmes:

Integrated Rural Development Programme (IRDP): Integrated Rural Development Programme has been conceived essentially as an anti-poverty programme and was launched in all the blocks of the country on 2nd October, 1980 as a major credit linked self-employment programme for alleviation of poverty in India.

The objective of Integrated Rural Development Programme is to enable identified rural poor families to augment their income and cross the poverty line through acquisition of credit based productive assets which would provide self-employment and income on a sustained basis. Assistance is given in the form of subsidy by the government and term credit advanced by financial institutions viz. commercial banks, co-operatives banks and regional rural banks, for income generating activities in the rural areas. The programme is implemented in all the blocks of the country as a centrally sponsored scheme funded on 50:50 basis between the Centre and the State Governments. The target groups under Integrated Rural Development Programme consists of small and marginal farmers, agricultural labourers and rural artisans. At

least 50 per cent of the assisted family should be Scheduled Castes and Scheduled Tribes, 40 per cent should be women and 3 per cent should be physically handicapped persons. In this scheme a part of the money is received by the beneficiaries as loan from the bank which has to be repaid back while another portion is received as subsidy from the government through its district level agency called District Rural Development Agency (DRDA) herein called, in case of Sikkim, Sikkim Rural Development Agency (SRDA). It is established considering Sikkim as a district as regards developmental activities in rural areas, as the formula of which is based on population.

The ceiling on subsidy payable by the Sikkim Rural Development Agency is Rs. 4,000/- for general castes and Rs. 6,000/- for Scheduled Castes, Scheduled Tribes and physically handicapped persons. The local branch of the bank is supposed to provide repayable loans and Sikkim Rural Development Agency is responsible for providing the governmental subsidy to the beneficiaries and also for overall supervision of the scheme. For identification of beneficiaries, adhoc surveys are conducted to identify the households which are not covered by Integrated Rural Development Programme but are below the poverty line.

In Sikkim the beneficiaries are mainly small and marginal farmers, tenants (Kuttyadar), landless agricultural laboureres. Loan is provided for all kinds of enterprises viz. ginger cultivation, orange rejuvenation, cardamom cultivation, vegetable cultivation, purchase of bullocks, milch cows, carpet weaving, local handicrafts etc which help the beneficiaries to raise the income.

The Gram Panchayats have a great role to play in identification of beneficiaries from the surveyed list and also help them in availing government subsidy and bank loans.

When enquired about the issuance of Integrated Rural Development Programme loans in the four Gram Panchayats under study, it is learnt that the Gram Panchayat is involved in selection of beneficiaries which is a cumbersome process. In the process of selection of beneficiary the panchayats along with the officials of the Sikkim Rural Development Agency have to visit individual houses to enquire and assess as which scheme can raise the income of the family. For instance, if there are more energetic male members in the family, purchase of pair of bullocks is advised and listed in beneficiaries list. If, in the other, if there are more working female members in the family and fodders are abundant milch cows can be the good proposal etc. A list containing the names of surveyed families is prepared and sent to the bank for sanction. The Bank in turn examines the proposal with its technical staff and if the proposal is found feasible the quantum of loan is sanctioned and the subsidy is released by the Sikkim Rural Development Agency to the bank as a part repayment of loan. The *Sabhapti* and the *Sachiva* of the panchayat have to take up all the issues in the bank as well as in the Sikkim Rural Development Agency. While finalizing the proposal, they are supposed to take into accounts the following points: (a) yearly income should be below Rs. 6,000/- (b) name of the beneficiary should be in the surveyed list (c) the proposed beneficiary should have repaid the earlier loan, if any (d) the candidate should have some property which can be mortgaged as collateral security. Till loan is released, proposed scheme is materialized and loan is paid back, the Gram Panchayat continuously assist the beneficiary to raise his

family income. This is how Gram Panhcaayats are involved deeply in raising the family income through Integrated Rural Development Programmes.

Development of Women and Children in Rural Areas (DWCRA): Development of Women and Children in Rural Areas is a central government scheme prepared with the objectives of raising entrepreneurship among women. It aims at improving the living condition of women and thereby of children through the provision of opportunities for self-employment and basic social services. The programme seeks to provide income generating skills and activities to poor women in rural areas. It encourages collective actions in the form of group activities which are better than individual efforts. It also seeks to encourage the habit of thrift and credit among poor rural women.

Development of Women and Children in Rural Areas is a sub-scheme of Integrated Rural Development Programme. It was started in the year 1983 on a pilot basis in 50 district of India but now has been extended to all districts of the country. Through social and economic empowerment of women, the programme seeks to improve the access of rural women to health, education safe drinking water, sanitation, nutrition etc. thereby bringing about an improvement in the quality of life and general well being of women and children.

Women below poverty line who need proper sustenance through self-employment form a group of 10-15 members to take up economic activities suited to their skills, aptitude and local conditions. A revolving fund of Rs. 25,000/- is provided to each group. This fund is shared by the Central government, the State

government and UNICEF in the ratio of 40:40:20. However, the UNICEF support is no more in existence as it is withdrawn from 1st January, 1996. In Sikkim the programme is funded by Central and State government jointly.

The panchayat in the villages play a vital role in identification of beneficiaries, formation of groups and implementation of schemes. After a group is formed they initially work on social issues like mother and child care, nutrition, child health, literacy etc. Once the group is consolidated, one of them is selected to be the convenor of the group. The group works in a centre established specially for this purpose. The lady member of the Gram Panchayat plays a significant role in running the centre and in income raising activities for the beneficiaries.

It was found that in all the four sample Gram Panchayats, women had formed Development of Women and Children in Rural Areas groups consisting of 10-15 members. These members are provided training on the schemes they had preferred suited to their skills and also having demand in the market. Knitting and tailoring were seen common in all the four sample panchayats with carpet weaving, candle making, orchid culture etc in particular.

(ii) Functions Regarding Overall Development of Villages.

The second groups of development function of Gram Panchayat includes those which deals with overall development of the villages. These includes sanitation, health, education, minor irrigation, rural water supply, village roads, rural housing, social forestry, land revenue, agriculture, animal husbandry etc. The following section deals with the discussion on the functions of

panchayat pertaining to overall development of villages under the transferred list.

Education:

The Government of Sikkim has transferred the management of primary and Pre-primary schools under the care and responsibilities of the panchayats. It is one of the priority sectors and is being done with a view to improve the level of literacy in general and the spread of primary education in particular. The idea of transferring primary education to panchayats is to ensure their direct involvement in the management of education which would go a long way in involving people's support in respect of the followings.

- (a) Mobilisation of resources for infrastructure development.
- (b) To exercise direct supervision and control of the panchayats over the management of the village schools which is not practicable by the meagre government officials.
- (c) Access over the meeting of day to day requirement of the school.
- (d) Encouraging and increasing the enrolment of the school thereby bringing down the rates of dropouts.
- (e) Ensuring the regular attendance of the teachers.

On acquiring the additional functions of overall supervision of the village schools by the panchayats they have also acquired all discretionary powers except to appoint and transfer of teachers. However, they can advise the department which is considered to be effective. The Gram Panchayat is required to co-ordinate the Zilla Panchayats in regard to Mid Day Meal programme wherein the main function is to check the quality and quantities of dry ration

(food grains) supplied to the students. In the field of adult education, Gram Panchayat co-ordinate and help the state functionaries in literacy survey and selection of instructors. Identification of potential learners by mobilizing illiterates villagers to attend classes in the adult education centers. The *Sabhapatis* exercise the powers vested to them in writing the Annual Confidential Report to evaluate the performance of the Head Masters and the teachers which is considered to be the major functions of panchayats in this respect. It is crucial for the panchayats to maintain the decorum of discipline and administration. The state government has also directed the panchayats to constitute School Managing Committee comprising of *Sabhapati* as Chairman, Head Master and an elderly member of the village as Member-Secretary and member respectively. After vesting the management of primary and pre-primary schools to the panchayats, the teachers have become more regular, attentive and accountable than before thereby improving the general condition of the schools. The dropouts have decreased and the enrolment is increased.

Health and Family Welfare:

The state government has already placed the management of Primary Health Sub-Centre (PHSC) at the disposal of the panchayat and Multipurpose Health Assistant is made accountable to Gram Panchayat. The Gram Panchayat are responsible for organizing health camps and awareness campaign in villages in coordination with the concerned officials besides rendering assistance in implementation of Reproductive Child Health (RCH) programmes and programmes like prevention of communicable diseases. The panchayats are also responsible for collection of information and maintenance of records on birth and death and

supply of such information to the Zilla Panchayat and the State government. In short, the panchayats are made accountable in regard to overall supervision, maintenance and functioning of Primary Health Sub-Centre and allied services.

Irrigation:

Providing proper irrigation facilities hitherto being the responsibilities of Zilla Panchayat is henceforth instructed by the government to the Gram Panchayat to take up construction and minor repair of minor irrigation works upto Rs. 3.00 lakhs. The panchayats are not only made responsible to identify the areas for further construction of minor irrigation channels but are also made to collect the 'user charges' as prescribed by the government.

Land Revenue:

A few functions of the Land Revenue department have been transferred to panchayats. The Revenue supervision's office in the village which was controlled by the sub-divisional office directly in the past, is now controlled by the Gram Panchayat at present. The panchayat is empowered to spend upto Rs. 3.00 lakhs for the repair and maintenance of the village level official's centre. In case of natural calamities, the Gram Panchayat is responsible for temporary restoration of village roads, water supply, schools and religious places besides identification of beneficiaries and recommendation of relief measures. While collecting research information, it was also learnt that the panchayats are made responsible to constitute a village level relief committee of disaster management and to coordinate with the district for relief. Though the collection of *Dhuri Khazana* (House tax) and 'user charges' for essential services and amenities are vested to the panchayats yet they have not been able to materialized the same

due to the absence of clear-cut guidelines from the concerned government department.

Agriculture:

Agriculture is the backbone of economy for the hill State of Sikkim. More than seventy five per cent of the population are directly or indirectly depended on agriculture and allied occupations. Considering its importance as a primary occupation of the majority of rural poor, state government has transferred a number of functions to the Gram Panchayat. The primary office of the agriculture department in the village, the Village Level Worker's office and its activities are transferred directly and kept under the supervision and control of the Gram Panchayat. Besides this the Gram Panchayat has to extend their help to the Zilla Panchayat in regard to implementation of various agriculture and agriculture related programmes as under:

- (a) Selection of farmers for seed production in the farmers' field.
- (b) Distribution and sale of manures and fertilizers.
- (c) Collection of information about infestation of crops by disease and pests and arrangement for plant protection measures.
- (d) Identification of areas in which farmers could be given training under Extension and Training programme of the department.
- (e) Encouragement in rejuvenation of old orchard and plantation of new.

Animal Husbandry:

Gram Panchayats are assigned and empowered to perform the following duties vested by the Animal Husbandry department.

- (a) Identification of areas for prevention and control of diseases.
- (b) Identification of farmers requiring services of 'service bulls' for herd improvement and release of maintenance expenditure of the bull to the caretaker.
- (c) Identification of farmers for artificial insemination of cows.
- (d) Identification of beneficiaries and rendering assistance in the poultry, piggery and rabbit farming development programmes.
- (e) To assist in Extension and Training programme of the department.
- (f) Execution of minor works and maintenance with an expenditure upto Rs. 3.00 lakhs.

The State government has transferred the stockmen's office and its activities to the panchayats making the stockman accountable to the Gram Panchayat.

Social Forestry:

Social forestry is considered to be another major area where panchayats are required to pay more attention. Forest plantation in private fields not only meets the day to day requirement of the village but also increases the income by selling fuel and fodder thus produced. Social forestry activities were also made mandatory by Government of India in schemes like Rural Landless Employment Guarantee Programme (RLEGP), Jawahar Rojgar Yojana, National Rural Employment Programme (NREP), etc. Presently panchayats are busy in social forestry programmes like Herbal Plantation and establishment of Smriti Van.

Water Supply, Sanitation and Rural Bridges:

The supply of safe drinking water in the villages is one of the priority sectors of the panchayats. It is learnt during collection of information for research studies that the number of taps for supply of safe drinking water have been increased many folds over the years and each wards have been covered. The panchayat representatives of the sample Gram Panchayat also informed that the panchayats have successfully implemented rural water supply schemes like Accelerated Rural Water Supply Programme (ARWSP) since mid nineties. The Gram Panchayat is authorized to spend upto Rs. 2.00 lakhs for maintenance and repair of water supply in the village.

Regarding sanitation it was learnt that a few low cost public sanitation latrines are constructed in various part of the sample Gram Panchayat under the supervision of the panchayats. The Gram Panchayat is responsible to assist the Zilla Panchayat in regard to selection of beneficiary as well as the implementation of Total Sanitation Programme (TSP).

The Gram Panchayat are empowered to construct, maintain and repair the rural bridges upto Rs. 2.00 lakhs. One respondent stated that presently the Gram Panchayat are empowered to under take maintenance and minor repair of panchayat ghar, community centre, marketing centre, crematoriums, cement concrete footpath, rural bridges, community toilets and bath cubicles etc.

Rural Housing:

Improvement of dwelling houses is significant for rural development. Improvement and construction of rural houses encourages economic activities, generates employment

opportunities and creates a solid base for healthy and hygienic living. In rural areas it has been brought under Minimum Needs Programme and government grants are provided for construction of such houses. In all the four sample Gram Panchayats, it was found that low cost village houses were being constructed under the supervision of the panchayats. The expenditures were being met up out of the Indira Awaas Yojana funds and the houses thus constructed are allotted to the poorest of the poor in the village.

(iii) Social Welfare:

Social welfare activities are considered to be one of the important functions of the Gram Panchayats wherein welfare is extended to old peoples in the village by providing old-age pension, widows having no support in the family are provided with honorarium called widow-pension, physically handicapped persons are rendered assistance for procurement of artificial limbs and sometime wheel chairs. The panchayats' primary duty is to identify the beneficiaries and types of assistance required. A list of beneficiaries is prepared in this respect and is forwarded to the government for sanction. The implementation is done through panchayats. It is learnt from one of the respondents of the sample panchayats that they have been successfully implementing the National Social Assistance Programme (NSAP) since 1996. This is a centrally sponsored scheme designed to fulfill the Directive Principles contained in Article 41 and 42 of the Constitution to provide social assistance to the poor families. Under this programme the following schemes are implemented.

- (a) National Old Age Pension (NOAP)
- (b) National Family Benefit Scheme (NFBS)
- (c) National Maternity Benefit Scheme (NMBS)

The elected representatives play a vital role in these schemes in identification of beneficiaries and rendering assistance to avail help available from various department.

Welfare of children and mother is taken up under the Integrated Child Development Scheme (ICDS). Children between the age of 6 months to 6 years, women between 15 years to 45 years and pregnant mothers fall under this categories. *Anganwadi* Centres (ICDS centres) are set up in the villages at the rate of one centres for the population of 700 in case of general caste areas and 1000 beneficiaries in case of Scheduled Castes and Scheduled Tribes areas. Zilla Panchayats are responsible for the construction of ICDS centres whereas Gram Panchayat maintains the centres and supervises for its smooth running. It was revealed by one of the respondents during the fieldwork that *Anganwadis* workers and helpers run the centres wherein the Gram Panchayat members mobilizes mothers to send their children in the centres. The panchayats also make the mothers aware to have regular health check up of children and pregnant women.

The activities of *Anganwadis* are to man the primary health care centres, pre-primary education centers, non-curricular education centres etc and the care of pregnant and lactating mother. It was learnt from the Integrated Child Development Scheme (ICDS) workers during the field visit that the centre is also dealing with first aid care and Oral Rehydration Scheme (ORS) of Children. They also maintain records of death and birth. Besides all these the ICDS centres are not functioning properly in all the Gram Panchayats because of low salary paid to the workers and heavy responsibilities imposed to them. This refrain them from committed and dedicated service to the centre.

Views on Fiscal Decentralization.

Sources of finance has already been dealt with in Chapter-III while discussing the views of the *Gram Sabha* members on financial resources of the Gram Panchayats. Here we will focus our attention on how the elected representatives view the whole process of fiscal decentralization attempted in the Sikkim Panchayat Act, 1993. In this section, attempts would be made to highlight whether the panchayats have enough fund to carry on multiple task assign to them for all round development of the villages and whether they get timely release of fund for execution. If not we will also discuss how are they exercising the authority conferred on them by the new Act. Finally, discussion would also be carried on to the diverse opinion of the elected representatives in this matter and possible suggestions for improving the financial devolution process for panchayats.

Primarily, the Panchayati Raj System can be viewed from two dimensions i.e. political and economic. Since the inception of the Panchayati Raj Institution, there has been political decentralization through devolution of powers, primarily to carry out development programmes at grass root levels. Contrary to this, economic decentralization has not taken place in true sense because most of the rural development programmes in Sikkim are being carried out either through central fund or through implementation of centrally sponsored schemes. The Panchayati Raj Institution has to act according to the direction receivable from the higher authorities regarding fiscal utilization. In decentralization, the economic dimension is considered to be important as it is essential for effective functioning of the Panchayati Raj Institution. Let us, therefore, examine the whole process of financial devolution perceived by the sample representatives.

In conformity with the Article 243 H of the Constitution, State Legislature may, by law –

- (a) authorize a panchayat to levy, collect and appropriate such taxes, duties, tolls and fees in accordance with such procedure and subject to such limits;
- (b) assign to a panchayat such taxes, duties, tolls and fees levied and collected by the State Government for such purposes and subject to such conditions and limits;
- (c) provide for making such grant-in-aid to the panchayats from the Consolidated Fund of the State; and
- (d) provide for constitution of such Funds for crediting all money received, respectively, by or on behalf of the panchayats and also for the withdrawal of such moneys therefrom.

In conformity with the Article 243 I of the Constitution, the Government of Sikkim has already constituted State Finance Commission for reviewing and recommending the finances of Panchayati Raj Institution. As mentioned earlier, the Gram Panchayat funds comprises of the following.

- (a) Grants from the State Government (establishment grants and grants for development expenditure).
- (b) Grants from the Union Government.
- (c) Mobilisation of internal resources.
- (d) Market borrowing (loan etc.).

Self-sufficiency and fiscal autonomy are of primary importance for the proper functioning of Panchayati Raj Institution. The underlying logic of the 73rd and 74th Amendment of the Constitution is to ensure the allocation of fund and providing finance to panchayats from all three

levels i.e. Union Government, State Government and Local Self-Government.

During the last five years, the Government of Sikkim has undertaken several measures to strengthen the financial position of the panchayats. As discussed earlier in chapter-III, the State Government has already released grants for developmental and administrative purposes to Panchayati Raj Institution. As per the recommendation of the State Finance Commission, grants for development purposes have already been released under Eleventh Finance Commission.

In this context, in order to judge the awareness level of the panchayats in regard to raising of fund and its sources, several questions were put to the elected representatives. The sample respondents responses regarding income of the Gram Panchayat and the sources of funds were as follows.

- (i) Grants from the State Government for administrative and developmental purposes.
- (ii) Grants from Central Government for implementation of centrally sponsored schemes.
- (iii) Grants released by Eleventh Finance Commission to take up specified items.

It is worth noting that none of the respondents mentioned anything about the panchayat funds being raised through levying taxes etc in accordance with the provision provided in the Act, 1993. They have not failed to mention that after decentralization, a huge amounts of funds are being flown to the panchayat to take up varieties of activities which never make them to realise raising of panchayat funds through collection by levying taxes etc.

The funds being received from the Central Government for implementation of Jowahar Rojgar Yojana (JRY), Training of Rural Youth for Self Employment (TRYSEM), Employment Assurance Scheme (EAS), Development of Women and Children in Rural Areas (DWCRA) etc have already been discussed in previous chapters as such does not require further elaboration but as regards fiscal autonomy of the panchayats in regards to implementation of projects, the response was negative. The panchayats have no autonomy to divert or utilize the fund according to their wishes and requirement as detail guidelines for uses of fund are already framed and circulated for compliance by the Government of India.

In order to know the views of the panchayats in regard to adequacy of fund hitherto being received, several questions were asked and the response received are recorded in foregoing paragraphs. The table-58 indicates that 71.42 per cent of the respondents responses that the quantum of funds being received presently are adequate and is in confirmity with the demand of fund. They are also satisfied with the existing funding pattern and the quantum of fund received is sufficient to take up activities assign to them. In other words, the capabilities of panchayats for visualizing new programmes and taking up new avenues are below the average as such they are satisfied on what they get. Considering incapacibilities of the panchayats the State Government has also not issued sufficient guidelines on tax-raising power, which may, due to ignorance of the illiterate and inexperienced panchayats, lead to financial mishap.

A small number of 23.80 per cent of respondents responded that the fund available is not adequate to build up infrastructure and take up minimum needs of the village viz. proper roads, optimum health care, sufficient electricity, regular and safe drinking water, proper education

facilities etc. This category of elected representatives belongs to aware groups who are fairly educated and exposed persons who can think beyond the grants and within their requirements.

Table – 58

Adequacy of Fund Transferred to the Gram Panchayats.

| Gram Panchayats | Opinion | | |
|----------------------|-------------------|-------------------|-------------------|
| | Adequate | Inadequate | Don't Know |
| | No. (%) | No. (%) | No. (%) |
| Kabi-Tingda | 04 (66.66) | 01 (16.66) | 01 (16.66) |
| Samdur-Tadong | 04 (80.00) | 01 (20.00) | - (00.00) |
| Longchok-Salyangdang | 04 (80.00) | 01 (20.00) | - (00.00) |
| Salghari | 03 (60.00) | 02 (40.00) | - (00.00) |
| Total | 15 (71.42) | 05 (23.80) | 01 (04.76) |

Source: Field Work

The group of the elected representatives who are not satisfied with quantum of fund transferred and the half hearted attention paid by certain development department for the welfare and development of the village, feel that such inadequacy and untimely transfer of fund with negligible effort of some of the departments for development of village will take a long way to improve the economic condition of the rural poor. They also expressed that the prevailing pattern of assistance from the government will not allow them to perform the duties assigned to by the Constitution.

If we analyse the amounts of fund transferred by the various departments during 2003-2004 in the table-59 below, we may ascertain the lapses of the State Government.

Table – 59

Statement of Fund Transferred to Gram and Zilla Panchayat by Different Department (2003-2004)

| Sl. No. | Department | Gram Panchayat (Rs. in Lakhs) | Zilla Panchayat (Rs. in Lakh) |
|---------|------------------------------------|-------------------------------|-------------------------------|
| 1 | Animal Husbandry | 00.00 | 12.00 |
| 2 | Horticulture | 06.00 | 06.00 |
| 3 | Agriculture | 01.00 | 06.30 |
| 4 | Industry | 00.00 | 20.00 |
| 5 | Irrigation | 01.00 | 02.58 |
| 6 | Rural Management & Dev. Department | 35.00 | 102.80 |
| 7 | Education | 12.00 | 10.00 |
| 8 | Health | 30.00 | 00.00 |

Source: *Rural Management and Dev. Department, Sikkim*

It is revealed from the above table-59 that departments of Animal Husbandry and Industry has not contributed to panchayat any fund to take up development activities whereas Agriculture and Irrigation has transferred Rs. 1.00 lakhs each. The Horticulture Department has transferred Rs. 6.00 lakhs each to Gram and Zilla Panchayats. The Rural Management and Development department has given maximum of Rs. 35.00 lakhs as compared with other departments but if we compare with the Zilla Panchayat it is not so. This is followed by Health department with transfer of Rs. 30.00 lakhs and by Education department with Rs. 12.00 lakhs.

It is clear from the above table-59 that some of the departments did not feel it essential to transfer fund to Gram Panchayat.

Table – 60**Appropriate Time in Receiving Grant from the Government**

| Gram Panchayats | No. of Responses | | Total |
|------------------------|-------------------------|-------------------|--------------------|
| | Yes | No | |
| | No. (%) | No. (%) | No. (%) |
| Kabi-Tingda | 04 (66.67) | 02 (33.33) | 06 (100.00) |
| Samdur-Tadong | 03 (60.00) | 02 (40.00) | 05 (100.00) |
| Longchok-Salyangdang | 04 (80.00) | 01 (20.00) | 05 (100.00) |
| Salghari | 03 (60.00) | 02 (40.00) | 05 (100.00) |
| Total | 14 (66.67) | 07 (33.33) | 21 (100.00) |

Source: Field Work

The above table-60 reveals that whether or not the receipt of grant from the government is within the expected time. The question asked to the sample representatives was whether or not they receive timely help from the government. 66.67 per cent of the respondents responses that there is timely release of fund for the developmental activities. With the process of democratic decentralization effected through enactment of 73rd Amendment Act, the timely release of fund is not the problem. Prior to decentralization out of 100 only 70.00 per cent of the fund used to reach to the targeted group due to redtapism, corruption and with much of harassment to the elected representative. They also retaliate that the funds under centrally sponsored schemes are directly credited in the accounts of the panchayats not giving any chance for redtapism. On the other hand, 33.33 per cent respondents said that they do not get financial help in time from the government. Delay and disagree to release fund in time in the government offices still prevails. Though the fund is directly credited in the panchayat's accounts yet the fund, from Government of India, has to come across many bureaucratic huddles as the same is to be

divided into districts and to Gram Panchayat units before crediting the same in the unit's accounts.

When the *Sachiva* of Kabi-Tingda Gram Panchayat Unit was asked as how the Grant-in-aid of Rs. 10.00 lakhs received from Rural Management and Development department is spent. In response a statement depicting the details of itemwise allotment of fund and the balance remained at the time of collection of information was forwarded which is reflected herebelow in table-61.

Table – 61

Statement Depicting the Details of Sectoral Allocation of Fund Received from Rural Management and Development Department and Utilization During 2004-05.

| Sl. No. | Sectors | Allotment (Rs. in Lakhs) | Utilization (Rs. in Lakhs) |
|---------|---|--------------------------|----------------------------|
| 1. | Maintenance and Minor Repair | | |
| | (a) Repair of RWSS at Gairi Ward | 00.75 | 0.745 |
| | (b) Source development work at Gairi Ward. | 00.75 | 0.744 |
| 2. | Forest Sector | | |
| | (a) Social Forestry Plantation Work at Kabi, Rongpa and Tingmo villages. | 01.00 | 01.00 |
| | (b) Herbal Garden construction of herbal garden at Tingda and Gairi villages. | 01.00 | 01.00 |
| | (c) Smriti Van-Fencing Work at Kabi village. | 01.00 | 01.00 |
| 3. | Cottage Industry- Supply of handloom, woolen yarn and timber wood of chap. | 03.00 | 03.00 |
| 4. | Social Welfare- Construction of ICDS centre at Rongpa village. | 01.00 | 01.00 |
| 5. | Miscellaneous- (a) Purchase of furniture (b) construction of cement concrete foot path from National Highway to Kalzang Gyatsho Secondary School. | 01.50 | 01.50 |

Source: Gram Panchayat Office.

The operational success of the decentralization process is depended to a large extent on the efficient functioning of the Gram Panchayat. To strengthen the Panchayati Raj Institution, it is important to give them fiscal autonomy to some extent.

It was surprising to note that though the Constitution has empowered the panchayats to raise their income by way of levying taxes yet they have not done so due to the reasons already mentioned in the previous chapters.

The table-62 below presents the views of elected representative on the limitation and possible suggestion for improving the financial devolution process for panchayats.

Table – 62

Views of Elected Representative on Financial Devolution

Views (in their own words)

- Regarding utilization of power of taxation, the State Government should take immediate steps to issue clear-cut guidelines to the panchayats.
- Powers for taxation are not prescribed in a proper way.
- Recommendation of State Finance Commission regarding the collection of local taxes, fees, user charges etc should immediately be operationalised.
- Cent percent fund allotted do not reach to the Gram Panchayat due to persons in between with vested interest.
- Rights over local natural resources should be given to the panchayats so that the revenue earned out of these becomes a supplement to the grant received from the government which makes panchayat less dependent on government.

- Elected representative should be made more aware about the potential sources of income from local resources.
- Government should try to encourage *Gram Sabha* members to contribute (in cash or in kind) towards the development works. This will create a sense of importance among villagers.
- Panchayat leaders should try to convince the villagers that whatever they collect will be spent for further development of villages.
- Tax imposition is a political problem.
- Powers for realization of tax should be defined very clearly in order to avoid overlapping with Zilla Panchayats.

The extent of fiscal decentralization through the empowerment of the Panchayati Raj Institution has been very limited. Fiscal autonomy of these institutions are far from adequacy because basically they have no fiscal power other than to depend on Government grant. In the field of internal revenue mobilization, Gram Panchayats have not shown any remarkable performance so far. The raising of fund by way of collection of taxes have failed due to the reasons mentioned in the previous chapter. Apparently no possibilities are visible for improvement of the performance of the elected representatives in regard to raising their own source of income other than to depend on the government grant.

Empowerment of Women and Participation.

Women constitute almost half of the total population and without whose participation it is impossible to bring about successful participatory democracy and hence women's empowerment and participation is being studied separately. Democratic decentralization would be rendered meaningless unless gender equality is ensured. The pace of development in the society would be slow if women constituting

half of the population are not facilitated to participate in the development process. The panchayat can not stand the test of success without adequate participation of women.

The Constitution (73rd Amendment) Act, 1992 may be considered as watershed in the history of the state's initiatives in regard to political empowerment of rural women. The Amendment Act is a landmark since its objectives are to empower women by creating 33 per cent reservation of seats. For the first time in the history of Indian polity, it has provided the minimum number of seats and political offices in the panchayats for the women. The Clause (3) of Article 243 D inserted in the Indian Constitution by the 73rd Amendment Act provides that "not less than one-third (including the number of seats reserved for women belonging to the Scheduled Castes and Scheduled Tribes) of the total number of seats to be filled by direct election in every panchayat shall be reserved for women and such seats may be allotted by rotation to different constituencies in the panchayat". Similarly the Clause (2) of the article provides that "not less than one-third of the total numbers of seats reserved (for the Scheduled Castes and Scheduled Tribes) shall be reserved for women belonging to the Scheduled Castes or Scheduled Tribe". Moreover, the provision under the clause (4) of the said Article which deals with reservation of offices of the Chairpersons in the panchayats for the Scheduled Castes, Scheduled Tribes and Women stipulates that not less than one-third of the total number of offices of the Chairperson in the panchayats of each level shall be reserved for women.

Prior to passing of the 73rd Amendment Act, the representation for women in the Panchayati Raj Institution remained quite negligible as there was no provision of reservation of seats for women in the panchayats. The states were to make provisions for this purpose as per

their wishes. Many states provided for having at least one women in each panchayat. Earlier political activities remained the reserved area of the manfolk in the villages. Since 73rd Amendment to the Constitution took a positive steps towards women's representations, there is a need to examine as how far it could bring about worthwhile change in women's participation. In the earlier days when women's reservation was not constitutionally binding, their participation used to be very low. It was uncommon for women to file nomination and to contest panchayat election as rural politics was totally monopolized by male members. As per the provision of the Sikkim Panchayt Act, 1982, one woman was supposed to be nominated to the Gram Panchayat provided they were otherwise unrepresented in the normal process. Secondly in some cases there was no nomination of women. In 1982 Gram Panchayat elections in Sikkim, women's representation was as under in the table-63.

Table – 63

Districtwise Elected and Co-opted Women Panchayat Members in Gram Panchayat Election, 1982.

| District | Number of Women Gram Panchayat Members | |
|--------------|--|------------|
| | Elected | Co-opted |
| North | - | 16 |
| East | 15 | 29 |
| West | 03 | 44 |
| South | 02 | 41 |
| Total | 20 | 130 |

Source: *Sikkim Government Gazettee, Gangtok, No. 13, July 28, 1983*

In is revealed from the above table-63 that the number of elected women representatives were meagre as compared to co-opted members. It is very interesting to note that 75% of the elected women representatives were from east district alone where the state capital is

situated. The better educational facilities and greater exposure to state politics may be the reason for higher percentage of elected women representatives in the east district. Women of this district are politically more conscious resulting better performance as compared to the women of other districts.

Incorporating the provision of the Constitution (73rd Amendment) Act, 1992 the State of Sikkim enacted Sikkim Panchayat Act, 1993. This act aims at decentralizations of powers and removing of gender imbalances. The significance of the Act can be seen from the facts that the numbers of women members in politics at the grass-root level is now increased significantly than in the past.

The provision of this Act provides for reservation of not less than one-third (including the number of seats reserved for women belonging to Scheduled Caste and Scheduled tribes) of the total number of seats to be filled by direct election in every Gram Panchayat shall be reserved for women and such seats may be allotted by rotation to different wards, in a Gram Panchayat in such manner as the Government of Sikkim may, by notification, from time to time, specify [Sikkim Panchayat act, 1993, section 13(7)]. The Act 1993 further states that seats shall be reserved for Scheduled Castes and Scheduled Tribes in proportion to their population in every Gram Panchayat unit out of which one-third seats shall be constituted by the women of those communities. Section 17 2(b) states “not less than one-third of the total number of offices of *Sabhapati* and *Up-sabhapati* of the Gram Panchayat of the district shall be reserved for Scheduled Castes, Scheduled Tribes and Women.” Panchayat election of 1997 was held in accordance to this provision. Accordingly the women representative increased by a big margin which can be seen in the following table-64.

Table-64

Representation of Women in Gram Panchayat and Zilla Panchayat in Sikkim (2002).

| Tiers | Total Members | Women Members | % of Women Members | Total Chairpersons | Women Chairpersons | % of Women Chairperson |
|-----------------|---------------|---------------|--------------------|--------------------|--------------------|------------------------|
| Gram Panchayat | * 903 | 305 | 33.77 | 166 | 56 | 33.73 |
| Zilla Panchayat | * 98 | 30 | 30.61 | 4 | 1 | 25.00 |

* Excluding 2 *Dzumsa* of *Lachen* and *Lachung* Villages.

Source: *State Election Commission, 2002.*

It is clear from the above table-64 that there were 305 women members of the Gram Panchayat representing 33.77 per cent of the total number of panchayat members in the state and out of 166 numbers of Chairpersons there were 56 women Chairpersons representing 33.73 per cent of the total Chairpersons. There was one women *Adhakshya* out of four *Adhakshyas* in the four districts comprising 25 per cent of women's representation in the districts too. It is evident that due to reservation the women came into political powers as compared to the periods before reservation wherein the representation of women was nothing but nominal.

During the course of the field study twenty such women panchayat representatives (including one *Sabhapati* and Four women members of the Gram Panchayat Unit selected for study) have been found. Most of these women are quite aware and articulate except a few with very low level of educational background. The majority are found to be aware of their rights, aware of local issues, local problems and local political. Contrary to the common perception, they are quite aware of their duties responsibilities and rights and are found to be quite bold and confident

on their works. Besides state government's serious concerns to make the panchayat representatives aware of their social liabilities and responsibilities of by way of imparting regular training, separate trainings for women alone are also arranged for their exposure and awareness in regard to issues like health, nutrition, sanitation child and family welfare problems. The training also includes awareness of old age and social securities, environmental degradation and benefits of social forestry. However, there are several obstacles explained below for their independent and effective functioning.

- i) Attitudinal problem is considered to be one of the main obstacles. In rural society politics is still considered as subject matter of the male members. Showing interest or discussing politics are still considered unfeminine. Therefore, women are neither encouraged nor get support from the family to participate in politics.
- ii) Economic problems are considered to be the second main obstacles. Women in villages play a direct role in earning to support their families. Most of them extend helping hands to their husbands and other members of the family in the field of agriculture in earning their living. In some families they are the main bread-earner. Besides being an earning members in the family, they are supposed to look after the household affairs such as cooking and feeding male members. In addition to earning for living and shouldering the responsibilities of household activities, they are to compulsorily carry on the burden of child bearing and child rearing. However, women carry on their responsibilities with pride and occupies the position of an important member in the family. They have less time to indulge in active politics.
- iii) Panchayats are based on politics and the expectation of loyalty towards the political party is another obstacle for an elective representative to work independently. Though this factor is

common to both male and female representatives yet the political influence in the activities of the women panchayat members never allows to work independently so much so in case of differences and disputes over the matters concerned with panchayats, the decision of the political bosses becomes final. This deep rooted politics is another obstacle for independent working for women.

- iv) Women's access to education, which is still restricted, is an effective instrument of empowerment. Illiteracy and lack of education are the impediments resulting most of the women of remote and inaccessible areas have not been able to carry on their role and responsibilities effectively.
- v) Lack of experience is considered to be another obstacles that the women are facing. Barring a few, the majority of women who are elected during 2002 election are new entrants in Panchayati Raj system without any experience as elected representative in the past. Though the state government is paying more attention to train the elected representatives yet more training are considered to be imparted to women candidates separately in order to develop more confidence on the functioning as panchayat representative. In such cases a lady trainer is considered to be appropriate. NGOs can also be encouraged to conduct courses on capacity building. Despite the constraints, the upsurge of women's power and participation in the Panchayati Raj is noticeable. Women have started asserting themselves leading to new kind of situation in the society. The situation is surely changing for the better. Thus during the last ten years of Panchayati Raj governance there has been path-breaking opportunities for rural women to occupy position in decision-making process.

In the midst of many unsupportive factors and forces, women have looked for supportive opportunities and are move forward to demonstrate

their capacities and ability to hold such position in the panchayat as well in the society as a whole. This can aptly be illustrated in the case of Mrs. Sonam Doma Sherpa and Mrs. Kima Sherpa of Kabi-Tingda of Gram Panchayat Unit of North District. During the course of field works these representatives mentioned that they hardly get adequate time to involve themselves in panchayat activities. These *Sherpa* tribes women have to shoulder triple responsibilities of bread-earning, household affairs and panchayat activities. Since both of them are marginal farmers having no capacity to hire agriculture labourers, have to work in the field to attend all agricultural operations. Moreover, Mrs. Kima Sherpa, a widow, with three sons is the main bread earner in the family, supplemented by one of the married sons. No one in the family members are in the regular government job. Both the representatives were elected, for the first time, in 2002 elections on reserved seats for Scheduled Tribe Women. Kima was elected on Sikkim Democratic Front (SDF) party ticket while Sonam won independently defeating Sikkim Democratic Front (SDF) candidates Mrs. Phu Doma Lepcha with the support of *Sherpa* Association. She won the election with great difficulties to prove that the ruling party had done wrong choice for the selection of the candidate against the aspiration, expectation and liking of the voters. She is popular with lot of social works done in the village. It is learnt during the interview that the village people have really appreciated the work done by these two tribal women who have education only upto primary level. It is also known during the fieldwork that these two women are actively involved in the formation of Women's Self Help Group (SHG) in their respective wards and these Self Help Groups (SHGs) are doing commendable job on employment and income generating activities. One of the factors for their active involvement in panchayats activities is due to the support and co-operation extended by the village people as these two wards are dominated by a single *Sherpa* tribes. The women elected representatives

also mentioned that the existence of *Gyapen* (a traditional panchayat) side by side with the statutory panchayat has greatly helped and lighten the responsibilities. Every year during winter the village people assemble in the local *Gumpa* and select the *Gyapen* with consensus. This *Gyapen* normally deals with socio-religious type of problems in the village and hands over the problems to the panchayats only when it becomes unable to solve by himself.

In Samdur-Tadong Gram Panchayat, the Sabhapati, Mrs. Chumki Bhutia was elected unopposed in the Sikkim Democratic Front (SDF) tickets during 2002 election. Her dedication to social work and village development activities during the last tenure (1997-2002) as ordinary member had been able to draw the sympathy and support of the local people as a result she was elected unopposed. As per her the *Gram Sabha* member through dedication can rise up in their political ladder. The second women candidate in this Gram Panchayat unit was Mrs. Uma Devi Chhetri who had won the election in Sikkim Democratic Front (SDF) tickets defeating the only independent candidate.

All the women members of the sample villages have said that initially they used to feel embarrassed and shy while attending Gram Panchayat meetings and addressing *Gram Sabha* meetings. After becoming the members of the panchayat slowly the people have started approaching them for their help and support which have gave them encouragement and strength to overcome the uneasiness to be a leaders.

In conclusion, we can say that it is not enough to have more member of women candidates in Panchayati Raj Institution through reservation of seats unless they use their presence for betterment of the women's lot. Women may become organized if more and more of them enter the political arena, not only as elected representatives but also as

an enthusiastic and responsible citizens taking keen interest regularly in *Gram Sabha*. It is learnt that the presence of women in *Gram Sabha* meetings are satisfactory. It is hoped that in near future when women representative become natural phenomenon, they will be able to perform their duties and responsibilities in effective manner with the support of experience they gather over the years.

Relationship Between Elected Panchayat Representatives and Panchayat Officials.

The effective functioning of the Panchayati Raj Institution depends on good working relationship between elected panchayat representatives and panchayat officials. This topic has relevancy to discuss both institutional performance and participation. Writing on this aspect of Panchayati Raj, Maddick (1970) observed: one of the most difficult questions in connection with a new local government system is what relationship should exist between officials and non-officials. Ideally, the relationship should be one of the popular leadership and the interpretation of the popular will by the elected and co-opted representatives advising and counselling the officials with whom must rest the execution of the policy finally adopted. Gaikwad (1969) while observing on the effects of implementation of democratic decentralization pointed out that- (a) it has brought together for the first time, two divergent sets of people, the elected representatives of the people and the government servants in an active association of unprecedented dimension and scope; (b) it has raised expectation in peoples' mind of radical change in the roles of government servants and in their attitudes and behaviour.

In this new context, both the administrators and the elected representatives are supposed to work on equal footing. It is expected that officials would act as adviser and educators without giving up their

integrity and impartiality. But various studies show that genuine problems have been cropping up in the relationship between the elected representatives and officials. In brief, difficulties have stemmed out of the following situation- (a) the panchayat officials have to act under high pressure exerted by political and other interest groups within the panchayats; (b) the respective attitude and approaches of administrators and newly elected representatives have been largely incompatible. Gaikwad (1970) observed that the tension between the two sets of functionaries is mainly due to the stress and strain created by sudden debureaucratization with corresponding loss of power and authority of the bureaucrats.

Panchayati Raj has resulted in the transfer of important powers and functions from the officials to elected representatives of the people. As a result of debureaucratization and creation of parallel hierarchies of authority, there is a clear erosion in the prerogatives, powers and privileges of the officials. The conflict between these two sets of functionaries arises mainly because of diverse socio-economic background, the elected representatives are not adequately educated and are from rural background while the panchayat officials are properly educated and are mostly from semi-urban and urban areas. Under the new system of democratic decentralization, it is a question of mental adjustment to new environment to the officials to imbibe a democratic spirit while the elected representatives have to realize necessity of co-operation and amicable relations for the development of whole society.

While discussing against this backdrop, the relationship between elected representative and panchayat officials in the state, it is observed that prior to the enactment and implementation of the Sikkim Panchayat Act, 1993, there was hardly any officials directly attached to the institution of Gram Panchayat at village level. The Gram Panchayat was

placed under the administrative control of the District Development Officer (DDO) who was also an ex-officio District Panchayat Officer and his subordinates the Sub-divisional Development Officer (SDDO), the Panchayat Inspector who were responsible for supervision and guidance to panchayats. The District Development Officers belonged to central as well as state cadres and sometimes were promotes of departmental officers. The Inspectors and Supervisors were selected through open competition. Panchayats were made powerful and more responsible, through the enactment of new Act of 1993, in planning on economic development and social justice. The Government has transferred a huge functions to the Panchayati Raj Institution at the Gram as well as Zilla Panchayat levels. Along with functional decentralization, the State Government has been taking several measures for administrative decentralization leading to new appointments and emergence of army of officials. Further, through the office orders issued by the Government they had been made accountable to the developmental works done in the village. They were also answerable to the elected representatives who constantly would supervise the activities of the officials.

It was found difficult for elected leaders and panchayat officials to develop a conducive working relationship under the new decentralized administrative systems. Outwardly no problems were visible but the ego of the officials, who worked for several years independently in the district as well at the gram level, never allowed them to work comfortably under the uneducated and inexperienced local leaders. On the other hand, the temperament of the local leaders was very high with the political support that never allowed them to compromise with the officers. Under such state of affairs, officials find it difficult to regularize the distorted records and corrupt acts of the political bosses. However, accountability imposed to them at both Gram and Zilla

Panchayat levels has remarkably improved the quality of works as the inefficient and less functional officials improved and become more functional, energetic and co-operative to elected representatives. One more positive result of the administrative decentralization is the increase of effectiveness of government institutions through co-ordination of line officers of different departments working in both the levels of panchayats. For many officials the adjustment to the new system was difficult however, when majority started advocating for the new system, it was mandatory for them to adjust in the administrative and functional decentralization system.

It is revealed from the field data that the relationships between the panchayat representatives and the panchayat officials are not complementarily to each other even though the panchayat officials are considered to be supportive in attitude and action. The perspective views of panchayat representatives regarding their relationship with the officials differ from person to person. The sample elected representatives are asked whether or not they get enough support and co-operation from the panchayat officials. Their responses have been presented in the table-65 below.

Table – 65

Support and Co-operation of the Panchayat Officials to the Elected Representatives.

| Gram Panchayats | No. of Responses | | Total Members |
|----------------------|-------------------|------------------|--------------------|
| | Yes | No | |
| | No. (%) | No. (%) | No. (%) |
| Kabi-Tingda | 4 (66.67) | 2 (33.33) | 6 (100.00) |
| Samdur-Tadong | 3 (60.00) | 2 (40.00) | 5 (100.00) |
| Longchok-Salyangdang | 3 (60.00) | 2 (40.00) | 5 (100.00) |
| Salghari | 4 (80.00) | 1 (20.00) | 5 (100.00) |
| Total | 14 (66.67) | 7 (33.33) | 21 (100.00) |

Source: Field Work

It is revealed from the above table-65 that out of 21 sample respondents, 66.67 per cent respondents have satisfactory relationships with the officials as they are getting enough support and co-operation from them. The two panchayat representatives of Kabi-Tingda Gram Panchayat have further stated that local officials particularly Rural Development Assistant (RDA) and Village Level Worker (VLW) have been supportive to them. Government Officials posted and working in close association with the Gram Panchayat representatives are the sources of information for them. It was further pointed out that the reason of being the local level posted officials more friendly, supportive and informative is mainly because they not only hail from the same village but also because they are from their own ethnic background. In other words, appointing of local officials by the Government for the development of villages with the understanding that the local officials would be helpful to the panchayat members has proved worth. This is mainly because the officials from local area know the local problems better and also have the interest to develop their own villages. On the other hand, there are 33.33 per cent elected representatives who responded negatively. They told that the officials instead of being supportive try to control, dictate unnecessarily and manipulate panchayat representatives who are not sufficiently educated and are not well informed about various government guidelines and directives. Therefore, feeling of discontentment is prevalent in a substantial section of interviewed panchayat representatives. They feel that the officials are corrupt and do not work for the village unless they are bribed. Some of the ordinary members of the Gram Panchayat have also stated that not only the officials but also the *Sabhapati* and *Sachiva* have their hands in gloves with the officials as regards corruption.

The elected representatives are also asked to express their opinion whether or not they have differences of opinion with the officials on

various issues (see table-66). In reply, 61.90 per cent of the members have said that they do not have much differences of opinion with the officials. On the other hand, 33.09 per cent of the respondents stated that on several occasion they have to face differences of opinion with the officials who always feel superior to the elected representatives as they are higher educated and hence they think their opinions are always correct. Those, who have replied negatively have further informed that the differences of opinion arises mainly on issue like selection of site for implementation of schemes since all the Gram Panchayat representatives try to implement schemes in their own wards. Another issues of difference of opinion is the selection of beneficiaries under various central as well as state government schemes.

Table – 66

Differences of Opinion Faced by the Elected Representatives with the Officials on Certain Issues.

| Gram Panchayats | No. of Responses | | Total |
|----------------------|------------------|-------------------|--------------------|
| | Yes | No | |
| | No. (%) | No. (%) | No. (%) |
| Kabi-Tingda | 3 (50.00) | 03 (50.00) | 06 (100.00) |
| Samdur-Tadong | 2 (40.00) | 03 (60.00) | 05 (100.00) |
| Longchok-Salyangdang | 2 (40.00) | 03 (60.00) | 05 (100.00) |
| Salghari | 1 (20.00) | 04 (80.00) | 05 (100.00) |
| Total | 8 (38.09) | 13 (61.90) | 21 (100.00) |

Source: Field Work

The sample respondents are further asked to express their opinion whether or not the officials have forced them to agree whenever the difference of opinion arises. The replies are presented in table-67. It is very interesting to note that 85.71 per cent of the respondents have

replied that the panchayat officials do not force them to accept their opinion. Rather they try to adjust whenever such occasion of disagreement arises. The elected representatives are also of the opinion that after the enactment of the Sikkim Panchayat Act, 1993, there is no question of forcing the people's representatives to accept the opinion of the officials in case of disagreement. The *Sabhapati* of Kabi-Tingda Gram Panchayat unit of North district have expressed his opinion separately that prior to granting of Constitutional status to the Gram Panchayat, Panchayati Raj Institution was dominated by officials and the panchayat representatives were treated by the officials as 'yes man'. After the enactment of Sikkim Panchayat Act, 1993 and government directives bringing all the local level government officials posted at Gram Panchayat and Zilla Panchayat levels under the control and supervision of elected representatives, slowly the attitude of panchayat officials are changing. Now-a-days even if the occasion of disagreement arises, they try to adjust and come to an understanding instead of asking the representative to accept their views. Contrary to this 14.28 per cent of representatives have responded that the officials have forced them to accept their views in case of disagreement. This small group belongs mostly to the women representatives.

Table – 67

The Panchayat Officials Forcing to Agree on Differences of Opinion.

| Gram Panchayats | No. of Responses | | Total Members |
|----------------------|------------------|--------------------|--------------------|
| | Yes | No | |
| | No. (%) | No. (%) | No. (%) |
| Kabi-Tingda | 2 (33.33) | 04 (066.67) | 06 (100.00) |
| Samdur-Tadong | - (00.00) | 05 (100.00) | 05 (100.00) |
| Longchok-Salyangdang | 1 (20.00) | 04 (080.00) | 05 (100.00) |
| Salghari | - (00.00) | 05 (100.00) | 05 (100.00) |
| Total | 3 (14.28) | 18 (085.71) | 21 (100.00) |

Source: *Field Work*

The respondents are also asked to comment on the frequency of visit paid by the government officials to their Gram Panchayat. The 66.67 per cent of the members have stated that the frequency of visit of the government officials are adequate and satisfactory. Another section of 33.33 per cent of representatives have responded that local level government officials visit their Gram Panchayat regularly. They further appreciate the recent steps taken by the state government for administrative decentralization. In this context, one panchayat member commented that prior to administrative decentralization it was very difficult for the panchayat representatives to contact the local officials as the visits were very rare. Now the construction of Gram Panchayat Bhavan and setting up of Gram Prasasan Kendras have imposed and the improved frequency of visits paid by the local officials (line officers). This has eased the process of contacting them by the local people and the panchayat representatives for interaction with them.

It is evident from the study that after administrative decentralization concerned local level government officials are regularly visiting the Gram Panchayat and the grass root level people are also getting ample opportunities to have frequent interaction with them. The sample representatives were further asked to comment on whether or not the regular supervision and visit by the government officials are putting hindrance in awakening a sense of self-confidence in the minds of the panchayat representatives.

The study indicates that out of 21 sample representatives of the four Gram Panchayats, 76.19 per cent stated that the regular visit and supervision by government officials is not a hindrance or obstacle to their independent functioning rather it help them to perform their duties and responsibilities in better way. It also help them in bringing transparency and accountability in the whole system of Panchayati Raj

Institution. Against this 23.80 per cent of respondents have expressed their views that they do not like the regular supervision and visit by the government officials which is considered as a great obstacle in awakening a sense of self-confidence in their minds. They are of the opinion that the officials consider them as uneducated, unaware and inexperience persons and doubt the abilities and capabilities. They further said that instead of helping them to build up their capacity and self-confidence, they underestimate and try to interfere even on trivial matters. According to this group of respondents, the official should change their attitude and traditional mindset and instead of trying to control them, they should try to help and guide them to build up self-confidence.

A number of opinion expressed by the government officials who are directly related to Panchayati Raj Institution have also been collected. The expression is almost similar to all districts. The officials feel that they are the appointees of the government and they are required to work under the guidance and supervision of the government. Contrary to this the panchayat members try to pressurize them to carry out activities which may be illegal. According to them panchayat representatives are additional problem who do not realize that still some authority is vested to the officials. Officials are bound to follow rules and regulations of the government and are supposed to work in accordance to law. They have also expressed that the selection of beneficiaries under various programmes is a major area of conflict with the elected representatives. Moreover, the officials, in the process of monitoring and evaluation of activities of Gram Panchayat also come in direct conflict with the *Sabhapati* and *Sachiva*. Another official respondent feels that concentration of too much of powers with the *Sabhapatis* is the cause of problem. The panchayat representatives are unaware and ill-informed about their right and duties, power and

jurisdiction which ever leads to under estimation their roles causing conflict with the officials. Therefore, it is important to train and orient panchayat members in regard to the new Panchayati Raj System. Elected representatives feel that they are more powerful than the government officials by virtue of being democratically elected. On the other hand, the official feel that they are better educated and well versed on the official rules and regulations regarding the functioning of the Panchayati Raj Institution. Another official commented that the representatives do not have adequate skills and capabilities to function effectively in local self-government. He believes that the new system has enhanced corruption in the system and system of accountabilities not yet well-established. One Sub-divisional Development Officer (SDDO) has further observed that the new decentralization system of governance has led to a strained relationship between the frontline government officials and elected representatives. Suddenly the lower level government machineries and frontline officials are being held accountable to the local leadership resulting negative attitude, non-cooperation and non compliance by frontline members of the government machineries.

A sound and healthy relationship between elected representatives and officials has been considered as a prerequisite for overall development of the society. There are number of factors influencing good relationship between these two sets of functionaries in Panchayati Raj Institutions. They are as follows: (i) understanding of each other's problems (ii) non-interference in each other's works (iii) mutual trust (iv) same scheme for development of village (v) open discussion of problems (vi) mutual respect for each other's suggestion.

The sample respondents are asked to rate and respond as which factor may influence the good relationship between panchayat

representatives and panchayat officials. The responses are shown below in table-68.

Table – 68

Factors Influencing the Good Relationships.

| Gram Panchayats | No. of Responses | | | Total Members |
|---|------------------|----------------|------------|---------------|
| | Fully | To some extent | Not at all | |
| | No. (%) | No. (%) | No. (%) | No. (%) |
| We understand each other's problem | 11 (52.38) | 08 (38.09) | 02 (09.52) | 21 (100.00) |
| We do not interfere in each other's work | 06 (28.57) | 06 (28.57) | 09 (42.85) | 21 (100.00) |
| Same scheme for the development of the village | 18 (85.71) | 03 (14.28) | - (00.00) | 21 (100.00) |
| We trust each other | 07 (33.33) | 11 (52.38) | 03 (14.28) | 21 (100.00) |
| We discuss problems openly and regularly | 04 (19.04) | 11 (52.38) | 06 (28.57) | 21 (100.00) |
| We take each other's advice and suggestions seriously | 03 (14.28) | 05 (23.80) | 13 (61.90) | 21 (100.00) |

Source: *Field Work*

From the above table-68 it is evident that 85.71 per cent respondents have cited 'Same schemes for the development of village' as one of the major reasons for good relationship. 52.38 per cent respondents have regarded 'understanding each other's problem' as another important factors responsible for the good relationship. 33.33 per cent respondents believed that 'mutual trust' could be one of the important reasons for a good relationship. However, 28.57 per cent have maintained that 'non-interference of each other's work' have helped to foster good relationship only to some extent. In fact, there members felt that the officials have some reservation on fully trusting the elected representatives. There are 19.04 per cent and 14.28 per cent respondents who believe open 'discussion of problems' and 'taking each other's advice and suggestion' respectively are responsible for influencing good relationship between the officials and non-officials.

On the whole, the study reveals that relationships between panchayat representatives and panchayat officials are not so strain as seen elsewhere in other states. Hence, the relationship is tension-free especially because of low education standard and low capabilities and capacity of elected representatives who have not yet been able to interact, control and supervise the activities of line officers. Under the new environment of democratic decentralization, the officials are also trying to adjust with elected representatives. However, latent dissatisfaction and differences will continue to prevail with the officials unless the elected representatives improve the capabilities and attain the standard of judging the officials in regard to their activities in a democratic setup.

Backgrounds and Views of the Panchayat Officials on the Overall Functioning of the Panchayats.

The background and views of the panchayat officials on overall functioning of the Panchayati Raj Institution will briefly be discussed in this section. As stated earlier, the objectives of self-government can not be achieved without the commitment from both the officials and elected representatives. Since the decentralization of power to the people through 73rd Amendment has created a significant change in the existing administrative set up, the newly elected panchayat representatives, in both the tiers, have a mandate to participate in the development process of their areas. The recent initiative of the State Government for the administrative decentralization restructuring the existing administrative set up both at Gram and Zilla Panchayat levels, by official notification, brings government machineries involved in developmental activities of the gram under the control of the people's representatives. It has significant impact on the functioning of the development functionaries under the changed but responsible situation. The emergence of empowered constitutionalised panchayats have pressurized the official

machineries to forget their past experience and adjust in the changed situation. In this context, the researcher thought it necessary to present the background and views of panchayat officials in brief which may be helpful in understanding the working relationship between the two sets of functionaries.

Background

As mentioned in the methodology 20 panchayat officials consisting of District Development Officers of all the four districts, Sub-Divisional Development Officers, Panchayat Inspectors, Rural Development Assistants and Village Level Workers of the sample Gram Panchayats were interviewed. A brief socio-economic profile of these respondents are presented below.

Caste/Ethnicity: Fifty five per cent of the respondents belong to Scheduled Tribes category followed by Other Backward Classes with 25 per cent of respondents. The percentage of respondents belonging to the General Castes category is 20 per cent. There is no respondents under Scheduled Castes category. As regards ethnic background of the panchayat officials, 60 per cent of them belong to *Nepali* Castes and *Nepali* Tribes (*Limboo* and *Tamang*). The *Bhutias* and *Lepchas*, the other two major ethnic communities, are 25 per cent and 10 per cent respectively. There is only one officer hailing from outside Sikkim. Thus the four samples represent respondents of all the major ethnic communities (*Nepali*, *Lepcha*, *Bhutia*) including one respondent from outside Sikkim.

Age: In order to have an idea about the age composition of the sample government officials, the age group is divided into four groups viz. 20-30 years, 31-40 years, 41-50 years, 51 years and above. The majority of the respondents belong to the group of 31-40 years of age with 45 per

cent. About 25 per cent respondents fall under 20-30 years of age group and the rest 30 per cent of the respondents fall under 41-50 years of age group. It is evident from the study that majority of the officials belong to young group below 40 years. During field study it was learnt that the RDAs and VLWs were newly appointed after administrative decentralization against the created vacancy.

Sex and Marital Status: Absence of women respondents in the sample Gram Panchayat is just a co-incidence otherwise there are more than 30 per cent women working in the offices. As regards marital status, 85 per cent of the interviewed officials were married and the rest 15 per cent were unmarried.

Religion: Religionwise the respondents professing Buddhism were in majority with 50 per cent. They were mostly *Lepcha*, *Bhutia* and *Tamang* from *Nepali* Tribes. There were 45 percentage of respondent belonging to Hinduism from *Nepali* Caste groups and 5 per cent belonging to Christianity.

Educational Status: It is interesting to note that the 70 per cent of the sample respondents were graduates. The respondents' educational status upto Secondary and Senior Secondary levels were 15 per cent and 10 per cent respectively. There was only one post-graduate respondent. If we correlate the age factor with the level of education, younger respondents below the age of 40 years have the dominance. This is mainly because of placement of newly appointed officials in the districts, sub-divisions and Gram Panchayats to experience in the changed situation after decentralization of administration and transfer of functions to the Gram Panchayat.

Views on Overall Functioning of Panchayati Raj Institutions.

The development functionaries i.e. the panchayat officials' views on the overall functioning of Panchayati Raj Institutions is considered to be of great importance as these functionaries are directly responsible for the execution of the policy decision taken by the people's representatives. As mentioned earlier, the success of Panchayati Raj Institutions, as an institution of local self-government, to deliver the economic development and social justice, depend on the mutual understanding, mutual co-operation, and coordination between the two sets of functionaries. The commitment of the State Government regarding transfer of functions to the Panchayati Raj Institutions is noteworthy. In this section, administrative decentralization or transfer of development functionaries and their perceptions regarding many aspects of functioning of Panchayati Raj Institution will be dealt with.

The following are the initiatives taken by the State Government for administrative strengthening in the Gram as well as in the Zilla Panchayat levels.

- Setting up of Gram Prasashan Kendra (Gram Panchayat Administrative Centre) in every Gram Panchayat Unit either in the Gram Panchayat Ghar (GPG) or in a place rented for this purpose, till such period Gram Panchayat constructs its own building.
- Deployment of officials from the line departments to respective Gram and Zilla Panchayats.
- Placement of services of the officials, posted at Gram and Zilla Panchayat areas, under the supervision and control of the elected representatives.
- Vesting with some discretionary powers to *Sabhapati* of the Gram Panchayat Unit and *Adhakshya* of the Zilla Panchayat for smooth

functioning and maintaining an administrative decorum in the Gram as well as in the Zilla levels.

The table-69 below depicts the initiative taken by the State Government for restructuring of administrative infrastructure at Gram Panchayat Level.

Table – 69

Manpower Deployed at Gram Panchayat Level Under Various Departments.

| Sl. No. | Departments | Officials Deployed |
|----------------|------------------------------|------------------------------|
| 1 | Rural Development Department | Rural Development Assistant |
| 2 | Education | Inspector |
| 3 | Forest | Block Officer |
| 4 | Agriculture | Village Level Worker |
| 5 | Animal Husbandry | Stockman |
| 6 | Land Revenue | Village Level Official |
| 7 | Industries | Inspector |
| 8 | Health | Multi-purpose Health Workers |
| 9 | Co-operatives | Inspectors |
| 10 | Irrigation | Junior Engineer |

Source: *Rural Development and Management Department, 2004.*

The above table-69 shows the recent deployment of officials of various departments under the Gram Panchayat level. Such deployment under the direct control of the Gram Panchayat has many implications.

Keeping in view the transferred functions to the Gram Panchayat (see Appendix-I), the sample officials were asked to express their opinions on the staffing pattern of Panchayati Raj Institutions

particularly at Gram Panchayat level because the huge functions transferred to panchayats would be meaningless without adequate functionaries.

Table – 70

Opinion of the Officials About the Staffing Pattern of Panchayats.

| Responses | No. of Respondents | Percentage |
|------------------|---------------------------|-------------------|
| Excess | -- | -- |
| Adequate | 06 | 030.00 |
| Less | 12 | 060.00 |
| Do not know | 02 | 010.00 |
| Total | 20 | 100.00 |

Source: *Field Work*

The above table-70 indicates the diversified opinion expressed by the sample officials in which 60 per cent respondents said that the officials posted under the Gram Panchayat is less than the requirement as a huge functions are transferred to Gram Panchayat by the state government. They are also of the opinion that the Gram Panchayat can not perform their functions effectively with such meagre number of officials. On the other hand, 30 per cent of officials said that the staffing pattern is adequate in both at Gram as well as at Zilla levels. They further said that the recent restructuring of staff for administrative decentralization recommended by the Second State Finance Commission, accepted and implemented by the state government will certainly help the Panchayati Raj representatives to perform the functions effectively. A small number of respondents (10 per cent) replied 'do not know' as they refused to comment on the question. There was not a single respondent who replied staffing pattern is 'excess' at the Panchayati Raj Institutions.

The next questions asked to the sample officials were about their opinion as which functions should be entrusted to the elected representatives and which should not be. The opinion of the sample officers are presented below in table-71.

Table – 71

Opinion of the Panchayat Officials on the Functions which should be Entrusted to the Gram Panchayat and Functions which should not be Entrusted

| Should be entrusted | Should not be entrusted |
|---|---|
| i) Collection of revenue (local taxes). | i) Writing of Annual confidential Report of the line department officials. |
| ii) Settling minor legal problems. | ii) To take law and order in their hands and decide cases of criminal nature. |
| iii) Control over panchayat officials posted under line departments. | iii) Working beyond the purview of the Panchayat Act unless directed by the Government. |
| iv) Supervision of all departmental schemes meant for the village. | iv) Collection of fine in settlement of disputes in the villages. |
| v) Maintenance of village water supply schemes. | v) Award permission to fell trees. |
| vi) Co-operation among themselves to maintain peace and tranquility in the village. | |

The above table-71 makes it clear that the panchayat officials have expressed their willingness to support for the functions like collection of revenue from local sources, settling minor legal problems, maintenance of water supply, supervision of schemes meant for the villages, maintaining peace and harmony and control over developmental functionaries posted under line department to Gram Panchayat Unit. It is surprising to note that the sample officials expressed their views in

support of the functions like control and supervision of the line department officials posted at Gram Panchayat Unit under the control of the elected representatives. It is seen that the attitudes of the officials are changing slowly under the new environment of democratic decentralization effected by the enactment of 73rd Amendment Act. On the other hand, the sample respondents express their views that the functions like awarding permission to fell trees, collection of fine on settlement of disputes and writing Annual Confidential Report of line department officers should not be entrusted to the elected leaders. In this context, one of the respondents expressed his opinion that the present panchayat members are more corrupt as compared to the panchayat members of the previous term. With low educational standard and lack of awareness about power, functions and authorities entrusted to them, the panchayat members sometime encroach beyond their jurisdiction and interfere in the normal functioning resulting to confrontation with panchayat officials.

It is also thought essential to collect opinions of the sample officers on the performances of *Sabhapati*, *Sachiva*, *Adhakshya* and women representatives of Panchayati Raj Institutions. Their opinions have been presented in the following table-72.

Table – 72

Opinion on the Performance of *Sabhapati* and *Sachiva* of the Gram Panchayat.

| Statement | No. of Respondents | Percentage |
|------------------|---------------------------|-------------------|
| Satisfied | 16 | 80.00 |
| Not satisfied | 04 | 20.00 |
| Total | 26 | 100.00 |

The above table-72 indicates that the 80 per cent of the sample officials have expressed their opinion that they are satisfied with the performance of *Sabhapati* and *Sachiva* of Gram Panchayats whereas 20 per cent of the respondents have expressed dissatisfaction. In reply they have given the following reasons:

- They lack skill on financial management and do not maintain official records and books of accounts.
- They pay more attention to political activities rather than developmental and social activities of the village.
- They are less qualified, young and inexperienced as a result they can not handle effectively the huge responsibilities given to them.
- They need to be apt in decision-making and also need to build up their capacity duly being conversant with Acts/government notifications and directives.

Table – 73

Opinion on the Performance of Zilla *Adhakshya*.

| Statement | No. of Respondents | Percentage |
|------------------|---------------------------|-------------------|
| Satisfied | 16 | 80.00 |
| Not satisfied | 04 | 20.00 |
| Total | 26 | 100.00 |

The above table-73 indicates the opinion expressed by the sample officials on the performance of Zilla *Adhakshya*. Out of 20 responding officials 16 i.e. 80 per cent have responded that they are satisfied with the performance of the Zilla Panchayat *Adhakshya* whereas 20 per cent sample officials have expressed their dissatisfaction. While expressing their dissatisfaction, the officials have given the following reasons in their own words:

- Zilla Panchayat *Adhakshyas* have been bestowed with State Minister's status. He/she needs to be more authoritative duly following and exercising the powers bestowed upon them.
- *Adhakshya* should be seasoned person or qualified to maintain the dignity of the post.
- *Adhakshya* should be more attentive in the activities of panchayats rather than in politics.
- *Adhakshya* should be able to control the panchayats of his areas effectively.
- *Adhakshya* should be able to devote more time in official works and field activities rather than attending minor social works as a chief guest in the village.

While enquiring about the performance of the women representatives of the Gram Panchayat, the responding sample officers have told that the performance and responsibilities of the women representatives are satisfactory. They have further reiterated that due to 33 per cent reservation to the women, more women are entering into village politics with greater enthusiasm. The active involvement in the grass-root level politics have improved the speed and quality of service delivery system in the rural areas. On the other hand, about 30 per cent of the respondents have expressed their dissatisfaction over the performance of women representatives. According to them women representatives are not performing their assigned duties and responsibilities satisfactorily due to the reasons mentioned herebelow (in their own words):

- Majority of them are elected for the first time and have no previous experience in Panchayati Raj Institution activities.

- Many of them are illiterate or semi-literate who do not understand the primary objectives of Panchayati Raj Institution.
- Lack of awareness or lack of knowledge about their own power and authorities bestowed by the Acts.
- Lack of self-confidence due to unsupportive and non-cooperative attitude of the male representatives.

Though regarding performance of Panchayati Raj Institutions, the management of finance or source of income is of prime importance yet it will not be discussed here as it is already discussed in the previous chapters. However, the opinion of the responding sample officers on the failure of the Gram Panchayat to generate its own income would be discussed along with the reasons for not being able to exercise the tax raising powers given by the Act.

As stated earlier, the objectives of democratic decentralization can not be achieved in the absence of adequate fiscal autonomy to raise income from local resources. Contrary to this, Panchayati Raj Institutions in Sikkim are survived on 100 per cent grants receivable either from state government or from central governments in the form of centrally sponsored schemes. The generation of income from local resources is nil. In this regard, it was thought imperative to know the opinion of sample officers regarding the failure of Gram Panchayats to raise income from local resources. The sample officials put forth the following reasons for Gram Panchayat not being able to raise the panchayat fund (presented in their own words):

- Panchayat members in general are not competent enough to maintain the accounts and other related matters of the collection process.

- Lack of qualified manpower at the Gram Panchayat levels.
- The panchayats do not have the capacity to do the same at this juncture. They will need some more time and training in financial management and accounting.
- The line departments are yet to have full faith in functioning of panchayats. They are yet to develop confidence.
- Panchayats are reluctant to impose taxes due to fear of loosing votes.
- Absence of clear-cut guidelines or official notification regarding the detail procedure of tax-collection.
- Lack of political will of the ruling government as regards tax-raising powers.
- Strong opposition from the villagers as they do not know as why tax are being collected. They take it for granted that everything is free for them.
- Income earned is minimum, therefore, they are reluctant to pay taxes.
- Due to government policy to assist BPL families.
- Both Panchayat leaders and officials have failed to convince the villagers as regards the utilization of local revenue for development purposes.

The sample respondents are asked to comment on whether they face any difficulties while implementing the developmental schemes in the village. Out of 20 respondents 80 per cent replied that they do not face any difficulties at the time of implementing the schemes in the villages. On the other hand, 20 per cent respondents have replied that sometime they do face difficulties at the time of implementing

developmental schemes. In their opinion (presented in their own words) the following are the main difficulties encountered by them:

- Very often obtaining No Objection Certificate from landowners in areas of implementation of scheme is herculean task which leads to delay in execution of the scheme.
- No proper coordination between the Gram Panchayats and line department functionaries as a result of which the schemes can not be completed on time.
- Communication gap due to inadequate communication facilities which is again due to remoteness of the area.

It is also thought important to collect the opinions of sample officers regarding the general operational difficulties in decentralized governance. Their perceptions or opinion are summarized below in table-74.

Table – 74

Opinion of the Panchayat Officials on Operational Difficulties in Strengthening of Panchayati Raj Institutions.

Opinions

- The criteria of selection of BPL list by the *Sabhapati* contradicts those stated under the Panchayati Raj Institution system.
- Institutional weakness within the Panchayati Raj Institution system are evident in the form of various authoritative powers being shared with utter confusion at different tiers.
- Confusion due to lack of awareness among the panchayat representatives.

- The powers to identify or select beneficiaries, under various schemes lie with the Gram Panchayat whereas the Zilla Panchayat sanctions the list. The actual implementers of many programmes are not accountable to the Gram Panchayat and Zilla Panchayat.
- There is an existence of unclear division of roles, power and responsibility between the two tiers of the panchayat system. As a result each tier is either encroaching on the functions of another tier or is not performing functions actually assigned to them effectively.

It is generally agreed that the objectives of Panchayati Raj Institutions or rural local self-government can not be translated into reality without the mutual co-operation and commitments of both the representatives.

While asking the opinion of the sample panchayat officials for the improvement of mutual relationship between panchayat officials and elected representatives the following suggestions have been received (presented in their own words):

- The elected representatives should be free and frank to express their views and suggestions.
- They should have a very good mutual understanding between the two.
- They should be honest and dedicated in their work and should work within the framework of Panchayati Raj Institutions rules and guidelines.
- Each of them need to know their boundaries (jurisdiction) and functions accordingly.

- Both should have mutual trust and understanding. Officials should extend help to elected leaders in every possible ways as they have very little knowledge about official rules and guidelines. On the other hand, Panchayati Raj Institutions representatives should also try to functions within the framework shown by the officials.
- There should be monthly co-ordination meeting of the Gram Panchayats and departmental field functionaries.
- Transparency of schemes/finance should be developed between the two.
- There should be better understandings between the two sets of functionaries keeping aside self esteem and ego.
- Panchayati Raj Institution representatives being the policy makers should also respect the policy implementers i.e. officials.
- Both the parties should change their egoistic attitudes.
- There should be frequent interactions or exchange of ideas and suggestions between the two sets of functionaries.

CHAPTER – V

MAJOR FINDINGS, CONCLUSION AND RECOMMENDATIONS

The present study pertains to the functioning of the Panchayati Raj Institution in Sikkim particularly after passing of Constitution (73rd Amendment) Act, 1992. In the absence of systematic sociological studies on Panchayati Raj Institution in the state, this present study is undertaken with attempts to examine the new Panchayati Raj structure and its functioning with special reference to devolution of power, functions, empowerment of women and marginalized sections, fiscal decentralization and resource mobilization, the extent of autonomy enjoyed by the Gram Panchayat, state of benefits from developmental schemes, empowerment of *Gram Sabha*, role of bureaucracy and administrative decentralization. The new structure established and functions transferred to Panchayati Raj Institution under the Sikkim Panchayat Act, 1993 is expected to yield better desired result fulfilling the objectives of economic development and social justice. The composition of Panchayati Raj Institution and implementation of new model may have some bearing on the Panchayati Raj process in the state, which has been investigated under the present study. The present empirical study has also examined the facilitating factors as well as the obstacles to empower the local people in promoting their own development process and decentralization being progressed in the state of Sikkim.

In conformity with the requirement of the Constitution (73rd Amendment) Act, 1992 the Sikkim Government passed the Sikkim Panchayat Act, 1993 (Act No. 6 of 1993) which received the assent of the Governor on 11.10.1993. The Act repealing the earlier Sikkim

Panchayat Act, 1982 became effective from August, 1995 by the notification of the State Government. The Act 1993 incorporates all the essential provisions of the Amendment Act such as regular election in every five years; reservation of seats and offices for women, Scheduled Castes and Scheduled Tribes; local level planning, provision of a forum for direct participation by the village people through the *Gram Sabha*; a democratic framework for devolution of fund and transfer of functions; constitution of State Election Commission; State Finance Commission and District Planning Committee. Mere inclusion and making of provisions under the Act is not enough. It is important to examine as how far these provisions have been effectively implemented and is successfully operationalized in reality. Hence, the present empirical study has examined the functions of newly-strengthened local self-government in Sikkim with the help of study conducted in four sample Gram Panchayats viz. Kabi-Tingda, Samdur-Tadong, Lungchok-Salyangdang and Salghari from North, East, West and South districts respectively. Major findings prevalent in present study have been presented below.

Major Findings

One of the objectives of the present study is to trace back the historical evolution of Panchayati Raj Institution in Sikkim. The study has divided the evolutionary history of Panchayati Raj in Sikkim, taking into account the 16th May, 1975 the day on which Sikkim was merged with Indian union as one of the states, into three phases viz. panchayats during the pre-merger period (prior to 1975), panchayats during the post-merger period (after 1975) ⁿ and panchayats under the present study (after enactment of Amendment Act, 1992 and Sikkim Panchayat Act, 1993). Prior to Sikkim becoming a constituent state of India, it was under British Protectorate from 1817 to 1947. Before introduction of statutory

panchayat, the state had well organized and developed system of traditional local self-government in the form of tribal village councils which was known as *Dzumsa* and *Chhodu* among the *Bhutia* and *Lepcha* tribes respectively. Other than the areas covered by these tribal councils, the state was divided into different *illakas* or estates where *mondals* were appointed for the regulation of the intra-village affairs, maintenance of law and order and collection of land revenue. Later these *illaka* and *mondal* system paved the way for establishing statutory panchayats in state. Thus the state has passed through the stages of non-statutory panchayats to the modern statutory phase. In the journey towards establishing rural local self-government by empowering Panchayati Raj Institution, several notifications have been issued, Acts have been enacted by the state government for governing the village administration. The Panchayat Tribunal of 1948, Local Area Panchayat of 1951, Sikkim Panchayat Act of 1965 and 1982 have brought about tremendous changes in the structure, composition and functions of Panchayati Raj Institution in Sikkim. The modern phase culminated with the enacting of Sikkim Panchayat Act, 1993 in conformity with the Constitution (73rd Amendment) Act, 1992 finally constitutionalized the panchayats as the institution of local self-government constituted for the rural areas.

The Amendment Act envisages empowered *Gram Sabha* as the parliament of the people at the village level to which the Gram Panchayats are solely responsible. In the present scenario of Panchayati Raj set up the *Gram Sabha* has a key role in effective functioning of panchayats. The Sikkim Panchayat Act, 1993, besides making provision for constituting Gram Panchayat and Zilla Panchayat at village and district levels respectively has also made provision for formation of *Gram Sabha* at the *gram* level and every person who is eligible to vote to elect members of the Gram Panchayat and Zilla Panchayat shall be a

member of *Gram Sabha*. With a view to strengthen the *Gram Sabha*, the government of Sikkim has already passed the Sikkim Panchayat (Procedure for Convening and Conducting the Meeting of *Gram Sabha*) Rules, 1998. Considering the *Gram Sabha* as head and heart of the entire scheme of decentralization and an effective mechanism of direct democracy, 230 *Gram Sabha* members from four sample Gram Panchayats are interviewed and their views on wide gamut of issues related to functioning of panchayats have been collected.

One of the important objectives of Panchayati Raj Institution is to establish a participatory democracy through democratic decentralization so that the members of *Gram Sabha* comprised of all the adult residents of the village not only deliberate but also participate with its executives i.e. the Gram Panchayat in planning and implementation of various programmes. While asking their views on the objectives of the Panchayati Raj Institutions, the majority of the respondents have expressed that the main objective of the Panchayati Raj Institution is to establish local self-government at the grass-root level and the bodies to encourage people to participate in the local affairs. A few respondents have expressed their views that the objective of the Panchayati Raj Institution is to act as an agent of rural development. This shows the slow attitudinal changes being taken place in the general people towards the real objectives of Panchayati Raj Institutions. Understanding Panchayati Raj Institution not as an agent of rural development but to inculcate in the minds as a people's body is a positive indication for success of Panchayati Raj Institutions.

When asked the respondents to express their opinion about the question of assigning full powers and responsibilities of rural development to the Panchayati Raj Institutions, it is surprising to note that almost an equal percentage of respondents have replied both in

favour and in against. The failure of the *Gram Sabha* members to identify themselves with the developmental activities, lack of knowledge and education and incapable in their role in planning and implementation of rural development schemes may be the reasons for their negative attitude towards assigning full powers of rural development to the Panchayati Raj Institutions. Many respondents have boldly said that the benefit of the scheme for rural development do not actually reach to the poor and the target groups for whom it is prepared. The selection of beneficiary of the schemes have not been done properly and democratically as they are always influenced by the party bosses. Many respondent have even alleged that the elected representatives are more corrupt than the state bureaucracy. Hence, they should not be given full powers and responsibilities of rural development.

As regards their views on people's participation in *Gram Sabha* meetings, it is revealed that 11.30 per cent of the members regularly and actively participate in the meeting. This category of *Gram Sabha* members represent the politically conscious and aware group about developmental activities of the village. They are the people who actively take part in the discussion and selection of schemes required for the village in order of priority and their presence also fulfills the quorum of 10 per cent of members to be present in the meeting. 70 per cent of the respondents have said that they attend meeting sometimes i.e. whenever they are free and feel like attending the meeting. The rest of the members i.e. about 18.69 per cent of the respondents have said that they do not attend the *Gram Sabha* meeting. The common reason for not attending the meeting is lack of time as they are busy in bread earning activities; lack of faith in the utility of such meetings and village leadership, who are not ready to take them in confidence and accept suggestion from poor people like them. The majority of the respondents who do not attend such *Gram Sabha* meeting have expressed their

opinion that elected leaders being mostly young members are not ready to accept any suggestions from older village people. They listen to their political bosses rather than the village poor.

In all the sample Gram Panchayats under study it has been found that the *Gram Sabha* meetings are held regularly. They have strictly followed the provision under the Act of 1993 by holding the *Gram* meeting at least twice in a year. Not only the *Gram Sabha* meetings are held regularly but also the attendance fulfills the number required for quorum. It is found recently that the meetings of the *Gram Sabha* are attended not only by the bonafide members but also by a number of concerned officials viz. DDO, SDDO, PI, RDA, VLW along with the area MLAs. It is a matter of great surprise that when asked about the agenda of the *Gram Sabha*, majority of the respondents have said that they have no role regarding preparation of the agenda. It is mostly decided by the *Sabhapati* in consultation with other elected members and of course on the dictation of the ruling party and influential bureaucrats. A few respondents have expressed their anger that the Gram Panchayat members do not consult the villagers prior to finalizing agenda. The respondents have suggested that ward-level meetings convened by the concerned ward representatives should be held prior to the fixing of the agenda. The most common issues discussed in such *Gram Sabha* meetings are the statement of the income and expenditure of the Gram Panchayat. There is no clear idea among the villagers about the purpose of this institution. Many people have failed to understand the purpose of such forum. It is learnt that even those who attend the *Gram Sabha* meetings hardly give any suggestions in the meeting. They act as mere audience to whatever the *Sabhapati* or any other members of the *Gram Sabha* speak about.

The majority of the members, in another interview, have said that they are freely allowed to express their opinion in such meetings. Normally they can not express their heart and mind because the deliberations and discussions in such meetings are dominated by *Sabhapati*, *Sachiva* and local politicians including influential bureaucrats. As regards increase of financial resources, encouragement of people for voluntary works and voluntary contribution of cash and kind for the welfare of the common people, no one is aware. In the absence of such awareness among the common people, sometimes the *Gram Sabha* meeting becomes a mere platform for expressing one's anger and grudge against the ruling party or the ruling government.

As far as the decision making process of *Gram Sabha* is concerned, the majority of the members of *Gram Sabha* follow the principle of consensus as there are no strong opposition parties at the Gram Panchayat level who demand for secret ballot. The Act, 1993 has provided that all resolutions at the *Gram Sabha* level shall be passed by a majority of votes of the members present in the meeting. This formal procedure is slowly in the process of adoption by many Gram Panchayats. In the meeting of all the four sample Gram Panchayats, consensus expressed by raising of hands have been adopted. The selection of beneficiaries under various schemes is one of the most important functions assigned to the *Gram Sabha*. The majority of respondents have said that the selection of beneficiaries is not done properly because the panchayat leaders protect the interest of their party followers and close relatives. They discriminate those people who do not belong to their own political party. Regarding the formulation of village level planning, many *Gram Sabha* members have expressed their views that though they attend *Gram Sabha* meetings yet they do not get opportunity to actively involve in formulating the village plan because the activities of the *Gram Sabha*, the only forum, where the grass-root

people can raise their voice have been jeopardized by the presence of huge numbers of officials in the meeting. The formulation of annual plan is done by elected representatives but even these people have no freedom in plan formulation for their village because they have to strictly abide by the government guidelines regarding the allocation and expenditure of fund under various sectors. Thus, planning is not done from below but from the top. It is learnt during the field work that recently notification has been issued by the state government for the formation of Village Planning Forum comprising of the members of the Gram Panchayat and representatives of village, such as village elders, teachers, youth and government officials posted in the village. The formation of such forum will definitely promote decentralized democracy but we are yet to see as how these bodies will realize the objectives for which it has been set up.

Another forum meant for people's participation is the Social Audit-cum-Vigilance Committee. This has been formed recently in accordance with the guidelines issued by the state government vide notification dated 01.09.2005. The main purpose behind the formation of such committee is to curb corruption and misutilization of fund at the Gram Panchayat level. It is an important complement to formal audit for the sound and healthy development of Panchayati Raj Institutions. As per the guidelines issued, this committee should be comprised of minimum ten representatives at least one person from each ward to be nominated as a committee member. No panchayat members or a person holding the office of profit shall be included in the committee. During the field work, many respondents have complained that while nominating the representatives from each ward, villagers were not consulted properly and the panchayat leaders always became successful to manipulate to have their own party-men as members of such committees. It is found that a very few *Gram Sabha* members could understand the term Social Audit-cum-Vigilance Committee. Hence, there is a need to

popularize among the people about this committee. People should be made more aware about the formation of such committees and its twin purposes of facilitating popular participation in fighting corruption in panchayats as well as complementing formal audit process. Though the state of Sikkim has been taking several measures to strengthen the *Gram Sabha* as a forum for popular participation yet it needs more efforts for enhancing the quality of people's participation through greater empowerment of *Gram Sabha*.

In Sikkim, the process of decentralization has already been set in motion. During the earlier days of uni-tier Block Panchayat, the elected forum were an elitist look. In 1997 election, with the implementation of principle of reservation, the character of panchayats of Sikkim has changed radically. In their effort to get candidates in the seats reserved for women, Scheduled Castes, Scheduled Tribes, and Other Backward Classes, the political parties have to give nomination to a plethora of rural people. The new cross-section of the elected representatives are comprised of illiterate and literate, high castes and low castes, men and women, tribals and non-tribals, old and young, poor and rich and experienced and inexperienced persons. It becomes clear that the character of panchayat leadership has undergone tremendous change. No longer does one find that it is the village rich man who is managing the panchayats. The formal seats for power have been occupied by all types of people and are adequately all weaker sections are represented. It is evident that young leaders are taking more interest in panchayat elections. Tendency to elect young leader particularly in the age group of 30 years to 40 years is noticeable. It shows that the voters prefer contestants of younger generation who would be dynamic than the aged people. As regards women's participation, the policy of one-third reservation for women both at Gram and Zilla levels have encouraged more women to take active participation in grass-root politics. In 1982

Gram Panchayat elections, out of the total number of 150 women panchayats, the majority (130) were co-opted and 20 women were directly elected. In 2002 election, out of the total of 903 Gram Panchayat representatives, 305 (i.e. 33.77 per cent) women were elected. In the midst of many unsupportive factors and forces, women look for supportive opportunities and moved forward to demonstrate their capacities and abilities to hold such position in the panchayats. This was aptly illustrated in the case of two *Sherpa* women panchayats under the study.

As far as capacity building of elected representatives is concerned, it is noticed that the state government is taking active initiative to impart training to elected representatives. Since 1997, State Institute of Rural Development (SIRD), Karfector, South Sikkim is arranging massive training to elected representatives to make them aware about the administrative technique as well as to procure knowledge of various Acts and guidelines of government regarding the overall development of the village. In view of huge functions transferred to the Panchayati Raj Institutions, the capacity building of the elected representatives is an urgent need. It is found that though the training are being organized both at the district as well as in the state levels yet the leaders are not fully aware of all the information and knowledge that are required to work independently. Without adequate knowledge and information, they are to depend on bureaucrats as well as to politicians for regular guidance.

One of the most important functions assigned to the local bodies under the Constitution (73rd Amendment) Act, 1992 was the planning for social and economic development. The Amendment Act has given decentralized planning a constitutional status. Section 127 of the Sikkim Panchayat Act, 1993 as amended by the Sikkim Panchayat (Amendment) Act, 1995 empowers the Gram and Zilla Panchayats to make their own

plans. The District Planning Committees have been set up in each district to consolidate the plan prepared by the Gram Panchayats and to prepare draft development plan for the district as a whole. With a view to ensuring active involvement of the people not only in identification and formulation of plan but also in implementation and maintenance of the assets thus created. The State Finance Commission has recommended the constitution of Gram Panchayat Planning Forum in every Gram Panchayat comprising of all elected members of the Gram Panchayat, one senior citizen or a resident government official from each ward and one representatives each from Below Poverty Level/Scheduled Castes/Scheduled Tribes/Other Backward Classes/Women category to be nominated by the *Gram Sabha*.

Thus, planning is decentralized in order to ensure that Panchayati Raj Institutions do not remain only as agencies to execute decision taken by state government. Keeping in view the provision of the Eleventh Schedule of the Constitution and in exercise of the powers conferred by Section 34 of the Sikkim Panchayat Act, 1993, the Government of Sikkim has already transferred the functions pertaining to various development departments such as agriculture, animal husbandry, health and family welfare, education (including primary and pre-primary), rural development including water supply and rural bridges, land revenue, minor irrigation and social forestry. Now every Gram Panchayat can sanction, supervise and implement rural development schemes upto Rs. 3.00 lakhs at a time subject to availability of fund.

Panchayat's role in rural development was found to be quite exemplary. Panchayats to a large extent is successful in promoting social welfare, rural infrastructure, providing employment and thereby improving the overall conditions of the people of rural Sikkim. At present their activities involve employment generation, poverty

alleviation, infrastructural development, ensuring social justice. They have been working on issues like improvement of roads, school buildings, drinking water facilities, housing and drainage. At present all the poverty alleviation programmes including both employment generation and income generation are successfully handled by Gram Panchayats. The schemes like JRY, IAY, IRDP, TRYSEM, DWCRA, EAS are found to be very popular and successful. Under IAY scheme, a total 2,392 number of rural houses were constructed during 2000-2003 with an allocation of Rs. 490.37 lakhs, 1,488 number of houses were upgraded at the cost of Rs. 144.84 lakhs. With the transfer of management and supervisory functions of the primary and pre-primary education to Gram Panchayat, the teachers have become more regular and accountable than before which is clear from the increasing rate of enrolment and decreasing rate of school dropouts at primary school levels. As regards the aspect of primary health, the state government has already placed the management of the Primary Health Sub-centre (PHSC) at the disposal of the panchayat and the Multipurpose Health Assistant is made accountable to them. The Gram Panchayat are responsible for organizing health camps and awareness campaign in the villages in co-ordination with the concerned officials besides rendering assistance in implementation of Reproductive Child Health Programme (RCHP). All these efforts have led to improvement of rural health. Although a lot more need to be done to improve the conditions of the people in rural Sikkim, the activities pursued by Gram Panchayat in the realm of rural development are found to be quite substantial. The Panchayati Raj Institutions have been successful to a large extent as indicated by increased social and political awareness among the common people in rural areas and the very tangible upliftment of the overall conditions of rural people including Scheduled Castes, Scheduled Tribes and Other Back Classes population. The recent success of Panchayati Raj

Institutions in regard to rural development activities has been made possible due to genuine political will of the ruling government at the state level. This, however, does not mean that all is well with the functioning of Gram Panchayat. There is corruption to in development works. It goes without saying that corruption is the biggest obstacle to development and the panchayat under study are no exception. The ruling party is well aware of such corruption and it is well known facts that many leaders at panchayat level are indulging in nepotism and corruption while allotting works and other benefits to those who are close to them.

Availability of adequate resource is one of the vital aspects related to establishment of the Panchayati Raj Institution as an institution of local self-government. No institution can function satisfactorily without adequate and timely financial backup. In other words, self-sufficiency and fiscal autonomy are of primary importance for the proper functioning of Panchayati Raj Institutions. During the last five years, the Government of Sikkim has undertaken several measures to strengthen the financial position of the panchayats. Now the state government is releasing grants for developmental and administrative purposes as per the recommendation of the State Finance Commission, Grants are also being released by the Union Government for implementation of centrally sponsored schemes viz. JRY, IAY, EAS and IRDP. It is disheartening to note that the huge fiscal power given to the Panchayati Raj Institutions under the Sikkim Panchayat Act, 1993 have not been exercised by the Gram Panchayat due to number of reasons. The most important reason is the non-exercise of tax-raising authorities by local bodies in the absence of clear guidelines of the state government. Thus fiscal autonomy of Panchayati Raj Institutions are far from adequacy because they have no fiscal power other than to depend on government grants. Some village leaders have alleged that panchayats have no autonomy to divert or

utilize the state grant according to their wishes and requirement as detailed guidelines for uses of fund are already framed and circulated for compliance by the state government. With no resources of their own, effectiveness of these bodies depend totally on the grants from the central and state government. With the absence of fiscal autonomy to raise their own income from tax and non-tax sources, the cherished objective of becoming a self-government will remain a distant dream.

Another equally important aspect for the effective functioning of Panchayati Raj Institutions is the good working relationship between elected representatives and panchayat officials. The recent democratic decentralization effected through 73rd Amendment Act has led to the transfer of important powers and functions from the officials to elected representatives of the people. As a result of debureaucratization and creation of parallel hierarchies of authority, there is clear erosion in the prerogatives, powers and privileges of the officials. Attitudinal problems in the bureaucracy and panchayat representatives is one of the root causes of conflict, specially while preparing the beneficiary list, identification of activities, monitoring and evaluation of schemes. The study revealed that the elected representatives and the panchayat officials' relationship seems to be governed by the need to sanction fund rather than by a desire to strengthen the Panchayati Raj Institutions. Despite nearly a decade's experience, a relationship has not been able to evolve and stabilize itself to a situation whereby the bureaucracy plays a supportive role and facilitates effective self-governance by panchayati institution. The bureaucracy should accept and respect the institution of empowered panchayats otherwise gradually the system will again become dependent on the existing system of centralized governance. This acceptance has to be translated into field reality and should not be limited to mere paper works.

As already discussed under methodology chapter, the present study has also incorporated the perceptions of sample panchayat officials regarding the administrative decentralization and the overall functioning of Panchayati Raj Institutions in the state. It is a well accepted fact that the objectives of the local self-government can not be fulfilled without the commitment from both the development officials and elected representatives. The recent initiatives of the state government for the administrative decentralization restructuring the existing administrative set up both at Gram and Zilla Panchayat levels brought development functionaries directly under the control of the elected representatives. The emergence of newly empowered constitutionalised panchayats have pressurized the government machineries to forget their past experiences and adjust in the changed situation.

The commitment of the state government regarding the transfer of functions and functionaries to Panchayati Raj Institutions is noteworthy. Prior to democratic decentralization there were very few panchayat officials and development functionaries attached to the Gram and Zilla Panchayats. State government in its latest attempt towards administrative strengthening of Panchayati Raj Institutions had taken a number of significant steps like setting up of Gram Prasashan Kendra (Village Administrative Centre) in every Gram Panchayat units, deployment of Rural Development Assistant as its incharge and posting of line department officials to Gram and Zilla Panchayat. Placement of development functionaries working under Gram and Zilla Panchayats under the direct control and supervision of the people's representatives and vesting of discretionary powers to *Sabhapati* and *Adhakshya* for maintaining administrative decorum and smooth functioning of the Panchayati Raj Institutions are the main changes. In this context, the sample officials have expressed their diverse opinions regarding the present staffing pattern of Panchayati Raj Institutions. The majority

expressed their opinion that considering the huge transfer of functions to the Panchayati Raj Institutions, the present staffing pattern is still inadequate. They have also commented that the huge transferred functions especially to Gram Panchayat have not been operationalised due to lack of clear cut directives from some of the government department. Some of the officials have expressed that the state government's initiative for deployment of officials under the control of the elected representative will certainly help the Panchayati Raj Institutions to perform the functions effectively. The present study also reveals the willingness of sample officials to support the responsibilities like collection of revenue from local sources, settling of minor legal problems, maintenance of community assets, supervision of developmental schemes, regulating the water supply schemes and maintenance of village road entrusted to the elected representatives. The study also reveals that the officials are not in favour of allowing the elected representatives to write the Annual Confidential Report of the officials, award permission of felling trees, collection of fines on settlement of disputes etc. Some of the officials are also of the opinion that some of the present panchayat leaders are more corrupt than the previous one. Due to low level of education and lack of proper knowledge about powers and authorities bestowed to them by the Acts, sometime they encroach beyond their jurisdiction resulting development of strain relationship with officials. The perception of the sample officials regarding the fiscal decentralization of Panchayati Raj Institutions and the panchayat representatives inability to exercise the power of tax-raising reveals that the Gram Panchayats have failed to raise local revenue due to numbers of reasons like incompetency and incapability on the part of the elected leaders on financial management and accounting, lack of faith and confidence on the part of the panchayat leaders, reluctancy to impose taxes due to the fear of loosing votes, lack

of political will of the ruling government, strong opposition from villagers to pay taxes as they have completely failed to convince the villagers to make them understand that mobilization of locally collected revenues will be utilized for developmental purposes and finally, the most important reasons being the absence of clear cut instruction and guidance from the government for collection of taxes. The study also reveals the difficulties faced by the sample officials while implementing the developmental schemes in the villages. Some of the main difficulties encountered by them are the lack of proper co-ordination between the Gram Panchayats and the development functionaries, lack of support in obtaining No Objection Certificate from land owners in areas where implementation of schemes are undertaken and finally due to communication gap which is mainly because of inadequate communication facilities prevailing in the villages vis-à-vis remoteness of the areas.

The present study also reveals the perception of the sample officers regarding the operational difficulties in decentralized governance. The weakness lie within the institution itself which is evident in the form of various authoritative powers being shared with utter confusion at the two tiers levels. This confusion is due to lack of awareness among the panchayat representatives. The power to identify and select the beneficiaries lie with the Gram Panchayat whereas the Zilla Panchayat sanctions the prepared list. The Zilla Panchayat will exercising the power may alter or reject the list prepared by the Gram Panchayat without much understanding the local requirement where the Gram Panchayat in giving weightage to the needy may not prepare the list as desired by the Zilla Panchayat. In this process the actual implementers of many programmes i.e the officials are not consulted who are ultimately accountable to Gram and Zilla Panchayats. Due to the absence of unclear power and responsibilities between the two tiers of

the panchayat system, they sometimes encroach the functions of each other and create confusion and misunderstanding which results difficulties in implementation of schemes.

Conclusion

On the basis of the above findings, the following conclusions are drawn.

The most significant experiment in reforming governance in India, from the point of view of participatory democratic decentralization perspective, is the introduction of the panchayat system through the 73rd Constitutional Amendment in the early nineties. It was expected that the newly created panchayat system, drawing strength from the constitutional provision, would emerge as an effective tool of local self-governance, strongly furthering the primary objectives of economic growth and social justice. Unfortunately these expectation have remained largely unfulfilled.

Sikkim, among the small states, is viewed by many as one of the better performing states in respect of initiatives for democratic decentralization through Panchayati Raj. In 2006, in the nationwide survey on the performance of Panchayati Raj Institution, Sikkim rank third with only Kerala and Karnataka above it and received Rs. 1.2 crores as prize money. Sikkim also received Rs. 64.00 lakh as award towards Panchayat Empowerment and Accountability Fund. Further the union government has already sanctioned an I.T. Enabled E-Government Fund of Rs. 5.20 crores out of which Rs. 2.00 crores has already been received and the balance is receivable within the current financial year. The most significant reason for its recognition as better performed state is mainly because of strong political will of the ruling government for strengthening and supporting the panchayat system to take its due

place in the system of governance. The strong political will and government support can clearly be seen in framing of progressive Acts, continuous delegation and devolution of powers, authorities and rules to panchayat Institutions. Despite of these efforts and initiatives taken by the state government, the panchayat system in Sikkim is continuously plagued by immense difficulties.

The present study strongly brings out the contradictory realities of the panchayat system in Sikkim. On ^{the} one hand, there is progressive legislation, policies and guidelines for the panchayat backed by strong political will, on the other hand, the ground reality clearly indicates weak and ineffective implementation of the panchayat system leading to a little progress on the path of real democratic decentralization. An analysis of ten years of functioning of Panchayati Raj in the state indicates that despite of several attempts by the government and civil society, the Panchayati Raj Institutions could not emerge as people's institutions. The state government has also recognized the growing distortions in the panchayat system which has been reflected by the political bosses openly criticizing the malpractices adopted by some of the elected representatives.

The study clearly identifies three board sets of issues that are hampering the development of an effective panchayat system in the state. Firstly, there is resistance and non-cooperation from the bureaucracy by way of providing inadequate financial back up, red-tapism, corruption etc. Secondly, resistance from the political elites who have considered panchayats to be serious threat to their political career and finally elected representatives themselves are lacking in capacities to run the panchayat effectively. Lack of information among the common people about the Panchayati Raj Institution and lack of political education among the ordinary people whose political role is critical and effective

in functioning of panchayat are the bottlenecks. Incapabilities and ineffectiveness of *Sabhapati* and *Sachiva* to manage the panchayat efficiently despite several years of functioning of Panchayati Raj Institution in Sikkim are the burning examples.

Though the study strongly presents the problems of the panchayat system yet the study also brings out another layer of reality – the process of empowerment of the marginalized people including Scheduled Castes, Scheduled tribes, Other Backward Classes and women have ensured effective use of panchayats for sincere participatory democracy. The cases of empowerment of women, Scheduled Caste, Scheduled Tribes, decision making through empowered *Gram Sabha* arranging the development priorities in favour of the people's need and aspiration discussed in the thesis are all very significant examples and raise hopes for the betterment of the panchayat system, despite its shortcomings.

Credit is to be given to the government of Sikkim for its sincerity and commitment to democratic decentralization. The government has been extremely receptive to ground realities about the inadequacy of the panchayat system and has continuously strive to devise strategies for making panchayat effective institution of local self-governance.

Recommendations.

The following recommendations are proposed in order to strengthen the process of rural decentralization in the state of Sikkim.

The *Gram Sabha* should be given greater importance. Attempts should be made to further strengthen the *Gram Sabha* as they not only have the potential to rectify emerging distortion in the system but also are the best guarantor of accountability of all functionaries involved in Panchayati Raj Institutions. It is the only forum for direct participation

of grass-root level people. Vibrant and empowered *Gram Sabha* can make the entire system accountable, transparent and an instrument of effective self-governance. It is the responsibilities of the elected representatives to ensure active and meaningful participation of village people in the *Gram Sabha* meeting. They should realize that an aware and concerned citizen is a boon not an obstacle to their power and positions.

The capacity of the panchayat representatives as well as the development functionaries need to be enhanced to understand the intricacies and technicalities of a local government system. Since the 1997 panchayat election, a large section of village population are getting opportunities to represent themselves in Panchayati Raj Institution. This newly empowered village representatives from the grass-root level with low education and awareness are unable to understand the legal and administrative procedures. They need to build their capacity to handle huge functions already transferred to them. Therefore, there is an urgent need for elected representatives to learn management of democracy and development. Not only the elected representatives but even the lower level development functionaries are not clear about their role in Panchayati Raj Institution set up, hence, proper capacity building through adequate and appropriate training is essential.

Self-sufficiency and fiscal autonomy are the primary importance for the proper functioning of Panchayati Raj Institution. There is minimum fiscal decentralization which remains under the control of the government. Panchayats are not given adequate opportunities to raise their income by levying and collecting taxes, fees, duties but have been made dependent on government grant. This is against the spirit of 73rd Amendment Act. Hence, the state government should allow the panchayats to raise their own income for this issuance of guidelines,

directives and notifications in conformity with the recommendation of the state finance commission recommended.

Need for transparency is one of the important factors for the successful functioning of Panchayati Raj system. Panchayats being closer to the people, their right to information and accessibility to the panchayats must be ensured. All relevant information on development schemes taken up by the panchayats along with budget for them should be displayed prominently in the notice board of the panchayat office. Relevant records should be made available for inspections by members of the public. Photocopies of documents such as muster rolls, vouchers and estimate can be made available to the public on payment of nominal fee. Technical manual may be prepared for execution of various works at the panchayat level so that transparency can be ensured.

Recent guidelines of the state government for the formation of Social Audit-cum-Vigilance Committee at Gram Panchayat level needs wide publicity among the village people about its formations, members and its purpose for fighting corruption. The committee should be operationalised and should not remain in paper.

Devolution of more powers and funds to panchayat have half heartedly been done by some of the development departments except Rural Management and Development Department. Therefore, all development departments should be serious and forthwith start devolution of powers and fund to the panchayats to make the Panchayati Raj Institution more effective. Without immediate action in this respect, the notification of the government transferring a huge function to panchayat carry no meaning.

A separate body or institution (like Ombudsman in Kerala) should be set up to deal with complaints regarding mal-administration and

corruption in Panchayati Raj Institution administration. This will act as fact-finding and problem-solving body without the trapping of a court. Time limits can be set for such bodies to complete its enquiries. Before taking actions against the complaints of elected representatives, the government should get the report from such body.

Activity mapping on Panchayati Raj Institution tiers is considered to be of more importance to ensure that there will be no overlapping of responsibilities and activities. Since the Gram Panchayat is answerable to *Gram Sabha* in regard to different developmental activities, strengthening of Gram Panchayat is very essential part of such exercise. Government should issue clear guidelines defining the role of each tiers so that there is no overlapping and encroachment upon others jurisdiction resulting in conflict, confusion and non-performance of functions.

There is need to constitute Standing Committee both at Gram and Zilla Panchayat levels to ensure effective working and monitoring which would ensure active and effectiveness of *Gram Sabha*. For better discharge of rural development functions like education, health, literacy, agriculture, social justice, infrastructure building, village tourism, cottage industries, the Gram Panchayat may constitute Standing Committees and additional adhoc committees (as and when required). These implementation Committees comprising of stakeholders groups should be made accountable and responsible to *Gram Sabha* and should work under its control and supervision.

Periodic monitoring and evaluation of rural development works executed by the Gram Panchayat is necessary as it would provide the essential feed back for removing the defects of schemes, if any. Monitoring the work may be delegated to the people within the Gram

Panchayat organization but work on evaluation should be entrusted to outside agencies like NGO, government agencies, funding agencies as because if the evaluation is done by the members of the Gram panchayat, biasness may creep in it.

Co-ordination and communication between Gram Panchayat and other local level organizations are essential for effective functioning of Panchayati Raj Institution. An efforts must be made to establish proper co-ordination and communication between Gram Panchayat and other civil society actors, like youth organizations, women's organization etc. In order to make effective co-ordination between Gram Panchayat and these local level organizations (NGOS), their representatives may be nominated as member of different committees formed at Gram Panchayat level. The role of NGO may be very vital in this regard.

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APPENDIX - A

Functioning of the Panchayati Raj Institution in Sikkim: An Evaluation
Department of Sociology, University of North Bengal
Interview Schedule for members of Gram Sabha i.e Villager/Electorate

Section: A

Personal and family background

1. Name and Address of Respondent: _____

2. Name of Gram Panchayat: _____
Name of Ward: _____ Village _____
3. Age: _____ 4. Sex: _____ 5. Caste: ST/SC/OBC/GC
6. Religion: _____ 7. Marital Status: Married/Unmarried/ Divorce/
Widow/Widower
8. Mother Tongue: _____
9. Educational Qualification:
 - (a) Illiterate
 - (b) Primary Education (I to V)
 - (c) Secondary Education (VI to X)
 - (d) Sr. Secondary Pass
 - (e) Graduate
 - (f) Post Graduate
10. Professional Qualification/Vocational Training etc: _____
11. Occupation: _____
12. Monthly Income: _____
13. Land holding (in Acres):
 - (a) Dry _____
 - (b) Wet _____
 - (c) Bajho _____

14. Information about family members

| Relation with Respondents | Sex | Age | Edn. Qualification | Occupation | Monthly Income (Approx) |
|---------------------------|-----|-----|--------------------|------------|-------------------------|
| 1. Self | | | | | |
| 2. | | | | | |
| 3. | | | | | |
| 4. | | | | | |
| 5. | | | | | |
| 6. | | | | | |
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| 9. | | | | | |
| 10. | | | | | |
| 11. | | | | | |
| 12. | | | | | |
| 13. | | | | | |
| 14. | | | | | |
| 15. | | | | | |

In case father/mother/both not alive:

Father - Education Income Occupation

Mother - Education Income Occupation

Section: B

Information about Panchayati Raj Institution

Objectives of Gram Panchayat

15. Do you think that the present system of Panchayati Raj is more democratic than the previous ones? **Yes/No/Don't know**
16. If yes, please indicate from the following statements, which may be the reasons of its being more democratic. (✓ tick the correct answer)
- (a) It is more decentralized/democratic than the previous one? ()
- (b) People can participate in the decision making process of the local body. ()
- (c) It is elective in character. ()
- (d) It has provided a safeguard for women and minority communities. ()
- (e) It does not provide for the preponderance of the landlords over the people. ()
- (f) Any other reasons please specify: _____
17. If not state your reasons for its being undemocratic.
- (a) _____
- (b) _____
- (c) _____
18. Do you think that the following are the goals (aims) of Panchayati Raj? (✓ tick the correct answer)
- (a) To establish local self govt. at village level. ()
- (b) To develop areas according to local needs. ()
- (c) To decentralize power. ()
- (d) To encourage people to participate in the affairs of locality. ()
- (e) To act as the agent of rural development. ()
- (f) To settle dispute & problems at local level. ()

19. How far the Panchayat Raj has been able to achieve its goals in Sikkim? (✓ tick the correct answer)

(a) Fully

(b) Partially

(c) Not at all

20. Do you think Gram Panchayats should be given full powers for rural development? **Yes/No/Don't know**

21. What are the rural development schemes implemented in your village?

22. Do the villagers actively take part in Gram Sabha meetings?

Yes/No/Sometime/Don't know

If no, why?

23. What are the main objectives/purposes of holding such Gram Sabha meeting?

(a) _____

(b) _____

Composition/Structure

24. How many members are there in your Gram Panchayat? _____
25. Are you satisfied with the present two-tier structure of Panchayati Raj at Gram or village level and Zilla or Dist. level? **Yes/No**
26. In your opinion who is the most powerful or influential person among the Panchayat Members of your Gram Panchayat?

27. Do you support female panchayat members? **Yes/No**
28. What is your opinion about one-third (33 percent) reservation of seats for women candidates?
(a) _____
(b) _____
(c) _____
29. What is your opinion about the reservation for Schedule Caste?
(a) _____
(b) _____
(c) _____
30. What is your opinion about the reservation for Schedule Tribe?
(a) _____
(b) _____
(c) _____
31. If you belong to SC/ST/Women (✓ tick the correct one) what are the problems faced by you in performing duties?
(a) _____
(b) _____
(c) _____

32. What factors usually influence the election of the Panchayat members?
(✓ tick the correct answer)
- a) Caste/Ethnicity () b) Political affiliation () c) Popularity ()
d) Education () e) Economic status () f) Social service ()
- (a) Any other (please specify) _____
33. Are you satisfied with the present selection procedure of Sabhapati,
Up-sabhapati and Sachiva?
Yes/No/Don't know
34. If no, state reasons : _____

35. Are you in favour of party-based panchayat election?
Yes/No/Don't know
36. If no, why state reasons:
- (a) _____
- (b) _____

Sources of Finance (Panchayat Fund)

37. How do the Gram Panchayat raises the Panchayat Fund?
(a) Govt. Grant
(b) Other than Govt. Grant
(c) Both
38. Do you think that the Grant-in-aid available to the Gram Panchayat from the Govt. is adequate? **Yes/No/Don't know**
39. Do you have any idea about the quantum of the Grant-in-aid allotted to your Gram Panchayat? **Yes/No/Don't know**
40. Do you enquire about income and expenditure of the Gram Panchayat? **Yes/No**
41. It is true that your Gram Panchayat has failed to function properly due to inadequate resources? **Yes/No/Don't know**
42. Can you suggest as how the Gram Panchayat can generate more fund? **Yes/No**
If yes, (a) _____
(b) _____
43. Is it also your duties to supervise and monitor the activities of the Panchayat? **Yes/No**
44. As a voter do you feel it is the responsibility of community members for monitoring and supervision of panchayat activities? **Yes/No**

Awareness of Local Affairs

45. How often 'Gram Sabha' meeting is held in your village? (✓ tick the correct answer)
adequate/inadequate _____ (Intervals)
46. Who were the President and Sachiva of your Gram Panchayat during 1997-2002?
(a) _____ (b) _____
47. Who were the candidates contested in your Gram Panchayat in last two panchayat election held in 1997 and 2002?
- | 1997 | 2002 |
|-----------|-----------|
| (a) _____ | (a) _____ |
| (b) _____ | (b) _____ |
| (c) _____ | (c) _____ |
| (d) _____ | (d) _____ |
| (e) _____ | (e) _____ |
| (f) _____ | (f) _____ |
| (g) _____ | (g) _____ |
| (h) _____ | (h) _____ |
48. How many Gram Panchayat members are there in your district?

49. How many Zilla Panchayat members are there in your district?

50. Can you name some of the Zilla Panchayat Members from your Gram Panchayat?

51. Who is the Zilla Panchayat Adhaksha of your district?

52. How do you get information about the State politics? (✓ tick the correct answer)
(a) Radio/TV ()
(b) Newspaper ()
(c) Attending public meeting ()

Functioning and Decision-making process

53. How often the panchayat meetings are held? **regularly/irregularly**

54. Which of the following voting procedure is being followed by your Gram Panchayat? (✓ tick the correct answer)

(a) Raising of hands ()

(b) Secret ballot ()

55. Do you attend Gram Sabha meeting regularly?
Yes/No

56. Are you allow to freely express your opinion in Gram Sabha?
Yes/No

57. Mention some important decisions your Gram Panchayat have taken during last two years.

(a) _____

(b) _____

(c) _____

58. In case of dispute in the meeting how the decision is taken. (✓ tick the correct answer)

(a) By dictation of the President.

(b) By majority votes.

59. Would you narrate important decisions taken in your Gram Panchayat during the last two years -

(a) _____

(b) _____

(c) _____

60. How much do the following factors influence the decision-making of your panchayat?

| | Very much | Partially | Not at all |
|----------------------------------|-----------|-----------|------------|
| (a) Political consideration | | | |
| (b) Caste/Community affiliation | | | |
| (c) Govt. pressure | | | |
| (d) Family and kinship tie | | | |
| (e) Social tradition and customs | | | |

(f) Any other (specify) : _____

61. Are you satisfied with the present decision making process of your Gram Panchayat? **Yes/No**
If not, please state you reasons: _____
62. Do you think that the identification or selection of beneficiaries are properly done by your Gram Panchayat? **Yes/No**
63. Are you satisfied with the functioning of present Gram Panchayat? **Yes/No**
64. Do you have Village Education Committee (VEC) in your Gram Panchayat? **Yes/No/Don't know**
65. Are you a member of such committee? **Yes/No**
66. What does the VEC do for the school?
(a) _____
(b) _____
67. Whom belongs the village school
(a) Village
(b) Govt.
68. Do your Panchayat Members really take interest in School's improvement programme? **Yes/No/Don't know**
69. Do you feel that it is a joint responsibility of teachers and community members to improve the quality of education in your school? **Yes/No/Don't know**
70. Does your village school have Parent-Teachers Association (PTA) and Mother Teacher Association (MTA)? **Yes/No/Don't know**
71. Do the Govt. officials frequently visit your village/Gram Panchayat. **Yes/No/Don't know**
72. Do you interact with them during their visit? **Yes/No**
73. Do you offer voluntary labour/service for community welfare programme? **Yes/No**
74. What are the major achievement of your Gram Panchayat during the last two years?
(a) _____
(b) _____
(c) _____
(d) _____

75. Do you agree that the present ruling govt. has created healthy environment for democratic decentralization? **Yes/No**

If no, state your reasons

(a) _____

(b) _____

(c) _____

APPENDIX – B

Functioning of the Panchayati Raj Institution in Sikkim: An Evaluation Department of Sociology, University of North Bengal Interview Schedule for Elected Panchayat Representatives

Section: A

1. Personal Information

- 1.1 Name and Address: _____

- 1.2 Name of Gram Panchayat: _____
- 1.3 Name of Ward: _____ Unit No. _____
- 1.4 Age: _____ 1.5 Sex: _____ 1.6 Caste: ST/SC/OBC/GC
- 1.7 Religion: _____ 1.8 Marital Status: Married/Unmarried/Divorce/
Widow/Widower
- 1.9 Mother Tongue: _____
- 1.10 Educational Qualification:
- (a) Illiterate
 - (b) Primary Education (I to V)
 - (c) Secondary Education (VI to X)
 - (d) Sr. Secondary Pass
 - (e) Graduate
 - (f) Post Graduate
- 1.11 Professional Qualification/Vocational Training etc: _____

- 1.12 Main Occupation: _____
- 1.13 Monthly Income: _____
- 1.14 Why have you opted to be the member of Panchayat? (✓ tick the correct answer)
- (a) For personal benefit
- (b) For service to the Society.
- (c) To earn by serving the village.
- 1.15 Land holding (in acres):
- (a) Dry _____ (b) Wet _____ (c) Bajho _____
- 1.16 Have you undergone Panchayat Training organised by SIRD?
Yes/No
- 1.17 If yes, what was the duration?
- (a) No of days _____ (b) Month _____ (c) Year _____
- 1.18 Was the training beneficial? **Yes/No**
- 1.19 If yes- Does the training has direct linkage with the functioning of PU-
Yes/No
- 1.20 Are you elected for the first time? **Yes/No**
- 1.21 If No- should the training be designed in consultation with the panchayat member? **Yes/No**
- 1.22 Are you an independent candidate? **Yes/No**
- 1.23 Are you nominated by Political Party? **Yes/No**
- 1.24 Which political party nominated you? (✓ tick the correct answer)
- (a) SDF (b) SSP (c) Congress
- (d) CPM (e) Any others

Section : B

2. Information about family members

2.1

| Relation with Respondents | Sex | Age | Edn. Qualification | Occupation | Monthly Income (Approx) |
|----------------------------------|------------|------------|---------------------------|-------------------|--------------------------------|
| 1. Self | | | | | |
| 2. | | | | | |
| 3. | | | | | |
| 4. | | | | | |
| 5. | | | | | |
| 6. | | | | | |
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| 11. | | | | | |
| 12. | | | | | |
| 13. | | | | | |
| 14. | | | | | |
| 15. | | | | | |

In case father/mother/both not alive:

Father - Education Income Occupation

Mother - Education Income Occupation

Section: C

3. Information about Panchayati Raj Institution

Objectives of Panchayati Raj Institutions

- 3.1 Do you think the following are the goals of Panchayati Raj? (✓ tick the correct answer)
- (a) To decentralize power ()
 - (b) To establish democracy at the grass root or local level ()
 - (c) To develop the area according to local needs ()
 - (d) To act as an agent of rural development ()
 - (e) To encourage people to participate in the local affairs. ()
- 3.2 Do you think that the present system of Panchayati Raj is more democratic than the previous ones? Yes/No
- 3.3 If yes, please indicate from the following statements, which may be the reasons of its being more democratic. (✓ tick the correct answer)
- (a) People can participate in the decision making process of the local body. ()
 - (b) It is elective in character. ()
 - (c) It has provided a safeguard for women and minority communities. ()
 - (d) It does not provide for the preponderance of the landlords over the people. ()
 - (e) Any other reasons please specify: _____
- 3.4 If not state your reasons for its being undemocratic.
- (a) _____
 - (b) _____
 - (c) _____

3.5 How far the Panchayati Raj has been able to achieve its goals in Sikkim? (✓ tick the correct answer)

(a) Fully

(b) Partially

(c) Not at all

3.6 Do you think Gram Panchayats should be given full powers for rural development? **Yes/No**

3.7 What are the rural development schemes implemented during your tenure?

4. Composition/Structure

- 4.1 How many members are there in your Gram Panchayat? _____
- 4.2 Are you satisfied with your present position/portfolio? **Yes/No**
- 4.3 If no, please state reasons _____
- 4.4 Are you satisfied with the present two-tier structure of Panchayati Raj at Gram or village level and Zilla or Dist. level? **Yes/No**
- 4.5 In your opinion who is the most powerful or influential person among the Panchayat Members of your Gram Panchayat?

- 4.6 Besides politics what factors usually influence the election of the members of the Gram Panchayats - (✓ tick the correct answer)
- a) Education () b) Economic affluence () c) Caste/Ethnicity ()
d) Social Service () e) Social Status () f) Any other factors
(Please specify) _____
- 4.7 What factors influence the selection of Sabhapati, Up-sabhapati and Sachiva- (✓ tick the correct answer)
- a) Caste considerations () b) Political affiliation ()
c) Popularity () d) Education () e) Economic affluence ()
f) Social service ()
g) Any other (please specify) _____
- 4.8 Do you find any difficulties to work with the male member? **Yes/No**
- 4.9 Do you get enough support or cooperation from the male colleague? **Yes/No**
- 4.10 Do you face any difficulty as a woman representative? **Yes/No**
- 4.11 If yes, please mention a few most important difficult situation you have experienced as a women representative?
- a) _____
b) _____
c) _____
d) _____

5. Sources of Finance

- 5.1 What are the main sources of finance of your Gram Panchayat? (✓ tick the correct answer)
- (a) Govt. Grant
 - (b) Other than Govt. Grant
 - (c) Both
- 5.2 Do you think that the sources of finance available to the Gram Panchayat is adequate? **Yes/No**
- 5.3 Besides, grant-in-aid of the State Govt. do you raise funds from the following local sources-(✓ tick the correct answer)
- (a) Fairs, melas, hats ()
 - (b) Sanitation ()
 - (c) Drinking water ()
 - (d) Temporary occupation of any village road or places ()
 - (e) Fee on private latrines ()
 - (f) Grazing cattle in Gaucharan ()
 - (g) Registration of animals sold in the market ()
 - (h) Markets fee on persons exposing goods for sale in any market under panchayat ()
 - (i) Use of dharmasala ()
 - (j) Drainage ()
 - (k) Taxes on houses ()
- 5.4 Do your Gram Panchayat get timely financial help from the Govt.? **Yes/No**
- 5.5 Do you face any difficulties in raising funds? **Yes/No**
- 5.6 Is it true that the Gram Panchayats have failed to function independently or properly due to excessive financial dependence on government? **Yes/No**

6. Relationship with Govt. officials or bureaucrats

- 6.1 Who are the govt. officials with whom you have to work?
- (a) _____
- (b) _____
- (c) _____
- (d) _____
- 6.2 Do you get enough support or cooperation from the officials mentioned above? **Yes/No**
- 6.3 Do you have difference of opinions/viewpoints with the officials on certain issues? **Yes/No**
- 6.4 Which are the important issues on which you had the differences of opinion?
- (a) _____
- (b) _____
- (c) _____
- 6.5 On disagreement, do the officials force you to agree? **Yes/No**
- 6.6 Do you pressurize the officials to undertake the developmental work required for your village. **Yes/No**
- 6.7 As regards relationship, do you agree the following? (✓ tick the correct answer)
- (a) We understand each other's problem ()
- (b) We do not interfere in each other's work ()
- (c) We have similar goals for the development of the village ()
- (d) We trust each other ()
- (e) We discuss problems openly and regularly. ()
- (f) We take each other's advice and suggestions seriously. ()

- 6.8 Because of the following you have poor relationship with the officials.
(✓ tick the correct answer)
- (a) Lack of understanding in each other's problem ()
 - (b) Excessive interference in each other's work ()
 - (c) Lack of trust in the officials. ()
 - (d) Lack of cooperation between officials and non-officials. ()
 - (e) Apathy of officials towards the development of the locality. ()
 - (f) Panchayat Unit member do not discuss the problems openly or regularly. ()

7. Govt. Supervision and Control

- 7.1 How many times the RDA/inspectors/officers visited your Gram Panchayat during the last two years?
regular visit/adequately visit/excessive visit
- 7.2 Do you think through these inspections you can communicate your difficulties to the government? **Yes/No**
- 7.3 Do you think regular supervision of govt. is a hindrance in awakening a sense of self-confidence in the minds of the panchayat members?
Yes/No
- 7.4 What are the different kinds of report you submit to the govt.?
(a) _____
(b) _____
(c) _____
(d) _____
- 7.5 Do you furnish the reports as above regularly? **Yes/No**
- 7.6 Does the govt. comment on the reports? **Yes/No**

8. Awareness of Local Affairs

8.1 Who were the elected panchayat members in your Gram Panchayat in 1997 panchayat election?

(a) _____

(b) _____

(c) _____

(d) _____

(e) _____

(f) _____

(g) _____

8.2 Who were the Sabhapati and Sachiva of your Gram Panchayat during 1997-2002?

(a) _____ (b) _____

8.3 How many Gram Panchayats are there in your district?

8.4 What is the total number of Gram Panchayats in the State?

8.5 How many Zilla Panchayat members are there in your district?

9. Functioning and Decision-making process in Gram Panchayat

- 9.1 How often do you have the meetings of Gram Panchayat? **regularly/irregularly**
- 9.2 How often Gram Sabha meetings are held? **regularly/irregularly**
- 9.3 Do the ward members (villagers) actively take part in such meetings?
Yes/No
- 9.4 What are the main purposes of holding such Gram Sabha? (✓ tick the correct answer)
- (a) To discuss & prepare micro level projects ()
- (b) To listen the instructions of the Govt. official. ()
- (c) To have a get-together rather than formulation & discuss the project. ()
- 9.5 How does panchayat body make decision? (✓ tick the correct answer)
- (a) By raising hands () (b) By voice ()
- 9.6 Which of the following voting procedure is being followed by your Gram Panchayat? (✓ tick the correct answer)
- (a) Raising of hands ()
- (b) Secret ballot ()
- 9.7 Kindly mention some important decisions your Gram Panchayat have taken during last two years.
- (a) _____
- (b) _____
- (c) _____
- 9.8. How much do the following factors influence the decision-making of your panchayat?

| | Very much | Partially | Not at all |
|----------------------------------|-----------|-----------|------------|
| (a) Political consideration | | | |
| (b) Caste/Community affiliation | | | |
| (c) Govt. pressure | | | |
| (d) Family and kinship-tie | | | |
| (e) Social tradition and customs | | | |

(f) Any other (specify) : _____

9.9 Since the identification of beneficiaries is one of the important functions of Gram Panchayat. Do you think the beneficiaries are properly identified? **Yes/No**

If not, please state your reasons _____

9.10 Do you really involve in preparing micro-level planning? **Yes/No**

9.11 Do your gram panchayat assist the Zilla panchayat in preparing development plan of your area? **Yes/No**

9.12 Do you organize voluntary labour for community work? **Yes/No**

9.13 Are you a member of Village Education Committee (VEC)? **Yes/No**

9.14 Are you a member of Parent- Teachers' Association (PTA)? **Yes/No**

9.15 Are you a member of Mothers- Teachers' Association (MTA) of your village school? **Yes/No**

9.16 Do you agree that the present devolution of power under Sikkim Panchayat Act, 1993 has really empowered the Gram Panchayat? **Yes/No**

If no, please specify reasons: _____

9.17 What are the major achievement of your Gram Panchayat during the last two years?

(a) _____

(b) _____

(c) _____

(d) _____

9.18 Are you satisfied with the functioning of present Panchayati Raj Institution? **Yes/No**

If not, please state you reasons _____

9.19 Do you think the local self-govt. is really established in rural Sikkim after the enactment of Sikkim Panchayat Act, 1993? **Fully/Partly/Not at all**

9.20. Kindly give some suggestions for improving and strengthening Panchayati Raj Institution in Sikkim.

(a) _____

(b) _____

(c) _____

(d) _____

APPENDIX – C

**Functioning of the Panchayati Raj Institution in Sikkim: An Evaluation.
Department of Sociology, University of North Bengal.
Questionnaire for Panchayat Officials/Bureaucrats**

Section: A

Personal and family background

1. Name and Address of Respondent: _____

2. Designation: _____
3. Age: _____ 4. Sex: _____ 5. Caste: ST/SC/OBC/GC
6. Religion: _____
7. Marital Status: Married/Unmarried/Divorce/Widow/Widower
8. Mother Tongue: _____
9. Educational Qualification:
 - (a) Secondary Education (VI to X)
 - (b) Sr. Secondary Pass
 - (c) Graduate
 - (d) Post Graduate
10. Professional Qualification/Vocational Training etc:
 - (a) _____
 - (b) _____

11. Information about family members

| Relation with Respondents | Sex | Age | Edn. Qualification | Occupation | Monthly Income (Approx) |
|---------------------------|-----|-----|--------------------|------------|-------------------------|
| 1. Self | | | | | |
| 2. | | | | | |
| 3. | | | | | |
| 4. | | | | | |
| 5. | | | | | |
| 6. | | | | | |
| 7. | | | | | |
| 8. | | | | | |
| 9. | | | | | |
| 10. | | | | | |
| 11. | | | | | |
| 12. | | | | | |
| 13. | | | | | |
| 14. | | | | | |
| 15. | | | | | |

In case father/mother/both not alive:

Father - Education Income Occupation

Mother - Education Income Occupation

Section: B

Information about Panchayati Raj Institution

Objectives of Gram Panchayat

12. Do you think that the present system of Panchayati Raj is more democratic than the previous ones? Yes/No
13. If yes, please indicate from the following statements, which may be the reasons of its being more democratic. (✓ tick the correct answer(s))
- (a) It is more decentralized/democratic than the previous one? ()
- (b) People can participate in the decision making process of the local body. ()
- (c) It is elective in character. ()
- (d) It has provided a safeguard for women and minority communities. ()
- (e) It does not provide for the preponderance of the landlords over the people. ()
- (f) Any other reasons please specify: _____
14. If not can you give some reason(s) for not being undemocratic.
- (a) _____
- (b) _____
- (c) _____
15. Which of the followings are the goals (aims) of Panchayati Raj? (✓ tick the correct answer)
- (a) To establish local self govt. at village level. ()
- (b) To develop areas according to local needs. ()
- (c) To decentralise power. ()
- (d) To encourage people to participate in the affairs of locality. ()
- (e) To act as the agent of rural development. ()
- (f) To settle dispute & problems at local level. ()

16. How far the Panchayat Raj has been able to achieve its goals in Sikkim? (✓ tick the correct answer)
- (a) Fully
- (b) Partially
- (c) Not at all
17. Do you think Panchayati Raj Institution should be given full powers for economic development and social justice? **Yes/No**
18. What are the main rural development schemes (State/Centrally sponsored) implemented in your Gram/Zilla Panchayats?
- (a) _____ (b) _____
- (c) _____ (d) _____
- (e) _____ (f) _____
19. In your opinion which scheme is most effective/successful in terms of providing services to the rural poor?
- _____
- _____
20. What are the main objectives/purposes of holding Gram Sabha meeting?
- (a) _____
- (b) _____
21. Do the villagers actively take part in such meetings? **Yes/No/Some times**
- If no, why? _____
- _____

Composition/Structure

22. Are you satisfied with the present two-tier structure of Panchayati Raj at Gram or village level and Zilla or Dist. level? Yes/No
23. In your opinion who is the most powerful or influential person among the Panchayat Members of your Gram Panchayat?
-
24. Do you support female panchayat representatives? Yes/No
25. What is your opinion about one-third (33 percent) reservation of seats for women candidates?
- (a) _____
- (b) _____
- (c) _____
26. What is your opinion about the reservation for Schedule Caste?
- (a) _____
- (b) _____
- (c) _____
27. What is your opinion about the reservation for Schedule Tribe?
- (a) _____
- (b) _____
- (c) _____
28. If you belong to SC/ST/Women (✓ tick the correct one) what are the problems faced by you in performing duties?
- (a) _____
- (b) _____
- (c) _____
29. What factors usually influence the election of the Panchayat members? (✓ tick the correct answer)
- a) Caste/Ethnicity () b) Political affiliation () c) Popularity ()
- d) Education () e) Economic status () f) Social service ()
- (a) Any other (please specify) _____

30. Are you satisfied with the present selection procedure of Sabhapati,
Up-Sabhapati and Sachiva? **Yes/No**

If no, state reasons: _____

31. Are you in favour of party-based panchayat election? **Yes/No**

If no, why state reasons:

(a) _____

(b) _____

(c) _____

Sources of Finance (Panchayat Fund)

33. How do the Gram Panchayat raises the Panchayat Fund?
(a) Govt. Grant
(b) Other than Govt. Grant
(c) Both
34. Do you think that the Grant-in-aid available to the Gram Panchayat from the Govt. is adequate? **Yes/No**
35. What is the quantum of the Grant-in-aid allotted to the Gram Panchayat and Zilla Panchayat? **Yes/No**
(a) Gram Panchayat _____ (b) Zilla Panchayat _____
36. Do the villagers enquire about income and expenditure of the Gram Panchayat?
Yes/No
37. It is true that the Gram Panchayats have failed to function properly due to inadequate resources? **Yes/No**
38. Can you suggest some potential sources of income for the Gram Panchayat? **Yes/No**
(a) _____ (c) _____
(b) _____ (d) _____
39. Do the villagers supervise and monitor the activities of the Panchayat?
Yes/No
40. Do you feel it is the responsibility of community members for monitoring and supervising the panchayat activities? **Yes/No**
41. Do you think the collection of taxes at the local level is difficult?
Yes/No
42. If yes state the reasons for such difficulties.
(a) _____
(b) _____
(c) _____

Awareness of Local Affairs and legal literacy

43. How often 'Gram Sabha' meeting is held? (✓ tick the correct answer)
adequate/inadequate
_____ (Intervals)
44. Who were the President and Sachiva of your Gram Panchayat during 1997-2002?
(a) _____ (b) _____
45. Who were the candidates contested in the Gram Panchayat of your village in last two panchayat election held in 1997 and 2002?
- | 1997 | 2002 |
|-----------|-----------|
| (a) _____ | (a) _____ |
| (b) _____ | (b) _____ |
| (c) _____ | (c) _____ |
| (d) _____ | (d) _____ |
| (e) _____ | (e) _____ |
| (f) _____ | (f) _____ |
| (g) _____ | (g) _____ |
| (h) _____ | (h) _____ |
46. How many Gram Panchayat members are there in the district?

47. How many Zilla Panchayat members are there in your district?

48. How do you get information about the State politics? (✓ tick the correct answer)
- (a) Radio/TV ()
- (b) Newspaper ()
- (c) Attending public meeting ()

49. When the first direct election to Zilla Panchayat was held as per the Sikkim Panchayat Act, 1993?

50. Have you gone through the following Acts?

(a) Sikkim Panchayat Act, 1965 Yes/No

(b) Sikkim Panchayat Act, 1982 Yes/No

(c) Sikkim Panchayat Act, 1993 Yes/No

51. In your opinion, which is the most important feature (provision) of the Sikkim Panchayat Act, 1993?

Relationship Between Panchayati Raj officials and Elected Representatives

52. Do you get full co-operation and guidance from your seniors? **Yes/No**

53. Do you get full co-operation and assistance from your subordinate officials? **Yes/No**

54. Do you get enough support or co-operation from the Elected Panchayat representatives? **Yes/No**

If no, can you give reason (a) _____

(b) _____

55. Do you face differences of opinion/viewpoints with the elected representatives on certain issues? **Yes/No**

56. What are the important issues on which you had the differences of opinion?

(a) _____

(b) _____

(c) _____

57. On disagreement, do the panchayat members force you to agree? **Yes/No**

58. As regards relationship, do you agree the following? (✓ tick the correct answer)

(a) We discuss problems openly and regularly ()

(b) We take each other's advice and suggestion seriously ()

(c) We do not interfere in each others work ()

(d) We trust each other ()

(e) We have similar goal for the development of the village ()

Functioning and Decision-making process

59. How often the panchayat meetings are held? **regularly/irregularly**

60. Which of the following voting procedure is being followed by your Gram Panchayat? (✓ tick the correct answer)

(a) Raising of hands ()

(b) Secret ballot ()

61. Do you attend Gram Sabha of your village? **Yes/No**

62. Do the villagers freely express their opinion in such meetings? **Yes/No**

63. Mention some important decisions your Gram Panchayat/Zilla Panchayat have taken during last two years.

(a) _____

(b) _____

(c) _____

64. In case of differences of opinion in the meeting how the decision is taken. (✓ tick the correct answer)

(a) By dictation of the President.

(b) By majority votes.

65. Would you narrate important decisions taken in your village Gram Panchayat/Zilla Panchayat during the last two years -

Gram Panchayat

Zilla Panchayat

(a) _____ (a) _____

(b) _____ (b) _____

(c) _____ (c) _____

66. How much do the following factors influence the decision-making of your panchayat?

| | Very much | Partially | Not at all |
|----------------------------------|------------------|------------------|-------------------|
| (a) Political consideration | | | |
| (b) Caste/Community affiliation | | | |
| (c) Govt. pressure | | | |
| (d) Family and kinship tie | | | |
| (e) Social tradition and customs | | | |

(f) Any other (specify) : _____

67. Are you satisfied with the present decision making process of your Gram Panchayat? **Yes/No**
 If not, please suggest some measures _____
-
68. Do you think that the identification or selection of beneficiaries are properly done by the Gram Panchayat? **Yes/No**
69. Are you satisfied with the functioning of Gram Panchayat? **Yes/No**
70. Do you have Village Education Committee (VEC) in your Gram Panchayat? **Yes/No**
71. Are you a member of such committee? **Yes/No**
72. What does the VEC do for the school?
 (a) _____
 (b) _____
73. In your opinion to whom the upkeeping of the village school should belong?
 (a) Village
 (b) Govt.
74. Do the Panchayat Members really take interest in School's improvement programme? **Yes/No**
75. Do you feel that it is a joint responsibility of teachers and community members to improve the quality of education in the school? **Yes/No**
76. Do the village schools have Parent-Teachers Association (PTA) and Mother Teacher Association (MTA)? **Yes/No**
77. Do you frequently visit your villages Gram Panchayats? **Yes/No**
78. Do the villages interact with you? **Yes/No**
79. Do you agree that the present ruling govt. has created healthy environment for democratic decentralization? **Yes/No**
 If no, what may be the reasons
 (a) _____
 (b) _____
 (c) _____

80. Do you have faith in the concept of the present Panchayati Raj Institution in Sikkim?

If yes, _____

(a) This system gives more opportunities to the elected representatives for participation in the administrative control and supervision.

Yes/No

(b) People have more opportunities to take part in the local developmental programmes.

Yes/No

(c) The elected representatives as a body can have regular check over the officials and they can also remind the officials about their responsibilities in the process of administration.

Yes/No

(d) The officials lack administrative independence in policy-making at the grassroot levels.

Yes/No

81. What do you think following as a great obstacles to your freedom of action (put a ✓ tick mark).

(a) Control of party in power ()

(b) Non-cooperation of panchayat representatives ()

(c) Opposition party members in the Gram Panchayat ()

(d) No obstacles ()

82. In your opinion, what are the functions which should be entrusted to Gram Panchayat and functions which should not be entrusted to them?

‘A’

‘B’

(Should be entrusted)

(Should not be entrusted)

1. _____ 1. _____

2. _____ 2. _____

3. _____ 3. _____

4. _____ 4. _____

5. _____ 5. _____

83. What is your opinion about the staffing pattern of panchayat officials (✓ tick the correct answer)

(a) More excess ()

(b) Adequate ()

(c) Less ()

(d) Don't know ()

84. Are you satisfied with the performance of Adhakshya of your Zilla Panchayat?

Yes/No

If no, can you suggest some reasons :

(a) _____

(b) _____

(c) _____

85. Are you satisfied with the performance of Sabhapati and Sachiva of your village Gram Panchayat? **Yes/No**

If no, can you suggest some reasons :

(a) _____

(b) _____

(c) _____

86. Are you satisfied with the performance of women representatives of your village Gram Panchayat and Zilla Panchayat? **Yes/No**

If no, can you suggest some reasons

(a) _____

(b) _____

(c) _____

87. What is your opinion on functioning of Gram and Zilla Panchayat? (put a ✓ tick mark).

(a) Good satisfaction ()

(b) Satisfactory ()

(c) Dissatisfaction ()

(d) Don't know ()

88. What is your opinion on cooperation and help from the panchayat representatives during implementation of the programmes/schemes?

(a) Good Cooperation and help ()

(b) Satisfactory ()

(c) Dissatisfaction ()

(d) Don't know ()

89. Do you face any difficulties while implementing the developmental schemes? Yes/No

If yes, what are the difficulties?

(a) _____

(b) _____

(c) _____

90. Please give some concrete suggestions to improve the mutual relationships between officials and Panchayati Raj representatives (elected leaders).

(a) _____

(b) _____

(c) _____

APPENDIX – D

THE CONSTITUTION (SEVENTY-THIRD AMENDMENT) ACT, 1992

AN ACT

further to amend the Constitution of India.

BE it enacted by Parliament in the Forty-third Year of the Republic of India as follows:

1. (1) This Act may be called the Constitution (Seventy-third Amendment) Act, 1992. Short title
and
commencement
- (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.
2. After Part VIII of the Constitution, the following part shall be inserted, namely: Insertion
of new
Part IX

PART IX

THE PANCHAYATS

243. In this part, unless the context otherwise requires, - Definitions
- (a) “district” means a district in a State;
 - (b) “Gram Sabha” means a body consisting of persons registered in the electoral rolls relating to a village comprised within the area of Panchayat at the village level;
 - (c) “intermediate level” means a level between the village and district levels specified by the Governor of a State by public notification to be the intermediate level for the purposes of this part;
 - (d) “Panchayat” means an institution (by whatever name called) of self-government constituted under article 243B, for the rural areas;
 - (e) “Panchayat area” means the territorial area of a Panchayat;

(f) "population" means the population as ascertained at the last preceding census of which the relevant figures have been published;

(g) "village" means a village specified by the Governor by public notification to be a village for the purposes of this Part and includes a group of villages so specified.

243A. A Gram Sabha may exercise such powers and perform such functions at the village level as the Legislature of a State may by law, provide. Gram
Sabha

243B. (1) There shall be constituted in every State, Panchayats at the village, intermediate and district levels in accordance with the provisions of this Part. Constitution
of
Panchayats

(2) Notwithstanding anything in clause (1), Panchayats at the intermediate level may not be constituted in a State having a population not exceeding twenty lakhs.

243C. (1) Subject to the provisions of this Part, the Legislature of a State may, by law, make provisions with respect to the composition of Panchayats: Composition
of
Panchayats

Provided that the ratio between the population of the territorial area of a Panchayat at any level and the number of seats in such Panchayat to be filled by election shall, so far as practicable, be the same throughout the State.

(2) All the seats in a Panchayat shall be filled by persons chosen by direct election from territorial constituencies in the Panchayat area and, for this purpose, each Panchayat area shall be divided into territorial constituencies in such manner that the ratio between the population of each constituency and the number of seats allotted to it shall, so far as practicable, be the same throughout the Panchayat area.

(3) The Legislature of a State may, by law, provide for the representation.

(a) of the Chairpersons of the Panchayats at the village level, in the Panchayats at the intermediate level or, in the case of a State not having Panchayats at the intermediate level, in the Panchayats at the district level;

- (b) of the Chairpersons of the Panchayats at the intermediate level, in the panchayats at the district level;
- (c) of the members of the House of the People and the members of the Legislative Assembly of the State representing constituencies which comprise wholly or partly a Panchayat area at a level other than the village level, in such Panchayat;
- (d) of the members of the Council of States and the members of the Legislative Council of the State, where they are registered as electors within.
- (i) a Panchayat area at the intermediate level, in Panchayat at the intermediate level;
- (ii) a Panchayat area at the district level, in Panchayat at the district level.
- (4) The Chairperson of a Panchayat and other members of a Panchayat whether or not chosen by direct election from territorial constituencies in the Panchayat area shall have the right to vote in the meetings of the Panchayats;
- (5) The Chairperson of
 - (a) a Panchayat at the village level shall be elected in such manner as the Legislature of a State may, by law, provide; and
 - (b) a Panchayat at the intermediate level or district level shall be elected by and from amongst, the members thereof.

243D. (1) Seats shall be reserved for

Reservation
of seats

- (a) the Scheduled Castes; and
- (b) the Scheduled Tribes,

in every Panchayat and the number of seats so reserved shall bear, as nearly as may be, the same proportion to the total number of seats to be filled by direct election in that Panchayat as the population of the Scheduled Castes in that Panchayat area or of the Scheduled Tribes in that Panchayat area bears to the total population of that area and such seats may be allotted by rotation to different constituencies in a Panchayat.

- (2) Not less than one-third of the total number of seats reserved under clause (1) shall be reserved for women belonging to the Scheduled Castes or as the case may be, the Scheduled Tribes.
- (3) Not less than one-third (including the number of seats reserved for women belonging to the Scheduled Castes and the scheduled Tribes) of the total number of seats to be filled by direct election in every Panchayat shall be reserved for women and such seats may be allotted by rotation to different constituencies in a Panchayat.
- (4) The offices of the Chairpersons in the Panchayats at the village or any other level shall be reserved for the Scheduled Castes, the Scheduled Tribes and women in such manner as the Legislature of a State may, by law, provide;

Provided that the number of offices of Chairpersons reserved for the Scheduled Castes and the Scheduled Tribes in the Panchayats at each level in any State shall bear, as nearly as may be, the same proportion to the total number of such offices in the Panchayats at each level as the population of the Scheduled Castes in the State or of the Scheduled Tribes in the State bears to the total population of the State:

Provided further that not less than one-third of the total number of offices of Chairpersons in the Panchayats at each level shall be reserved for women:

Provided also that the number of offices reserved under this clause shall be allotted by rotation to different Panchayats at each level.

- (5) The reservation of seats under clauses (1) and (2) and the reservation of offices of Chairpersons (other than the reservation for women) under clause (4) shall cease to have effect on the expiration of the period specified in article 334.
- (6) Nothing in this Part shall prevent the Legislature of a State from making any provision for reservation of seats in any Panchayat or offices of Chairpersons in the Panchayats at any level in favour of backward class of citizens.

243E. (1) Every Panchayat, unless sooner dissolved under any law for the time being in force, shall continue for five years from the date appointed for its first meeting and no longer.

Duration
of
Panchayats
etc.

(2) No amendment of any law for the time being in force shall have the effect of causing dissolution of a Panchayat at any level, which is functioning immediately before such amendment, till the expiration of its duration specified in clause (1).

(3) An election to constitute a Panchayat shall be completed

(a) before the expiry of its duration specified in clause (1):

(b) before the expiration of a period of six month from the date of its dissolution:

Provided that where the remainder of the period for which the dissolved Panchayat would have continued is less than six months, it shall not be necessary to hold any election under this clause for constituting the Panchayat for such period.

(4) A Panchayat constituted upon the dissolution of a Panchayat before the expiration of its duration shall continue only for the remainder of the period for which the dissolved Panchayat would have continued under clause (1) had it not been so dissolved.

243F. (1) A person shall be disqualified for being chosen as and for being, a member of a Panchayat – Disqualifi-
cation for
membership

(a) if he is so disqualified by or under any law for the time being in force for the purposes of elections to the Legislature of the State concerned:

Provided that no person shall be disqualified on the ground that he is less than twenty-five years of age, if he has attained the age of twenty-one years.

(b) if he is so disqualified by or under any law made by the Legislature of the State.

(2) If any question arises as to whether a member of a Panchayat has become subject to any of the disqualifications mentioned in clause (1); the question shall be referred for the decision of such authority and in such manner as the Legislature of a State may, by law, provide.

243G. Subject to the provisions of this Constitution, the Legislature of a State may, by law, endow the Panchayats with such powers and authority as may be necessary to enable them to function as Powers,
authority
and respons-
ibilities of
Panchayats

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

- (a) the preparation of plans for economic development and social justice;
- (b) 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.

243H. The Legislature of a State may, by law

- (a) authorize a Panchayat to levy, collect and appropriate such taxes, duties, tolls and fees in accordance with such procedure and subject to such limits;
- (b) assign to a Panchayat such taxes, duties, tolls and fees levied and collected by the State Government for such purposes and subject to such conditions and limits;
- (c) provide for making such grants-in-aid to the Panchayats, from the Consolidated Fund of the State; and
- (d) provide for constitution of such Funds for crediting all moneys received, respectively, by or on behalf of the Panchayats and also for the withdrawal of such moneys therefrom, as may be specified in the law.

Powers to
impose taxes
by and
Funds of the
Panchayats

243I. (1) The Governor of a State shall, as soon as may be within one year from the commencement of the Constitution (Seventy-third Amendment) Act, 1992, and thereafter at the expiration of every fifth year constitute a Finance Commission to review the financial position of the Panchayats and to make recommendations to the Governor as to

Constitution
of Finance
Commission
to review
financial
position

- (a) the principles which should govern
 - (i) the distribution between the State and the Panchayats of the net proceeds of the taxes, duties, tolls and fees leviable by the State, which may be divided between them under this Part and the allocation between the Panchayats at all levels of their respective shares of such proceeds;

- (ii) the determination of the taxes, duties, tolls and fees which may be assigned to, or appropriated by, the Panchayats;
 - (iii) the grants-in-aid to the Panchayats from the Consolidated Fund of the State;
 - (b) the measures needed to improve the financial position of the Panchayats;
 - (c) any other matter referred to the Finance Commission by the Governor in the interests of sound finance of the Panchayats.
- (2) The Legislature of a State may, by law, provide for the composition of the Commission, the qualifications which shall be requisite for appointment as members thereof and the manner in which they shall be selected.
 - (3) The Commission shall determine their procedure and shall have such powers in the performance of their functions as the Legislature of the State may, by law, confer on them.
 - (4) The Governor shall cause every recommendation made by the Commission under this article together with an explanatory memorandum as to the action taken thereon to be laid before the Legislature of the State.

243J. The Legislature of a State may, by law, make provisions with respect to the maintenance of accounts by the Panchayats and the auditing of such accounts.

Audit of
accounts of
Panchayats

243K. (1) The superintendence, direction and control of the preparation of electoral rolls for, and the conduct of all elections to the Panchayats shall be vested in a State Election Commission consisting of a State Election Commissioner to be appointed by the Governor.

Elections
To the
Panchayats

(2) Subject to the provisions of any law made by the Legislature of a State, the conditions of service and tenure of office of the State Election Commissioner shall be such as the Governor may by rule determine:

Provided that the State Election Commissioner shall not be removed from his office except in like manner and on the like grounds as a judge of a High Court and the conditions of service of the State Election Commissioner shall not be varied to his disadvantage after his appointment.

(3) The Governor of a State shall, when so requested by the State Election Commission, make available to the State Election Commission such staff as may be necessary for the discharge of the functions conferred on the State Election Commission by clause (1).

(4) Subject to the provisions of this Constitution, the Legislature of a State may, by law, make provision with respect to all matters relating to or in connection with elections to the Panchayats.

243L. The provisions of this Part shall apply to the Union territories and shall, in their application to a Union territory, have effect as if the references to the Governor of a State were references to the Administrator of the Union territory appointed under article 239 and references to the Legislature or the Legislative Assembly of a State were references, in relation to a Union territory having a Legislative Assembly, to that Legislative Assembly;

Application to Union territories

Provided that the President may, by public notification, direct that the provisions of this Part shall apply to any Union territory or part thereof subject to such exceptions and modifications as he may specify in the notification.

243M. (1) Nothing in this Part shall apply to the Scheduled Areas referred to in clause (1), and the tribal areas referred to in clause (2), of article 244.

Part not to apply to certain areas

(2) Nothing in this Part shall apply to

(a) the States of Nagaland, Meghalaya and Mizoram;

(b) the hill areas in the State of Manipur for which District Councils exist under any law for the time being in force.

(3) Nothing in this Part

(a) relating to Panchayats at the district level shall apply to the hill areas of the District of Darjeeling in the State of West Bengal for which Darjeeling Gorkha Hill Council exists under any law for the time being in force;

(b) shall be construed to affect the functions and powers of the Darjeeling Gorkha Hill Council constituted under such law.

(4) Notwithstanding anything in this Constitution

(a) the Legislature of a State referred to in sub-clause (a) of clause (2) may, by law, extend this Part to that State, except the areas, if any, referred to in clause (1), if the Legislative Assembly of that State passes a resolution to that effect by a majority of the total membership of that House and by a majority of not less than two-thirds of the members of that House present and voting;

(b) Parliament may, by law, extend the provisions of this Part to the Scheduled Areas and the tribal areas referred to in clause (1) subject to such exceptions and modifications as may be specified in such law, and no such law shall be deemed to be an amendment of this Constitution for the purposes of article 368.

243N. Notwithstanding anything in this Part, any provision of any law relating to Panchayats in force in a State immediately before the commencement of the Constitution (Seventy-third Amendment) Act, 1992, which is inconsistent with the provisions of this Part, shall continue to be in force until amended or repealed by a competent Legislature or other competent authority or until the expiration of one year from such commencement, whichever is earlier:

Continuance
of existing
laws and
Panchayats

Provided that all the Panchayats existing immediately before such commencement shall continue till the expiration of their duration, unless sooner dissolved by a resolution passed to that effect by the Legislative Assembly of that State or, in the case of a State having a Legislative Council by each House of the Legislature of that State.

243O. Notwithstanding anything in this Constitution

(a) the validity of any law relating to the delimitation of constituencies or the allotment of seats to such constituencies, made or purporting to be made under article 243K, shall not be called in question in any court;

(b) no election to any Panchayat shall be called in question except by an election petition presented to such authority and in such manner as is provided for by or under any law made by the Legislature of a State.

(3) In clause (3) of article 280 of the Constitution after sub-clause (b) the following sub-clause shall be inserted, namely:

Bar to
Interference
by courts in
electoral
matters

Amendment
of article
280

“(bb) the measures needed to augment the Consolidated Fund of a State to supplement the resources of the Panchayats in the State on the basis of the recommendations made by the Finance Commission of the State,”

(4) After the Tenth Schedule to the Constitution, the following Additions of Schedule shall be added, namely:-

Addition
of
Eleventh
Schedule

ELEVENTH SCHEDULE

(Article 243G)

1. Agriculture, including agricultural extension.
2. Land improvement, implementation of land reforms, land consolidation soil conservation.
3. Minor irrigation, water management and watershed development.
4. Animal husbandry, dairying and poultry.
5. Fisheries.
6. Social forestry and farm forestry.
7. Minor forest produce
8. Small scale industries, including food processing industries.
9. Khadi, village and cottage industries.
10. Rural housing.
11. Drinking water.
12. Fuel and fodder
13. Roads, culverts, bridges, ferries, waterways and other means of communication.
14. Rural electrification, including distribution of electricity.
15. Non-conventional energy sources.
16. Poverty alleviation programme.
17. Education including primary and secondary schools.
18. Technical training and vocational education.

19. Adult and non-formal education.
20. Libraries.
21. Cultural activities.
22. Markets and fairs.
23. Health and sanitation, including hospitals, primary health centers and dispensaries.
24. Family welfare.
25. Women and child development.
26. Social welfare including welfare of the handicapped and mentally retarded.
27. Welfare of the weaker sections, and in particular of the Scheduled Castes and the Scheduled Tribes.
28. Pubic distribution system.
29. Maintenance of community assets.

APPENDIX – E

THE SIKKIM PANCHAYAT ACT, 1993

(ACT NO. 6 OF 1993)

AN

ACT

To consolidate and amend the law relating to Panchayat and to provide for the constitution and organization of Panchayat as units of Self-Government in Sikkim in accordance with the provision of Part IX of the Constitution (Seventy-Third) Amendment Act, 1992 and for matters connected therewith and incidental thereto.

Be it enacted by the Legislative Assembly in the forty-fourth year of the Republic of India as follows:-

Chapter I

Preliminary

Short title,
extent
and
commencement

1. (1) This Act may be called the Sikkim Panchayat Act, 1993.
- (2) It extends to the whole of Sikkim except the areas which may hereafter be declared as or included in the Nagar Panchayat.
- (3) It shall come into force on such date as the State Government may, by notification in the Official Gazette. Appoint and different dates may be appointed for different areas and for different provisions of the Act.

Definitions

2. (1) In this Act, unless the context otherwise requires:-
- a) "Adhakshya" means an Adhakshya of a Zilla Panchayat elected under section (1) of section 54;
 - b) "Auditor" means and auditor appointed under sub-section (2) of section 48;
 - c) "District Collector" means the Collector of the District;
 - d) "District Development Officer-cum Panchayat Officer" means the District Development Officer-cum-Panchayat Officer of the District appointed by the State Government;

- e) "Governor" means the Governor of Sikkim;
 - f) "Gram" means any village or part of village group of adjoining villages or parts there of declared by the State Government to be a Gram under sub-section (1) of section 3;
 - g) "Gram Panchayat" means a Gram Panchayat constituted under section 12;
 - h) "Nagar Panchayat" means a Nagar Panchayat and includes a municipality, municipal committee or corporation or such other body by whatever name called constituted under the law relating to such Nagar Panchayat for the time being in force.
 - i) "Notification" means the notification published in the Official Gazette;
 - j) "Prescribed Authority" means an authority appointed by the State Government by notification, for all or any of the purpose of this Act.
 - k) "Sabhapati" means a Sabhapati of a Gram Panchayat elected under sub-section (1) of section 17;
 - l) "Secretary" means of the Secretary to the Government of Sikkim in the Rural Development Department and includes an Additional Secretary, Joint Secretary, Deputy Secretary and Under Secretary of that Department.
 - m) "State Government" means the Government of the State of Sikkim;
 - n) "Up-Sabhapati" means an Up-Sabhapati of Gram Panchayat elected under sub-section (1) of section 17;
 - o) "Up-Adhyaksha" means an Up-Adhyaksha of Zilla Panchayat elected under sub-section (1) of section 54;
 - p) "Zilla Panchayat" means of Zilla Panchayat of a district constituted under sub-section (1) of section 49;
- (2) Words defined in the constitution (Seventy-Third) Amendment Act, 1992 but not defined in this Act shall have the same meanings as respectively assigned to them in the Constitution (Seventy third Amendment) Act, 1992.

Chapter II

Constitution of Gram and Gram Sabha

- Constitution of Gram, its name and jurisdiction.
3. (1) Subject to the consideration of local conditions, the State Government may, by notification, declare for the purpose of this Act any village or part of a village or a group of adjoining villages or parts of there of to be a Gram.
- (2) As soon as may be after the constitution of a Gram under sub-section (1), the State Government may by notification, divide each Gram into wards and each ward shall as far as possible, comprise of a Revenue Block.
- (3) The state Government, may, by notification, specify the number of members to be elected from each ward having regard to the number of voters in such ward and such other considerations as the State Government may consider appropriate.
- (4) The notification under sub-section (1) shall specify the name of the Gram by which the Panchayat shall be known shall specify the local limits of such Panchayat.
- (5) The State Government may, after making such enquiry, as it may think fit and/or after obtaining the views of the Gram Sabha, by notification;
- (a) Exclude from any Gram any area comprised therein; or
 - (b) include in any Gram any area adjoining to such Gram; or
 - (c) divide the area of a Gram so as to constitute to such Gram; or
 - (d) Unite the areas of two or more Grams so as to constitute a new Gram.
- Effect of alteration of the area of Gram
4. (1) When an area is excluded from a Gram under clause(a) of sub-section (5) of section 3, such area shall, as from the date of the notification referred to in that sub-section cease to be subject to the jurisdiction of the Gram Panchayat of that Gram and, unless the State Government otherwise directs, all rules, orders, directions and notifications in force in that Gram shall also cease to apply to the area so excluded.
- (2) When an area is included in a Gram under clause(b) of sub-section (5) of section 3 the Gram Panchayat for that Gram shall, as from the date of the notification referred to in that sub-

section have jurisdiction over such area and, unless the State Government otherwise directs, all rules, orders, directions and notifications in force in that Gram shall apply to the area so included.

- (3) When the area of any Gram is divided under clause(c) of sub-section (5) of section 3 so as to constitute two or more Grams, the Gram Panchayat of that Gram shall, as from the date of the notification referred to in that sub-section, cease to exist and there shall be reconstitution of the Gram Panchayat for the newly constituted Grams in accordance with the provisions of this Act.
- (4) When the areas of two or more Grams are united under clause(d) or sub-section (5) of the said Gram shall, as from the date of the notification referred to in that sub-section, cease to exist and a separate Gram Panchayat shall be constituted for the new Grams in accordance with the provisions of this Act.
- (5) When under sub-section (5) of section 3 any area is excluded from, or included in a Gram or a Gram is divided so as to constitute two or more Grams, or two or more Grams are united to constitute a new Gram, the properties, funds and liabilities of the Gram Panchayat or Zilla Panchayat affected by such reconstitution shall vest in such Gram Panchayat or Zilla Panchayat in accordance with such allocation as may be determined by order in writing by the Prescribed Authority, and such determination shall be final.
- (6) An order made under sub-section (5) may contain such supplemental, incidental and consequential provisions as may be necessary to give effect to such reconstitution.

Effect of
inclusion
a Gram or
part thereof
in Nagar
Panchayat,
etc.

5. (1) If, at any time, the whole of a Gram is included within the Nagar Panchayat under the provisions of the law made in this behalf, the Gram Panchayat concerned shall cease to exist, and the properties, funds and other assets vested in such Gram Panchayat and all the rights and liabilities of such Gram Panchayat shall vest in, and devolve on, the Nagar Panchayat.
- (2) If, at any time, a part of the area of Gram is included in a Nagar Panchayat under the provisions of the law made in this behalf, the area of the Gram shall be deemed to have reduced to the extent of the part so included with the Nagar Panchayat and the properties, funds, rights, liabilities of the Gram Panchayat

concerned in respect of the part so included shall vest in, and devolve on the Nagar Panchayat in such manner as may be determined by the Prescribed Authority and such determination shall be final, unless the State Government otherwise directs, rules, orders, directions and notifications in force in area comprised in the Nagar Panchayat shall apply to the part of the area of the Gram so included.

Meetings of Gram Sabha. 6. Subject to the general orders of the State Government the Gram Sabha shall meet atleast twice in a year and where the Gram Panchayat fails to convene Gram Sabha, the Prescribed Authority shall with the approval of the State Government and after giving notice to the Gram Panchayat concerned, convene it.

Quorum for meeting and resolution. 7. (1) Quorum for the meeting of the Gram Sabha shall be one-tenth of the total members of the Gram Sabha.
(2) Any resolution relating to the matters entrusted to the Gram Sabha shall be passed by majority of the members present and voting in the meeting of the Gram Sabha.

Convening of meetings of Gram Sabha. 8. The procedure for convening and conducting the meetings of the Gram Sabha shall be such as may be prescribed.

Presiding Officer. 9. Every meeting of the Gram Sabha shall be presided over by the Sabhapati of the concerned Gram Panchayat and in his absence by the Up-Sabhapati of that Gram Panchayat.

Matters for consideration of Gram Sabha. 10. (1) The Gram Sabha shall consider, and may make recommendations and suggestions to the Gram Panchayat on the following matters, namely:-
(a) the annual statement of accounts of the Gram Panchayat, the report of administrations of the preceding financial year and the preceding financial year and the last audit note and replies if any, made thereto;
(b) the report in respect of development programmes proposed to be undertaken during the current year;
(c) the promotion of unity and harmony among all sections of society in the village;
(d) programme of adult education within the village;
(e) such other matters as the state Government may, by general or special order, specify;
(2) The Gram Panchayat shall give due consideration to the recommendations and suggestions of the Gram Sabha.

11. The Gram Sabha shall perform the following functions, namely:
- (a) mobilizing voluntary labour and contributions in kind and cash for community welfare programme;
 - (b) identification of beneficiaries for implementation of development schemes pertaining to the village;

Provided that if the Gram Sabha fails to identify the beneficiaries within the reasonable time, the Prescribed Authority shall, in consultation with the gram Panchayat, identify the beneficiaries;

- (c) rendering assistance in the implementation developmental schemes pertaining to the village.

Chapter III

Gram Panchayat

- * Constitution of Gram Sabha
12. (1) There shall be constituted, in each Panchayat area, an institution of Self-Government called the Gram Panchayat bearing the Gram.

Provided however, that the existing system of the traditional institutions of Dzumsas practiced in the two villages of Lachen and Lachung in the North District of the State shall continue to exist in accordance with the traditional and customary laws of the Dzumsas. Notwithstanding other provisions of the Sikkim Panchayat Act, the traditional institutions of the Dzumsas existing in the villages of Lachen and Lachung shall exercise the powers and functions as provided under the Act in addition to the powers and functions exercised by them under the existing traditional and customary law.

- (2) For the purpose of sub-section (1), each Panchayat area shall be divided into wards in such manner as the State Government may determine.

Provided that the number of members to be elected in each ward shall, as far as practicable, be in the same proportions to the total number of persons to be elected for the Gram Panchayat as the population of the ward bears to the total population of the Panchayat area.

13. (1) A Gram Panchayat shall, subject to the provisions of sub-section (5) consist of such number of members not less than five and not more than nine, as the Secretary may subject to the general order of the State Government in regard to the allocation of number of seats to different Gram having regard to the varying extent of population therein, determine and such members shall be chosen by direct election through secret ballot by persons whose names are included in the electoral roll of the Sikkim legislative Assembly for the time being in force pertaining to the area comprised in the Gram.

Provided, however, that no person whose name does not appear in the electoral roll pertaining to the area comprised in the Gram as indicated above shall be eligible to contest the election for such Gram Panchayat.

- (2) Election to the Gram Panchayat shall be held in such manner as may be prescribed.
- (3) Where a Gram fails to elect the full number of members as determined under sub-section (1) it shall be called upon to elect the remaining a number of members.
- (4) The term of office of the members of Gram Panchayat shall, subject to the provisions of section 29, be coterminus with the term of the Gram Panchayat.
- (5) The State Government shall, by notification reserve seats for Scheduled Caste and the Scheduled Tribes in every Gram Panchayat and the number of seats so reserved shall bear, as nearly as may be, the same proportion to the total number of seats so to be filled by direct election in that Panchayat as the population of the Scheduled Caste in that Panchayat area or of the Scheduled Tribes in that Panchayat area bears to the total population of that area and such seats shall be allotted by rotation to different wards in a Gram Panchayat in such manner as the Government may, by notification, from time to time, specify.
- (a) The State Government shall, by notification, reserve such numbers of seats which is as nearly as may be one-third of the total number of seats for persons belonging to the Backward Classes.

(6) Not less than one-third of the total number of seats reserved under sub-section (5) shall be reserved for women belonging to the Scheduled Castes or, as the case may be, the Scheduled Tribes.

(7) Not less than one-third (including the number of seats reserved for women belong to the Scheduled Castes and the Scheduled Tribes of the total number of seats to be filled by direct election in every Gram Panchayat shall be reserved for women and such seats may be allotted by rotation to different wards in a Gram Panchayat in such manner as the Government may, by notification, from time to time. Specify.

Incorpo-
ration
of Gram
panchayat

14. (1) Every Gram Panchayat shall be a body corporate having perpetual succession and a common seal and shall be its corporate name, sue and be sued.

(2) A Gram Panchayat shall have power to acquire, hold and dispose of property and enter into contract.

Provided that in cases of acquisition or disposal of immovable property, the Gram Panchayat shall obtain the previous approval of the State Government.

Duration
of Gram
Panchayat

15. (1) Every Gram Panchayat, save as otherwise provided in this Act, shall continue for term of five years from the date appointed for its first meeting and no long.

(2) No amendment of any law for the time being in force shall have the effect of causing dissolution of a Gram Panchayat, which is functioning immediately before such amendment till the expiration of its duration specified in sub-section (1).

(3) The election to constitute a Gram Panchayat shall be completed;

(a) before, the expire of its duration specified in sub-section (1);

(b) in the case of dissolution, before the expiration of a period of six months from the date of its dissolution;

Provided that where the remainder of the period for which the dissolved Gram Panchayat would have continued is less than six months, it shall not be necessary to hold any election under this clause for constitution the Gram Panchayat for such period.

- (4). A Gram panchayat constituted upon the dissolution of a Gram Panchayat before the expiration of its duration, shall continue only for remainder of the period for which the dissolved Gram Panchayat would have continued under sub-section (1) had been so dissolved.

Disqualifi-
cation of
member of
Gram
Panchayat

16. A person shall be disqualified for being chosen as and for of being, a member of a Gram Panchayat:-

- (a) if he is so disqualified by or under any law for the time being in force for the purpose of elections to the Legislative Assembly of Sikkim:

Provided that no person shall be disqualified on the ground that the he is less then twenty-five years of age, if he has attained the age of twenty-one years; or

- (b) if he is a member of a Nagar Panchayat established under the law relating to constitution of such Nagar Panchayat for the time being in force; or
- (c) if he holds any office of profit under a local authority or a co-operative society or a Government company or a corporation owned or controlled by the Central or the State Government; of
- (d) has been dismissed from the service of a State Government or the Central Government or a local authority or a co-operative Society or a Government company or a corporation owned or controlled by the Central or the State Government for misconduct; or
- (e) if he is of unsound mind and stand so declared by competent court; or
- (f) if he is an undischarged insolvent; or
- (g) if he is suffering from a variety of leprosy which is infectious; or
- (h) if his convicted of an election offence; or
- (i) if he has been convicted by a Court of an offence involving moral turpitude and sentenced to imprisonment for a term exceeding six months; or
- (j) if he has not paid any arrear in respect of any tax or rate or fee payable to a Gram Panchayat or a Zilla Panchayat or a Nagar Panchayat or the State Government:

Provided that the disqualification under this clause shall cease upon payment of the rate or tax or fee; or

- (k) if he has directly or indirectly by himself or by his partner or employer or an employee hold any share or interest in any contract with by or on behalf of a Zilla Panchayat or a Gram Panchayat.

Provided that a person shall not be deemed to have incurred disqualification by reason of a his having a share or interest in any public company or registered co-operative society which has contract with or is employed by a Gram Panchayat or a Zilla Panchayat of the district.

- * Sabhapati and Up-Sabhapati 17. (1) Every Gram Panchayat shall, at its first meeting at which a quorum is present, elect one of its members to be the Sabhapati and another member to be the Up-Sabhapati of the Gram Panchayat in such manner as may be prescribed.

(2) The State Government shall, by notification reserve:-

- (a) such number of office of Sabhapati and Up-Sabhapati of Gram Panchayat in each district for the Scheduled Castes and the Scheduled Tribes and the number of such offices shall bear as nearly as may be, the same proportion to the total number of offices in the district as the population of the Scheduled Castes and of the Scheduled Tribes in the district bears to the total population of the district.
- (aa) such number of offices of Sabhapati and Up-Sabhapati of Gram Panchayat which shall as nearly as may be one-third of the total number of offices of Sabhapati and Up-Sabhapati in the State for the person belonging to the Backward Classes.
- (b) not less than one-third of the total number of officers of Sabhapati and Up-Sabhapati of the Gram Panchayat of the district from each of the categories which are reserved for persons belonging to the Scheduled Castes and the Scheduled Tribes and of those which are reserved for women;

Provided that the offices reserved under this sub-section shall be allotted rotation to different Gram Panchayat in such manner as the State Government may, by notification, from time to time, specify.

Explanation:- For the removal of doubt it is hereby declared that the principle of rotation for purpose of reservation of offices under this sub-section shall commence from the first election to held after the commencement of this Act.

- (3) The Sabhapati and Up-Sabhapati shall, subject to the provision of section 16 and to their continuing as members, hold office for a period of five years.
- (4) When:-
 - (a) the office of the Sabhapati falls vacant by reason of death, resignation, removal or otherwise; or
 - (b) the Up-Sabhapati is, by reason of leave, illness or other cause, temporarily unable to act, the Sabhapati shall exercise the powers, perform the function and discharge the duties of the
 - (c) Up-Sabhapati until a new Up-Sabhapati is elected and assumes office or until the Up-Sabhapati resumes his duties, as the case may be.
- (5) When:-
 - (a) the office of the Up-Sabhapati falls vacant by reason of death, resignation, or otherwise; or
 - (b) the Up-Sabhapati is, by reason of leave, illness or other cause, temporarily unable to act, the Sabhapati shall exercise the powers, perform the functioned and discharge the duties of the Up-Sabhapati until an new Up-Sabhapati is elected and assumes office or until the Up-Sabhapati resumes his duties, as the case may be.
- (6) When the office of the Sabhapati and the Up-Sabhapati are both vacant, or the Sabhapati and Up-Sabhapati and the Up-Sabhapati are temporarily unable to act, the Prescribed Authority may appoint a Sabhapati and Up-Sabhapati from among the members of the Panchayat to act as such until a Sabhapati and Up-Sabhapati are elected and assume office.

Election 18.
or nomination
of Sabhapati,
Up-Sabhapati,
Sachiva and
members to
be published.

Every election or nomination of a Sabhapati, Up-sabhapati, Sachiva and members of Gram Panchayat, as the case may be shall be published by the State Government by notification and such persons shall enter upon their respective office from the date of such publication.

Provided that if no such publication has been made the Sabhapati, Up-Sabhapti, Sachiva and members shall be deemed to have entered upon their respective office from the date of declaration of result of their election or nomination, as the case may be.

First
meeting
of Gram
Panchayat

19. (1) Notwithstanding any vacancy in the membership of the Gram Panchayat, the Prescribed Authority shall, immediately after but before the expiration of thirty days from the date of publication of notification under section 18 appoint a date for the meeting of the Gram Panchayat members (which meeting shall be called the first meeting of the Gram Panchayat) for electing the Sabhapati, Up-sabhapati and Sachiva of the Gram Panchayat from amongst themselves.

(2) The meeting to be held under sub-section (1) shall be convened by the Prescribed Authority in such manner as may be prescribed.

Meeting
of Gram
Panchayat

20. (1) Every Gram Panchayat shall hold a meeting for transaction of its business at least twice in every month at the office of the Gram Panchayat or at such place within the local limits the Gram Panchayat concerned and at such times as the Sabhapati of the Gram Panchayat may decide.

(2) The Sabhapati may, whenever he thinks fit, in the public interest or shall upon receipt of a written requisition of not less than one-half of the total number of members of the Gram Panchayat or if directed by the secretary of the Rural Development Department or District Development Officer-cum-Panchayat Officer or the District Collector of the concerned district, call a special meeting of the Gram Panchayat within a period of ten days from the date of receipt or the requisition or direction, as the case may be;

Provided that if the Sabhapati fails to call us such special meeting with the specified period from the date or receipt of there requisition or direction, as the case may be, the Secretary of the Rural Development Department or District Development Officer-cum-Panchayat Officer or the District Collector or the concerned district may direct the Sachiva or any member of the Gram Panchayat to call such meeting at such times and at such place within the local limits of the Gram panchayat concerned as the Sachiva or the member directed to call the meeting may, decide.

- (3) Two-third of the total numbers of members constituting the Gram Panchayat shall form a quorum for a meeting of the Gram Panchayat;

Provided that no quorum shall be necessary for an adjourned meeting.

- (4) The Sabhapati or in his absence, the Up-sabhapati shall preside at the meeting of the Gram Panchayat and in the absence of both, the member present shall elect one from amongst themselves to preside at the meeting.

- (5) All questions coming before a Gram Panchayat shall, unless other wise specifically provided under this Act decided by majority of votes of the members present and voting;

Provided that in case of equality or votes the persons presiding shall have a second or a casting vote.

- (6) No member shall vote on, and take part in the discussion of any question coming up for consideration at a meeting of a Gram Panchayat if the question is one in which he has any direct or indirect pecuniary interest other than an interest as a member of public.

- (7) If it appears to any member present at a meeting that the person presiding at the meeting has any such pecuniary interest in any matter before the meeting for discussion or any question coming up for consideration as referred to in sub-section (6) and a motion brought by him to that effect is carried, such a person shall not preside at such meeting and shall not take part therein, and for the purpose of sub-section (4) such person shall be deemed to be absent during the discussion or consideration of the particular matter.

Consideration question disposed of by Gram panchayat. 21. No matter once finally disposed of by the Gram Panchayat of shall be reconsidered by it within the period of six months unless the recorded consent of not less than one-half of its total number of members has been obtained thereto.

List of business to be transacted meeting. 22. (1) A list of the business to be transacted at every meeting of a to Gram Panchayat except at an adjourned meeting shall be in a sent to each member of the Gram Panchayat, atleast seven days before the time fixed for such a meetings and no business shall be brought before or transacted at any meeting, other

than the business for which has been so given except with the approval or the majority of the members present at such meeting.

Provided that non-receipt of a notice by a member shall not vitiate the proceedings of the meeting:

Provided further that if the Sabhapati thinks that a situation has arisen for which an emergent meeting of the Gram Panchayat should be called, he may call such meeting at such time and at such place within the local limits of the Gram Panchayat concerned after ensuring receipt of intimation of such Panchayat shall be transacted in the language commonly spoken and understood by the members.

- (2) The business of the Gram Panchayat shall be transacted in the language commonly spoken and understood by the members.
- (3) Minutes of the proceedings at each meeting of a Gram Panchayat shall be recorded in a book to be kept for this purpose and shall be read and signed by the Sabhapati of the meeting before the meeting disperses.
- (4) The Sachiva of the Gram Panchayat shall, within a week after a meeting of the Gram Panchayat is held, send copies of the minutes of every such meeting to the Secretary of the Rural Development Department and the District Development Officer-cum-Panchayat Officer of the concerned district.

- Power and duties of Sabhapati
23. The Sabhapati shall –
- (a) regulate the meetings of the Gram Panchayat;
 - (b) be responsible for the maintenance of records and registers of the Gram Panchayat;
 - (c) exercise supervision and control over the acts done and action taken by the member of the Gram Panchayat and such Officers and other employees whose services may be placed at the disposal of the Gram Panchayat by the State Government.
 - (d) operate jointly with the Sachiva of the Gram Panchayat the fund of the Gram Panchayat including authorization of payment, issue of cheques and refunds;
 - (e) issue receipts under his signature for money received by him on behalf of Gram Panchayat.

- (f) Cause preparation of all statements and reports required by or under this Act;
- (g) Exercise such other powers, perform such other functions and discharge such others duties as the Gram Panchayat may, by general or special resolution, direct or as the State Government may prescribe.

Powers
and
duties of
Up-Sabhapati

24. The Up-sabhapati shall:-

- (a) in the absence of the Sabhapati regulate the meetings of the Gram Panchayat;
- (b) exercise such of the powers and perform such other functions and discharge such of the duties of the Sabhapati as the Sabhapati may, from time to time delegate to him by order in writing:

Provided that the Sabhapati may at any time withdraw all or any of the powers, functions and duties so delegated the Up-Sabhapati.

- (c) during the absence of the Sabhapati, exercise all the powers perform all the function and discharge all the duties of the Sabhapati.

Right of
individual
member.

25. The member of a Gram Panchayat at any of the meeting may move resolution and put questions to the Sabhapati or Up-Sabhapati or the Sachiva, as the case may be, on matters connected with the administration of the Gram Panchayat or execution of any work or scheme undertaken by or entrusted to such Gram Panchayat.

Resignation
of Sabhapati
or
Up-sabhapati
or member.

26. (1) A Sabhapati or an Up-Sabhapati or a member of a Gram Panchayat may resign his office by notifying in writing Up-sabhapati his intention to do so to the Prescribed Authority and on the resignation being accepted the Sabhapati or the Up-sabhapati or the member shall vacate his office and casual vacancy shall be deemed to have occurred in such office.

Provided that a person tendering resignation may withdraw his resignation before it is accepted by the Prescribed Authority.

(2) When the resignation is accepted under sub-section (1), the Prescribed Authority shall communicate it to the members of the Gram Panchayat within a period of thirty days of such acceptance.

Removal of
Sabhapati
and
Up-Sabhapati

27. A Sabhapati or an Up-Sabhapati of a Gram Panchayat may, at any time be removed from office by a resolution of the Gram Panchayat carried by the two-third majority of the members of the Gram Panchayat at a meeting specially convened for the purpose. Notice of such meeting shall be given to the Prescribed Authority:

Provided that at any such meeting while any resolution for the removal of:

- (i) the Sabhapati from his office is under consideration; or
- (ii) the Up-Sabhapati from his office is under consideration, he shall not, though present, preside at such meeting and the provisions of sub-section (4) of section 20 shall apply in relation to any such meeting as they apply in relation to a meeting from which the Sabhapati or, as the case may be, the Up-Sabhapati, is absent.

Filling up
of casual
vacancy in
the office of
Sabhapati or
Up-sabhapati.

(1) In the event of removal or a Sabhapati or an Up-Sabhapati under section 27 or when a vacancy occurs in the office of a Sabhapati or an Up-Sabhapati by resignation, death or otherwise the Gram Panchayat shall elect another Sabhapati or Up-Sabhapati and the person so elected shall take office forthwith and shall hold such office for the un-expired term of office of his predecessor.

(2) No person who has been removed from office under section 27 shall be eligible for re-election to vacancy so caused.

Removal
of
member
of a
Panchayat

29. (1) The Prescribed Authority may, after giving and opportunity, to a member of a Gram Panchayat to show cause against the Gram action proposed to be taken against him, by order remove him from office if:-

- (a) after his election he is convicted by a criminal court of an offence involving moral turpitude and punishable with imprisonment for a period of more than six month; or
- (b) he was disqualified to be a member of the Gram Panchayat at the time of his election; or
- (c) he incurs any of the disqualification mentioned in section 16, after his election as a member of the Gram Panchayat; or
- (d) he is absent from three consecutive meetings of the Gram Panchayat without the leave of the Gram Panchayat.

(2) Any member of a Gram Panchayat who is removed from his office by the Prescribed Authority under sub-section (1) may, within a period of thirty days from the date of order, appeal to

the Secretary to the Government of Sikkim in the Rural Development Department who may stay the operation of the order till the disposal of the appeal and may, after giving notice for the appeal to the Prescribed Authority and after giving the appellant an opportunity of being heard, modify, set aside or confirm the order.

Explanation: For the purpose of this sub-section, the term "Secretary" will mean only Secretary.

- (3) The order passed by such authority on such appeal shall be final.

Filling of casual vacancy of member of Gram Panchayat.

30. (1) If the office of a member of a Gram Panchayat becomes vacant by reason of his death, resignation, removal or of gram otherwise, such vacancy shall be filled in by election of another person under this Act. The person elected shall take office forthwith and shall hold such office for the un-expired term of office of this predecessor:

Provided that no election for filling of a casual vacancy shall be held if the vacancy occurs within a period of six months preceding the date of which the term of office of the person concerned expires.

- (2) No person who has been removed from his office under section 29 shall be eligible for re-election to the vacancy so caused.

Sachiva of Gram Panchayat

31. (1) Every Gram Panchayat shall, at its first meeting at which a quorum is present, elect one or its members to be Sachiva of the Gram Panchayat:

Provided that no number who is not able to read or write any of the official languages of the State shall be qualified to be elected as a Sachiva:

Provided further that where no such person as referred to in the first proviso is available, the Gram Panchayat may appoint Panchayat Assistant appointed by the Secretary to the Government in the Rural Development Department to look after the works of Sachiva.

- (2) The Sachiva of the Gram Panchayat so elected or as the case may be, appointed shall assist the Sabhapati or the Up-Sabhapati, as the case may be, of the Gram Panchayat in due

maintenance of the Gram Panchayat office and for proper organization and execution of Rural Development schemes and shall be directly answerable to the members of the Gram Panchayat.

- (3) The Sachiva shall be in charge of office of the Gram Panchayat and shall exercise such powers and perform such other functions and discharge such other duties as the State Government may, by rules made in this behalf, prescribe.
- (4) The term of office of the Sachiva shall, subject to the provisions of section 33 be co-terminus with the term of the Gram Panchayat.

Resignation
of Sachiva.

32. (1) A Sachiva of a Gram Panchayat may resign his office by notifying in writing his intention to do so to the Prescribed Authority and on such resignation being the Sachiva shall vacate his office and the casual vacancy shall be deemed to have occurred in such office.

Provided that a person tendering resignation may withdraw his resignation before it is accepted.

- (2) When the resignation is accepted under sub-section (1) the Prescribed Authority shall communicate it to the members of the Gram Panchayat within period of thirty days of such acceptance.

Removal
of Sachiva

33. (1) A Sachiva may, at any time, be removed from office by a resolution of the Gram Panchayat carried by the majority of the members of the Gram Panchayat present at a meeting specially convened for the purpose. Notice of such meeting shall be giving to the Prescribed Authority.

- (2) In the event of removal of a Sachiva under Sub-section (1) or when a vacancy occurs in the office of a Sachiva by resignation, death or otherwise, the Gram Panchayat shall elect one of its members to be the Sachiva and the person so elected shall hold such office for the un-expired term of office his predecessor.

- (3) No person who has been removed from his office under sub-section (1) shall be eligible for re-election to the vacancy so caused.

Chapter IV

Duties of Gram Panchayat

Obligatory
duties Gram
Panchayat.

34. Subject to any general or special direction of the State, of the duties of a Gram Panchayat shall be to provide within the area under its jurisdiction for:-
- (a) Sanitation, conservancy and drainage and the prevention of public nuisance;
 - (b) curative and preventive measures in respect of any infectious disease;
 - (c) supply of drinking water and the cleaning and disinfecting the sources of supply and storage of water;
 - (d) maintenance, repair and construction of village roads and protection thereof;
 - (e) the removal of encroachments of village roads or public place;
 - (f) the management of common grazing grounds burning places and public graveyards;
 - (g) the supply of and local information which the District Collector or District Development Officer-cum-Panchayat Officer of the Zilla Panchayat may require, within the limits of the jurisdiction of the Gram Panchayat;
 - (h) organizing voluntary labour for community work and works for the upliftment of its areas;
 - (i) control and administration of the Gram Panchayat Fund established under this Act;
 - (j) the imposition, assessment and collection of taxes, fees or rates leviable under this Act;
 - (k) construction and maintenance of dharmasala;
 - (l) regulating places for the disposal of dead bodies and carcasses and other offensive matters;
 - (m) assisting the development or agriculture, forestry, animal husbandry, poultry fisheries, village and cottage industries and co-operative;
 - (n) registering birth, deaths and marriages and annually submitting such records to the Zilla Panchayat;
 - (o) maintenance of such records relating to cattle census, population census, crop census and census of unemployed persons and such other statistics as may be required and annually submitting such other statistics as may be required and annually submitting such records to the Zilla Panchayat;
 - (p) regulating inflow of animals within the area and their transfer;

- (q) distraction and disposal of ownerless and rabid dogs and disposal of unclaimed animals;
- (r) maintenance, upkeep and supervision of any building or other property which may be entrusted to it by the State Government for management;
- (s) assisting the Zilla Panchayat in preparing development plan of its area;
- (t) tendering assistance in extinguishing fire and protecting life and property when fire occurs;
- (u) any other local work or service of public utility which is likely to promote the health, comfort, convenience or material prosperity of the public not otherwise provided for in this Act.
- (v) Such other duties not enumerated specifically in above clauses but enumerated in the Eleventh Schedule to the constitution.

Other
duties
of Gram
Panchayat

35. (1) Gram Panchayat shall also perform such other functions as the State Government may assign to it in respect of:-
- (a) primary, social technical or vocational education;
 - (b) rural dispensaries, health centers, maternity and child welfare centers;
 - (c) minor irrigation;
 - (d) grow more food campaign;
 - (e) care of the infirm and destitute;
 - (f) rehabilitation of displaced persons;
 - (g) improved breeding of cattle, medical treatment of cattle and prevention of cattle diseases;
 - (h) its acting as a channel through which Government assistance should reach the residents of the Gram;
 - (i) bringing private waste land under cultivation;
 - (j) promotion of plantations in the Gram;
 - (k) arranging for cultivation of land lying fallow;
 - (l) arranging for co-operative management of resources of the Gram;
 - (m) implementation of such schemes as may be formulated or performance of such acts as may be entrusted to it by the State Government;
 - (n) field publicity of matters connected with development works and other welfare measures undertaken by the State Government;
 - (o) regulation of fairs melas, hats and exhibition of local produce and products of local handicrafts and home produces;

- (p) assisting and advising the residents of Gram in the matter of obtaining state loan and its distribution and repayment;
 - (q) assisting in the implementation of land reform measure in its area;
 - (r) the promotion and encouragement of education including adult education;
 - (s) such other functions which the State Government may, from time to time, by order writing, entrust to such Gram Panchayat which in its opinion to promote direct or indirect, the welfare of the public.
- (2) if the State Government is of opinion that a Gram Panchayat has persistently made default in the performance of any of the functions assigned to it under sub-section (1), the State Government may, after recording its reasons, withdraw such functions from such Gram Panchayat.
- (3) Where the State Government assigns any functions to a Gram Panchayat under sub-section (1) it shall place such funds at the disposal of the Gram Panchayat as may be determined by the State Government for the due performance of such function.

Chapter V

Property and Fund

Property of Gram Panchayat 36. All property within the limits or the jurisdiction of a Gram fund of Panchayat other than property maintained by the Central or the State Government or a local authority or any other Property Gram Panchayat shall best in and belong to the Gram Panchayat and with shall other property or whatsoever nature or kind with may, become vested in the Gram Panchayat be under its direction management and control.

Allocation of properties to Gram Panchayat 37. (1) The Government may allocate to a Gram Panchayat at any public property situated within its jurisdiction and thereupon such property shall vest in a come under the control of the Gram Panchayat.

(2) No property vested in or belonging to a Gram Panchayat shall be transferred by way of sale, gift, mortgage, exchange or lease except with the previous sanction of State Government.

(3) Where the State Government is of opinion that any property vested in or belonging to a Gram Panchayat is required for the purpose of any National or State development plan or for any other public purpose, the State Government may resume such property, and upon such resumption, the property shall cease to vest in the Gram Panchayat and shall re-vest in the State Government.

(4) No compensation other than the amount paid by the Gram Panchayat for such transfer and the market value of any building or works erected or executed on such property by the Gram Panchayat at the time of resumption shall be payable. Any sum so received shall be credited to the Gram Panchayat Fund.

Acquisition of land for Gram Panchayat. 38. Where a Gram Panchayat required land for carrying out any of the purposes of this Act, it may negotiate with the person or persons having interest in the said land and if it fails to reach an agreement, it may make an application to the District Collector for the acquisition of the land, who may, if he is satisfied that the land is required for a public purpose, take steps to acquire the land under the Provisions of the Sikkim Land (Requisition and Acquisition) Act, 1977 and such land shall, on acquisition, vest in the Gram Panchayat.

Gram Panchayat Fund 39. (1) For every Gram Panchayat there shall be constituted a Gram Panchayat Fund bearing the name of Gram Panchayat on the basis of the review and recommendations by the State Finance Commission and there shall be placed to the credit thereof:-

- (a) contributions and grants, if any, made by Central or the State Government;
- (b) contributions and Grants if any, made by a Zilla Panchayat or any other local authority;
- (c) loans, if any, granted by the Central Government or the State Government;
- (d) all receipts on accounts of taxes, rates and fees levied by the Gram Panchayat;
- (e) all sums received by way of gift or contribution;
- (f) all other sums received by or on behalf of the Gram Panchayat;
- (g) such percentage of the land revenue collected by it as may be determined by the State Government.

- (2) Every Gram Panchayat shall set apart and apply annually such sum as may be required to meet the cost of its administration including allowances payable to the member.
- (3) Every Gram Panchayat shall have the power to spend such sums as to the State Government may, by order, specify for carrying out the purpose of this Act.
- (4) The Gram Panchayat Fund shall be vested in the Gram Panchayat and the balance to the credit of the fund shall be kept in such custody as the State Government may direct.
- (5) Subject to such general control as the Gram Panchayat may exercise from time to time, all orders and cheques for payment from the Gram Panchayat Fund shall be signed by the Sabhapati or in his absence by the Up-sabhapati.

Levy of 40.
taxes rates
and fees.

- (1) Subject to the rates which may be fixed by the State Government a Gram Panchayat may levy the following taxes and fees namely;
 - (a) a tax on fairs, melas, hats and other entertainments;
 - (b) a general sanitation tax for the construction or maintenance or both the construction and maintenance of public latrines and for the removal and disposal of refuse;
 - (c) a water rate where arrangements for the supply of water for drinking or any other purpose are made;
 - (d) a fee for temporary erection on or putting up projections over, temporary occupation of any village road or place;
 - (e) a fee on private latrines, premises or compounds cleaned by the Gram Panchayat agency;
 - (f) a fee for grazing cattle on grazing lands vested in a Gram Panchayat;
 - (g) a fee on the registration of animals sold in any market or place belonging to or under the control of the Gram Panchayat.
 - (h) a market fee on persons exposing goods for sale in any market or on any place or any building or structure therein belonging to or under the control of the Gram Panchayat;
 - (i) a fee for the use of Dharmasalas and camping grounds;
 - (j) a fee for drainage where system of drainage has been introduced by the Gram Panchayat;
 - (k) a temporary tax for special works of public utility;
 - (l) a tax on houses.

- (2) The Gram Panchayat shall not levy, taxes, rates or fees referred to in sub-section (1) if such taxes rates of fees have already been levied by any other authority under any law for the time being in force or by any other local authority.

Power of State Government to regulate taxes, rates and fees.

41. (1) The State Government may, in the manner specified in the notification, regulate the imposition, assessment and collection of taxes, rates and fees under section 40.

- (2) Subject to the provisions of this Act or rules made there under, no person shall object in respect of his liability to any assessment made or tax imposed under this Act.

Appeal against taxation, fees and rates

42. An appeal against the levy of any tax, rate or fee under section 40 may be preferred to the prescribed authority in such manner and within such time as may be prescribed and the decision of such authority shall be final.

Recovery of arrears.

43. Any arrears of tax, rate or fee levied under section 40 shall be Recoverable as arrears of land revenue of public demand if the Gram Panchayat passes a resolution to that effect and communicates it to the District Collector.

Action by District Collector

44. (1) The District Collector, on receipt of such communication of the sum recoverable under section 43 and on being satisfied with the demand, shall proceed to recover it.

- (2) Any sum so recovered shall be sent to the Gram Panchayat and shall be credited the Gram Panchayat Fund.

Power of State Government in regard to relief in taxes, rates and fees.

45. (1) If on a complaint made to it or otherwise it appears to the State Government that any tax, rate or fee levied by a Gram panchayat is excessive, it may after calling for a report from the Gram Panchayat in this regard, abolish, suspended, reduce the amount of any such tax, rate or fee.

- (2) The State Government may, on its own motion or other wise after giving the Gram Panchayat an opportunity of expressing its view in the matter, by order, exempt from the payment or any tax in whole or in part:-

- (a) any person or class of persons; or
(b) any property or description of properties;

Subject to such conditions as may be specified in such order.

Budget of Panchayat. 46. (1) Every Gram Panchayat shall, at such time and in such manner Gram as may be prescribed prepare each year a budget of its estimated receipts and disbursements for the following year and shall submit the budget to the State Government for approval oval through the Zilla Panchayat of the District concerned.

(2) No expenditure shall be incurred unless the budget is approved by the State Government.

Supplementary Budget 47. A Gram Panchayat may prepare in each year supplementary estimate providing for any, modification of its budget and submit it to the State Government for approval through the Zilla Panchayat of the District concerned within such time and in such manner as may be prescribed.

* Accounts and Audit. 48. (1) Accounts of receipt and expenditure of every Gram Panchayat shall be maintained in such forms and such manner as may be prescribed.

(2) An officer not below the rank of Accounts Officer of the Sikkim Finance and Accounts service appointed by the State Government shall audit the Accounts of the Gram Panchayat as soon as may be after the end of each financial year in the manner provided under Chapter IX of this Act.

Chapter VI

Constitution of Zilla Panchayat

* Composition of the Zilla Panchayat 49. (1) For every district the State Government shall, by notification constitute a Zilla Panchayat bearing the name of the District.

(2) For the purpose of electing members as referred to in sub-section (1) the State Government may, by notification, divide the district in to territorial constituencies and determine the number of members to be elected from each such constituency;

Provided that the number of members to be elected in each constituency shall, as far practicable, be in the same proportion to the total number of persons to be elected for the Zilla Panchayat as the population of the constituency bears to the total population of the Zilla Panchayat area.

50. (1) Zilla Panchayat shall, subject to the provisions of sub-section (4), consist of the following members, namely:-
- (a) directly elected members from amongst those whose names are included in the electoral roll of the Sikkim Legislative Assembly for the time being in force pertaining to the area comprised in the respective territorial constituency of the district;
 - (b) Twenty percent of the Sabhapatis of the Gram Panchayat within the district by rotation annually to be specified by the State Government by notification;
 - (c) Members of both the Houses of Parliament and twenty percent of the members of the Legislative Assembly of the State elected from a constituency comprising the district or any part by rotation annually to be specified by the State Government by notification.
- (2) Each constituency will elect one or more members through direct election in such manner as may be prescribed.
- (3) The term of office of the members of Zilla Panchayat shall, subject to the provisions of section 64, be co-terminus with the term of the Zilla Panchayat.
- (4) The State Government shall by notification, reserve seats for the Scheduled Castes and the Scheduled Tribes in every Zilla Panchayat and the number of seats so reserved shall bear, as nearly as may be, the same proportion to the total number of seats to be filled up by direct election in that Panchayat as the population of the Scheduled Castes in that Panchayat area or of the Scheduled Tribes in the Panchayat area bears to the total population of that area and such seats shall be allotted by rotation to different constituencies in a Zilla Panchayat in such manner as the State Government may, by notification, from time to time, specify.
- (4a) The State Government shall, by notification, reserve such number of seats which shall as nearly as may be one-third of the total the number of seats in a Zilla Panchayat for the person belonging to the Backward Classes.
- (5) Not less than one-third of the total number of seats reserved sub-section (4) shall be reserved for women belonging to the Scheduled Castes or, as the case may be, Scheduled Tribes.

- (6) Not less than one-third (including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes) of the total number of seats to be filled up by direct election in every Zilla Panchayat shall be reserved for women and such seats may be allotted by rotation to different constituencies in a Zilla Panchayat in such manner as the State Government may, by notification, from time to time, specify.

Incorporation
of Zilla
Panchayat

51. (1) Every Zilla Panchayat shall be a body corporate having perpetual succession and a common seal and shall by its corporate name sue and be sued.

- (2) A Zilla Panchayat, shall have power to acquire, hold and dispose of property, and to enter in to contract;

Provided that in all cases of acquisition or disposal of immovable property, the Zilla Panchayat shall obtain the previous approval of the State Government.

Duration
of Zilla
Panchayat

52. (1) Every Zilla Panchayat, save as otherwise provided in this Act, shall continue for five years from the date appointed for its first meeting and no longer.

- (2) No amendment of any law for the time being in force shall have the effect of causing dissolution of a Zilla Panchayat, which was functioning immediately before such Amendment, till the expiration of its duration specified in sub-section (1);

- (3) An election to constitute a Zilla Panchayat shall be completed:
(a) before the expiry of its duration specified in sub-section (1);
(b) in case of dissolution, before the expiration of a period of six months from the date of such dissolution;

Provided that where the remainder of the period for which the dissolved Zilla Panchayat would have continued is less than six months, it shall be not necessary to hold any election under this clause for constituting the Zilla Panchayat for such period:

- (4) A Zilla Panchayat constituted upon the dissolution of a Zilla Panchayat before the expiration of its durations shall continue only for the remainder of the period for which the dissolved Zilla Panchayat would have continued under sub-section (1) had it not been so dissolved.

(5) When new Zilla Panchayat is thus duly constituted the old Zilla Panchayat shall stand dissolved.

Disqualifi-
cation of
member of
Zilla
Panchayat.

53. The provisions of section 16 relating to disqualification of member of Gram Panchayat shall mutates-mutandis be applicable to the elected member of the Zilla Panchayat also.

* Adhakshya
and Up-
Adhakshya

54. (1) The directly elected members of every Zilla Panchayat shall, at its first meeting at which a quorum is present, elect in such manner as may be prescribed, from among themselves one of the directly elected members to be the Adhakshya and another to be the Up-Adhakshya of the Zilla Panchayat.

(2) The State Government shall, by notification, reserve:-

(a) such number of offices of Adhakshya and Up-Adhakshya of Zilla Panchayat the State for the persons belonging to the Scheduled Castes and the Scheduled Tribes and the numbers of such offices bearing as nearly as may be the same proportion to the total number of offices in the State as the population of the Scheduled Caste in the State or of the Scheduled Tribes in the State bears to the total population of the State;

(aa) such number of offices of the Adhakshya and Up-Adhadshya in the State which shall as nearly as may be one-third of the total number of offices of Adhakshya and Up-Adhakshya in the State for the person belonging to the Backward Classes.

(b) not less then one-third of the total number of officers of Adhakshya and Up-Adhakshya in the State from each category reserved for persons belonging to the Scheduled Castes, the Scheduled Tribes and those which are not reserved, for women;

Provided that the offices reserved under this sub-section shall be allotted by rotation to different Zilla Panchayat.

Explanation: For the removal of doubts it is hereby declared that the principal of rotation for the purposes of reservation of offices under this sub-section shall commence from the first election to be held after the commencement of this Act.

(3) The Adhadshya and Up-Adhakshya shall, subject to the provisions of section 64 and to their continuing as members, hold office for a period of five years.

(4) When:-

- (a) the office of the Adhakshya falls vacant by reason of death, resignation, removal or otherwise; or
- (b) the Adhakshya is, by reason of leave, illness or other cause, temporarily unable to act, the Up-Adhakshya shall exercise the powers, perform the functions and discharge the duties of the Adhakshya until new Adhakshya is elected and assumes office or until the Adhakshya resumes his duties, as the case may be.

(5) When:-

- (a) the office of the Up-Adhakshya falls vacant by reason of resignation, removal or otherwise; or
- (b) the Up-Adhakshya is, by reason of leave, illness, or other cause, temporarily unable to act, the Adhakshya shall exercise the powers perform the functions and discharge the duties of the Up-Adhakshya until a new Up-Adhakshya is elected as assumes office or until the Up-Adhakshya resumes his duties as the case may be.

(6) When the offices of the Adhakshya and the an Up-Adhakshya are both vacant or the Adhakshya and the Up-Adhakshya are temporarily unable to act, the Prescribed Authority may appoint an Adhakshya and Up-Adhakshya from among the members of the Zilla Panchayat to act as such until an Adhakshya and Up-Adhakshya are elected and assumes office or until the Up-Adhakshya resume his duties, as the case may be.

Notification of election, nomination, etc.

55. Every election or nomination of and Adhakshya, an Up-Adhakshya and members of a Zilla Panchayat shall be published by the State Government by notification and such person shall enter upon their respective offices from the date of such publication.

First meeting of Zilla Panchayat.

56. (1) Notwithstanding any vacancy in the member ship of the Zilla Panchayat, the Prescribed Authority shall as soon may be (but before the expiration of thirty days from the date of publication of the notification under section 55) call a meeting of the members of a Zilla Panchayat at such place and at such time as he may fix for electing an Adhakshya and Up-Adhakshya.

(2) The meeting to be held under sub-section (1) shall be called the first meeting of the Zilla Panchayat and may be convened by the Prescribed Authority in such manner as may prescribed.

57. (1) Every Zilla Panchayat shall hold a meeting for transaction of its business atleast once in every three months at the office of the Zilla Panchayat or at such place within the local limits of the district concerned and at such time as the Adhakshya of the Zilla Panchayat may fix.

(2) The Adhakshya may, whenever he thinks fit in the public of the total number of members of the Zilla Panchayat or if directed by the Secretary to the Government in the Rural Development Department call a special meeting of the Zilla Panchayat within a period of ten days from the date of receipt of the requisition or direction, as the case may be;

Provided that if the Adhakshya fails to call such special meeting within the specified period from the date of receipt of requisition of direction, as the case may be, the Secretary to the Government in the Rural Development Department may call such meeting which shall be held at such time and in such place within the local limits of the district concerned as he may fix.

(3) Two-third of the total number of members shall form a quorum for a meeting for the Zilla Panchayat;

Provided that no quorum shall be necessary for an adjourned meeting.

(4) The Adhakshya or in his absence, the Up-Adhakshya shall preside at the meeting of the Zilla Panchayat and in the absence of both, the members present shall elect one member from amongst themselves to preside at the meeting.

(5) All questions coming before a Zilla Panchayat shall, unless otherwise specifically.

Provided under this Act, be decided by a majority of votes or the members present and voting;

Provided that in case of equality of votes the person presiding shall have a second or casting vote.

(6) No member shall vote on, and take part, in the discussion of any question coming up for consideration at a meeting of zilla Panchayat if the question is one in which he has any direct or indirect pecuniary interest other than an interest as a member of the public.

(7) If it appears to any member present at a meeting that the person presiding at the meeting has any such pecuniary interest in any matter before the meeting for discussion or any question coming up for consideration as referred to in such section (6) and a motion brought by him to that effect is carried, such a person shall not preside at such meeting and shall not take part therein, and for the purpose of sub-section (4) such person shall be deemed to be absent during the discussion or consideration of the particular matter.

Reconsi-
deration
of questions
disposed
of by
Zilla
Panchayat.

58. No subject once finally disposed of by the Zilla Panchayat shall be reconsidered by it within six months unless the recorded consent of not less than one half of members has been obtained therefore.

List of
business
to
be transacted
at a meeting.

59. (1) A list of the business to be transacted at every meeting of a Zilla Panchayat except at an adjourned meeting shall be sent to each member of the Zilla Panchayat at least seven days before the time fixed for such meeting and no business shall be brought before or transacted at any meeting other than the business of which notice has been so given except with the approval of the majority of the members present at such meeting.

Provided that non-receipt of a notice by a member shall not vitiate the proceedings of a meeting:

Provided further that if the Adhakshya thinks that a situation has arisen for which an emergent meeting of the Zilla Panchayat should be called, he may call such meeting after giving three days notice to the members;

Provided also that not more than one matter shall be included in the list of business to be transacted at the meeting called under the second proviso.

- (2) The business of the Zilla Panchayat shall be transacted in the language spoken and understood by the members.
- (3) Minutes of the proceeding of each meeting of the Zilla Panchayat shall be recorded in a book to be kept for this purpose and shall be read out and signed by the Adhakshya of the meeting before the meeting disperses.

- (4) The Sachiva of a Zilla Panchayat shall, within a week after meeting of the Zilla Panchayat send copies of minutes of every such meeting to the District Development Office-cum-Panchayat Officer and the Secretary.

Powers and duties of Adhakshya. 60. The Adhakshya shall:-

- (a) regulate the meetings of the Zilla Panchayat;
- (b) be responsible for the maintenance or record and registers of the Zilla Panchayat.
- (c) Exercise supervision and over the act done and action taken by the members of the Zilla Panchayat and such officers and such other employees whose services may be place at the disposal of the Zilla Panchayat by the State Government.
- (d) operate jointly with the Sachiva of he Zilla Panchayat the Fund of the Zilla Panchayat including authorization of payment and refunds;
- (e) cause to issue receipts under his signature or signature of Sachiva for sums of money received by him for and on behalf of the Zilla Panchayat;
- (f) cause preparation of all statements and reports required by or under this Act;
- (g) exercise such other powers, perform such other functions and discharge such other duties as the Zilla Panchayat may, by general or special resolution, direct or as the State Government may, by order specify;

Provided that the Adhakshya shall not exercise such powers, perform such functions or discharged such duties as may be required by the rules made under this Act to be exercised, performed or discharged by the Zilla Panchayat at a meeting.

Powers and Duties of Up-Adhakshya. 61. The Up-Adhakshya shall –

- (a) in the absence of the Adhyaksha, preside over and regulate the Up-Adhakshya meetings of the Zilla Panchayat;
- (b) exercise such of the powers, perform such of the functions and discharge such of the duties of the Adhakshya and the Adhakshya may, from time to time, delegate to him by order in writing.

Provided that the Adhakshya may at any time withdraw all or any of the powers, functions and duties so delegated to the Up-Adhakshya;

- (c) during the absence of the Adhakshya, exercise all the powers, perform all the functions and discharge all the duties of Adhakshya.

Rights of individual members.

62. At a meeting of a Zilla Panchayat, a member may move any resolution and put questions to the Adhakshya or Up-Adhakshya, as the case may be, on matters connected with the administration of Zilla Panchayat or execution of rural works or schemes entrusted to or undertaken by such Zilla Panchayat.

Resignation of Adhakshya or Up-Adhakshya or a member.

63. (1) An Adhakshya, or an Up-Adhyaksha or a member of a Zilla Panchayat may resign his office by notifying in writing his intention to do so to the Prescribed Authority and on such resignation being accepted the Adhakshya or the Up-Adhakshya or the member shall vacate his office and casual vacancy shall be deemed to have occurred in such office;

Provided that a person tendering resignation may withdraw his resignation before it is accepted.

(2) When the resignation is accepted under sub-section (1) the Prescribed Authority shall communicate it to the members of the Zilla Panchayat within thirty days of such acceptance.

Removal of Adhakshya and Up-Adhakshya

64. (1) An Adhakshya or an Up-Adhakshya may, at any time, be removed from office by a resolution of the Zilla Panchayat passed by two-third majority of directly elected members of the Zilla Panchayat at a meeting specially convened for the purpose. Notice of such meeting shall be given to the Prescribed Authority;

Provided that any such meeting while passing any resolution for the removal of:-

(i) the Adhakshya from his office is under consideration; or
(ii) the Up-Adhakshya from his office is under consideration, he shall not, though he is present, preside at such meeting and the provisions of sub-section (4) of section 57 shall apply in relation to every such meeting as they apply in relation to a meeting from which the Adhakshya, or as the case may be, the Up-Adhakshya is absent.

(2) No person who has been removed from his office under sub-section (1) shall be eligible for re-election to the vacancy so caused.

Filling of Casual vacancy in the office of Adhakshya or Up-Adhakshya

65. In the event of removal of an Adhakshya or an Up-Adhakshya under section 64 or when a vacancy occurs in the office of the Adhakshya or Up-Adhakshya by resignation, death or otherwise, the Zilla Panchayat shall elect another Adhakshya or Up-

Adhakshya as the case may be. The person so elected shall take office forthwith and shall hold office for the un-expired term of office of his predecessors.

Removal of
member of
Zilla Panchayat.

66. (1) The prescribed authority may, after giving opportunity to a member of a Zilla Panchayat other than a member specified under clause (c) of sub-section (1) of section 50 to show cause against the action proposed to be taken against him, by order, remove him from the office if:-
- (a) after his election he is convicted by a Criminal Court of an offence involving moral turpitude and punishable with imprisonment for a periods of more than six months; or
 - (b) he was disqualified to be a member of the Zilla Panchayat at the time to his election; or
 - (c) he incurs any of he disqualification specified in section 16 except clauses (e) and (f) after his election as a member of the Zilla Panchayat; or
 - (d) he is absent from three consecutive meeting of the Zilla Panchayat without the leave of the Zilla Panchayat provided he is not an ex-officio member of the Zilla Panchayat under clause (c) of sub-section (1) of section 50.
- (2) Any member of a Zilla Panchayat who is removed from his office by Prescribed Authority under sub-section (1) may, within thirty days from the date of the order, appeal to the Secretary to the Government in the Rural Development Department who may stay the operation of the order till the disposal of the appeal and may, after giving notice of the appeal to the Prescribed Authority and after giving the appellant an opportunity of being heard, set aside, or confirm the order.

Explanation: For the purpose of this sub-section, the term "Secretary" will mean only the Secretary.

- (3) The order passed by such authority on such appeal shall be final.
- (4) If a member of a Zilla Panchayat referred to clause (c) of sub-section (1) of section 50 ceases to be the member of the Parliament or as the case may be, member of the Legislative Assembly of the State, he shall cease to be the member of the

Zilla Panchayat and the newly elected person shall become the member of the Zilla Panchayat.

Filling of casual vacancy of elected member of Zilla Panchayat

67. (1) If the office of a member of a Zilla Panchayat becomes vacant by reason of his death, resignation, removal or otherwise, such vacancy shall be filled in by election of another person under this Act. The person so elected shall take office forthwith and shall hold such office for the un-expired term of office of his predecessors:

Provided that no election for filling in of a casual vacancy shall be held if the vacancy occurs within a period of six months preceding the date on which the term of office of the person concerned expires.

- (2) No person who has been removed from his office under section 66 shall be eligible for re-election to the vacancy so caused.

Sachiva of Zilla Panchayat.

68. (1) There shall be a Sachiva for a Zilla Panchayat appointed by the State Government on such terms and conditions as may be prescribed.

- (2) The Sachiva shall have authority to supervise all records of every Gram Panchayat falling under the jurisdiction of a Zilla Panchayat of a concerned district.

- (3) The Sachiva shall be in charge of the office of the Zilla Panchayat and shall discharge such duties and perform such functions as may be prescribed.

Chapter VII

Powers and Duties of Zilla Panchayat

* Obligatory Duties of Zilla Panchayat

69. (1) Subject to any general or special directions of the State Government, a Zilla Panchayat shall have power in respect of:-

- (a) regulating melas or hats within its local limits;
- (b) construction and maintenance of Panchayat Ghars, Dharamsalas and rest houses;
- (c) construction, repair and maintenance of such small irrigation projects of such class or types thereof, as may be specified by the State Government by general or special order in this behalf, and regulating of supply of water there from for irrigation purposes;

- (d) regulating supply of water for irrigation or drinking water supply schemes constructed by the Government and entrusted to it for maintenance and repairs;
- (e) regulating maintaining and developing of lands vested in it by the State Government as may be specified for promotion of social forestry and environmental conservation and maintaining and regulating of such forests;
- (f) organizing plantation programme in the public land, road sides and such other places as may be specified for promotion of social forestry and environmental conservation and maintaining and regulating of such forests;
- (g) establishing and maintaining primary schools and organizing adult education centers;
- (h) establishing health centers and maternity and child welfare centres;
- (i) managing or maintaining any works of public utility and adopting measures for the relief of distress;
- (j) preparing plans for all round development of the district after obtaining previous approval of the State Government and with such technical assistance as may be made available by the State Government;
- (k) co-ordinating and integrating the development plans and schemes prepared by Gram Panchayat within its jurisdiction;
- (l) fulfilling any other obligation imposed by or under this Act or by any other law for the time being in force or by general or special order or the State Government in this behalf;
- (m) such other duties not enumerated specifically in the above clauses but enumerated in the Eleventh Schedule to the Constitution.

Other duties of Zilla Panchayat. 70. (1) Subject to such condition as may be imposed by the State Government, a Zilla Panchayat may, if the State Government so directs may, make provisions for:-

- (a) the promotion of opportunity of employment through community farming by organizing model agriculture or dairy farms and small scale village industries;
- (b) the organization and maintenance of clubs and other places for recreation or games;
- (c) establishment and maintenance of library or reading rooms and public radio listening centres;

- (d) construction and maintenance of destitute homes, slaughter houses and encamping grounds;
- (e) rendering assistance in extinguishing fire and protecting life and property when fire occurs;
- (f) assisting in the prevention of burglary and dacoity;
- (g) the promotion of socio-cultural and communal harmony;
- (h) the promotion of agriculture and allied activities connected with it;
- (i) any other local work or service of public utility which is likely to promote the health, comfort, convenience or material prosperity of the public not otherwise provided for in this Act.

(2) Where the State Government directs a Zilla Panchayat to make provision for any of the items enumerated in sub-section (1), it shall place such funds at the disposal of the Zilla Panchayat as may be determined by the State Government for the purpose.

(3) A Zilla Panchayat shall have the power to advise the State Government on all matters relating to all round development of rural areas.

(4) Notwithstanding anything in sub-section (1), a Zilla Panchayat shall not undertake or execute any scheme confined to a Gram unless the implementation such a scheme is beyond the competence of the Gram Panchayat concerned financially or otherwise. In the latter case the Gram Panchayat may execute the scheme itself or entrust its execution to the Gram Panchayat and give such assistance as may be required;

Provided that a Zilla Panchayat shall undertake or execute any scheme if it extends to more than one Gram.

Joint
execution
of schemes
by two
or more
Zilla
Panchayat.

71. The Zilla Panchayat of two or more adjacent districts may jointly undertake and execute at common cost any development schemes or project on such terms and conditions and may be agreed upon, and in case of any difference as to the interpretation of such terms by two or more and conditions the matter shall be referred to the State Government whose decision Zilla Panchayat, be final.

Power of
supervision
by Zilla
Panchayat
over Gram
Panchayats.

72. A Zilla Panchayat shall exercise general powers of supervision over Gram Panchayat in the district and it shall be the duty of Gram Panchayat to give effect of any direction of the Zilla Panchayat the matters of policy or planning for development.

Chapter VIII

Property and Fund of Zilla Panchayat

Works 73. All roads, buildings or other works constructed by a Zilla Panchayat with its own funds shall vest in it.
constructed by a Zilla Panchayat to vest in it.

Allocation of properties to Zilla Panchayat 74. (1) The State Government may allocate to a Zilla Panchayat any public whatsoever nature or kind situated within its local limits, and thereupon, such property vested in and come under the control of the Zilla Panchayat.

(2) No property vested nor belonging to a Zilla Panchayat shall be transferred by way of sale, gift, mortgage, exchange or lease without the previous sanction of the State Government.

(3) Where the State Government is of opinion that any property vested in or belong to a Zilla Panchayat is required for the purpose of any National or State Development plan or for any other public purpose, the State Government may resume such property and upon such resumption the property shall cease to vest in the Zilla Panchayat and shall re-vest in the State Government.

(4) No compensation other than the amount paid by the Zilla Panchayat for such transfer and the market value of any building or works erected or executed on such property by the Zilla Panchayat at the time of such resumption shall be payable. Any sum so received shall be credited to the Zilla Panchayat Fund.

Acquisition of land by Zilla Panchayat 75. Where a Zilla Panchayat requires land for carrying out any of the purposes of this Act, it may negotiate with the person or persons Zilla having interest in the said land, and if it fails to reach an agreement it may make an application to the District Collector for the acquisition of the land, who may, if he is satisfied that the land is required for a public purpose, take steps to acquire the land under the provisions of the Sikkim Land (Requisition and Acquisition) Act, 1977.

Zilla Panchayat Fund. 76. (1) For every Zilla Panchayat there shall be constituted a Zilla Panchayat Fund bearing the name of the Zilla Panchayat and there shall be placed to the credit thereof:-

- (a) contribution and grants, if any, made by the Central or the State Government including such portion of land revenue collected within its jurisdiction as may be determined by the State Government.
- (b) Contribution and grants, if any, made by any other local authority;
- (c) Loans, if any, granted by the Central or State Government;
- (d) Proceeds of collection of revenues in respect of schemes, projects and other properties undertaken or vested in the Zilla Panchayat by the Government by the State Government;
- (e) Such rates, fees, taxes, as may be imposed and realized under the provisions of this Act;
- (f) Such sum received from the Government for fulfilling duties and obligations entrusted to the Zilla Panchayat by the State Government;
- (g) All other sums received by or on behalf of the Zilla Panchayat.

(2) Every Zilla Panchayat shall set apart and apply annually such sum as may be required to meet the cost of its administration including allowances payable to the members.

(3) Every Zilla Panchayat shall have the power to spend such sums as the State Government may, by order, specify for carrying out the propose of this Act.

(4) The Zilla Panchayat Fund shall be vested in the Zilla Panchayat and the amount standing to the credit or the Fund shall be kept in such custody or invested in such manner as the State Government may, from time to time, direct.

(5) Notwithstanding anything contained in clause (d) of section 60 but subject to such general control as the Zilla Panchayat may exercise from time to time, orders and cheques for payment from the Zilla Panchayat Fund shall be signed by the Sachiva.

Imposition
of taxes,
rates and fees.

77. (1) Subject to the maximum rates which may be fixed by the State Government, a Zilla Panchayat may levy following taxes, rates and fees, namely:

- (a) a tax on fairs, melas and other entertainment's;

- (b) a general sanitation tax for the construction, maintenance, or both the construction and maintenance of public latrines and for the removal and disposal or refuse;
- (c) a water rate where arrangement for the supply of water for drinking, irrigation or any other purpose is made by the Zilla Panchayat within its jurisdiction;
- (d) a fee for temporary erection or putting up projections over, or temporary occupation of any village road or place;
- (e) a fee on private latrines, premises or compounds cleaned by the Zilla Panchayat agency;
- (f) a fee on the registration of animals sold in any market or place belonging to or under the control of the Zilla Panchayat;
- (g) a market fee on persons exposing goods for sale in any market or at any place or in any building or structure therein belonging to or under the control of the Zilla Panchayat;
- (h) a fee for the use of dharamsalas, rest houses, slaughter houses and encamping grounds;
- (i) a fee for drainage where system of drainage has been introduced by the Zilla Panchayat.
- (j) A temporary tax for special works of public utility.

(2) The Zilla Panchayat shall not levy taxes, rates or fees referred to in sub-section if such taxes, rates or fees have already been levied by the State Government of any other authority under any law for the time being in force or by any other local authority authorized by the State Government.

Power of State Government to regulate taxes.

78. (1) The State Government may make rules to regulate the imposition, assessment and collection of taxes, rates and fees under section 77.

(2) Subject to the provisions of this Act or rules made thereunder, no person shall object in respect of any liability to any assessment made or tax imposed under this Act.

Appeal Against taxes, rates and fees.

79. An appeal against any tax, rate or fee under section 77 may be referred to the Prescribed Authority in such manner and within such time as may be prescribed and the decision of such authority shall be final.

Recovery of arrears.

80. Any arrear of tax, rate or fee imposed under section 80 shall be recoverable as arrears of land revenue or public demand if the

Zilla Panchayat passes a resolution to that effect and communicates it to the District Collector.

Action by District Collector. 81. (1) The District Collector on receipt of communication under section 77 and on being satisfied with the demand shall proceed to recover it.

(2) Any sum so recovered shall be sent to the Zilla Panchayat and shall be credited under Zilla Panchayat Fund.

Power of State Government in regard to relief from the taxes and fees. 82. (1) If on a complaint made to it or otherwise, it appears to the State Government that any tax, rate or fee imposed by a Zilla Panchayat, is excessive, it may, after calling a report in this regard, abolish or suspend or reduce the amount of any tax, rate of fee as the case may be.

(2) The State Government may, on its own motion or otherwise after giving the Zilla Panchayat an opportunity of expressing its view in the matter by order exempt.

(a) any person or class of persons; or

(b) any property or description of properties, from the payment of whole or part of any tax, rate or fees subject to such conditions as may be specified in such order.

Budget of Zilla Panchayat. 83. (1) Every Zilla Panchayat shall at such time and in such manner as may be prescribed, prepare in each year a budget of its estimated receipts and expenditure for the next financial year and submit to the State Government for approval.

(2) No expenditure shall be incurred unless the budget is approved by the State Government.

Supplementary Budget. 84. A Zilla Panchayat may prepare in each year supplementary estimates providing for any modification of its budget and submit it to the State Government for approval within such time and in such manner as may be prescribed.

Accounts. 85. A Zilla Panchayat shall keep such accounts in such manner as may be prescribed.

Chapter IX

Audit of Account of Gram and Zilla Panchayat Funds

Audit of accounts of funds. 86. The accounts of the fund a Gram Panchayat or Zilla Panchayat shall be examined and audited by an auditor appointed under sub-section (2) of section 48 at such place and in such manner as may be prescribed.

Submission of accounts to audit. 87. The Sabhapati or, as the case may be, the Adhakshya shall produce, or cause to be produced to the auditor all such accounts of the fund of the Gram Panchayat or the Zilla Panchayat concerned as may be required by the auditor.

Powers of Auditor 88. For the purposes of an audit under this Act an auditor may:-

- (a) require in writing the production before him of any document of the supply of any information which he considers to be necessary for the proper conduct of the audit;
- (b) require in writing the personal appearance before him of any person accountable for, or having the custody or control of, any such document, or having directly or indirectly, whether by himself or his partner, any share or interest in any contract made with by or on behalf of the members of the Gram Panchayat or the Zilla Panchayat concerned;
- (c) require any person so appearing before him to make and sign a declaration respect of any such document or to answer any question or prepare and submit any statement;
- (d) in the event of an explanation being required from the Adhakshya or other member of the Zilla Panchayat, in writing invite such person to meet him, and shall, in writing, specify the point on which the explanation is required.

Penalty. 89. Any person who neglect or refuses to comply with the requisition made by the auditor under section 88 within such time as may be specified, shall, on conviction by a court, be punishable with a fine which may extend to two thousand rupees in respect or each item included in the requisition.

Audit Report. 90. (1) Within two months from the date on which an audit under this Act is completed, the auditor shall prepare a report and send a copy of the report to the Sabhapati, the Adhakshya as the case

may be, of the Gram Panchayat or the Zilla Panchayat and to the State Government.

- (2) The auditor shall append to his report a statement showing:-
- (a) the grants-in-aid received by the Gram Panchayat or the Zilla Panchayat and the expenditure incurred therefrom;
 - (b) any material impropriety or irregularity which he may observe in the expenditure or the recovery of money due to the Gram Panchayats or the Zilla Panchayat or in the account of the Gram Panchayat or the Zilla Panchayat Fund;
 - (c) any loss wastage of money or other property owned by or vested in the Gram Panchayat or the Zilla Panchayat.

Action on
audit report.

91. (1) Within two months from the date of receipt referred to in section 90, the Gram Panchayat or the Zilla Panchayat concerned shall, at a meeting, remove or cause to be removed if any defect or irregularity pointed out in the report and shall also inform the auditor or the action taken by it. The Gram Panchayat or the Zilla Panchayat concerned shall give reasons or explanations, if any defect or irregularity is not removed.

(2) If, within the period referred to in sub-section (1), no information is received by the auditor from the Gram the reasons or explanations given by it for not removing any defect or irregularity pointed out in the report is not considered sufficient by the auditor, the auditor shall if he has not already exercised or does not propose to exercise the powers conferred upon him by section 92 refer the matter to the State Government within such time and in such manner as the State Government may prescribe.

(3) On receipt of the report under sub-section (2), it shall be competent for the State Government to pass such orders thereon as it may think fit. The orders of the State Government shall, save as provided in sections 92 and 93 be final and the Gram Panchayat or the Zilla Panchayat concerned shall take action in accordance with such orders.

(4) If the Gram Panchayat or the Zilla Panchayat concerned fails to comply with the order within the period specified therein, the State Government may empower any officer of the State Government to carry out the order.

- (5) The officer empowered under sub-section (4) shall, for the purpose of carrying out the order, exercise any of the powers which might have been exercised by the Gram Panchayat or Zilla Panchayat concerned.

Power of auditor to surcharge.

92. (1) The auditor, after giving the person concerned an opportunity to submit an explanation within a time to be specified by him and after considering such explanation, shall disallow every item of account contrary to law as surcharge the same on the person making or authorizing the making of the illegal payments, and shall charge against any person responsible for the amount of any loss incurred by the negligence or misconduct of that person, shall, in every such case, certify the amounts due from such person;

Provided that the Auditor may in his discretion wave the surcharge or charge in cases where the amount involve does not exceed fifty rupees.

- (2) For the purposes of this section any of this section any member of Gram Panchayat or Zilla Panchayat, as the case may be who is present at which a motion or resolution is passed authorizing any expenditure which is subsequently disallowed under sub-section (1) or authorizing any action which results in any such expenditure, shall be deemed to be a person authorizing such expenditure if dissent if not recorded in the proceedings. All such persons shall be held jointly and severally liable for such expenditure.
- (3) The Auditor shall record in writing his reasons for every disallowance, surcharge and charge made under sub-section (1) and shall, in such manner as may be prescribed, send a certificate of the amount due and a copy of the reasons for his decision to the person in respect of whom the certificate is made, and shall also furnish copies thereof to the Sabhapati or Adhakshya, as the case may be, and the State Government.
- (4) The State Government may, of its own motion and within one year form the receipt by it of the copy of the certificate, set aside or modify any disallowance, surcharge or charge and any certificate in respect thereof made by the auditor.

- Appeal. 93. (1) Any person from whom any sum has been certified by the auditor to be due under section 92 may, within thirty days or the receipt by him of the certificate, appeal to the State

Government to set aside or modify the disallowance surcharge or charge in respect or which the certificate was made and the State Government may pass thereon such orders as it thinks fit, and such orders shall be final.

- (2) Where a person referred to in sub-section (2) of section 92 who has been surcharged as authorizing an illegal expenditure, appeals to the State Government under this section, the State Government shall set aside surcharge if it is proved to its satisfaction that such person voted for the resolution or motion in good faith.

Payment
of certified
sums.

94. (1) The sum certified by the auditor to be due from any person under section 92 or when an appeal is made under sub-section (1) of section 93, such sum as may be ordered by the State Government to be due from such person shall, within two months of the date of certification, or order, as the case may be, be paid such person to the Gram Panchayat or the Zilla Panchayat concerned which shall credit the sum to the Fund of the Gram Panchayat or the Zilla Panchayat concerned.

- (2) Any sum not paid in accordance with the provisions of sub-section (1) shall be recoverable as arrears of land revenue if the Gram Panchayat or the Zilla Panchayat as the case may be, passes a resolution to that effect and communicates it to the District Collector.

- (3) The District Collector on receipt of such communication under sub-section (2) and on being satisfied with the demand, shall proceed to recover it as soon as may be and the sum so recovered by him shall be sent to the Gram Panchayat or Zilla Panchayat concerned and the same shall be credited to the Fund of the Gram Panchayat concerned and the same shall be credited to the Fund of the Gram Panchayat and or the Zilla Panchayat concerned.

Certain
costs and
expenses
payable out
of Fund.

95. (1) All expenses incurred by the Gram Panchayat or the Zilla Panchayat concerned in complying with any requisition of the auditor under section 88 and in prosecuting and offender under section 89 shall be paid from the Fund of the Gram Panchayat or the Zilla Panchayat concerned.

- (2) All expenses incurred by the District Collector in connection with the proceedings for recovery of any sum under sub-section (3) of section 94 from a person, if not recovered from

the person, shall be paid from the Fund of the Gram Panchayat or the Zilla Panchayat concerned.

Chapter X

Constitution of the State Finance Commission

Definition. 96. In this Chapter "Commission" means the State Finance Commission constituted by the Governor in pursuance of clause (1) of Article 243 1 of the constitution.

Qualification for appointment as and the manner of selection of members of Commission. 97. The Chairman of the Commission shall be selected from among persons who have had experience in public affairs of the State and the two other members shall be selected from among persons who:-

- (a) are, or have been or are qualified to be appointed as judges of a High Court; or
- (b) have special knowledge of the finance and accounts of the State Government; or
- (c) have had wide experience in financial matters and in administration; or
- (d) have special knowledge of economics.

Personnel interest to disqualify members. 98. Before appointing a person to be a member of the commission, the Governor shall satisfy himself that the person will have no such financial or other interest as is likely to affect prejudicial his functions as a member of the Commission, and the Governor shall also satisfy himself from time with respect to every member of the Commission that he has no such interest and any person who is, or whom the Governor proposes to appoint to be member of the Commission shall, wherever required by the Governor to do so, furnish to him such information as the Governor considers necessary for the performance by him of his duties under this section.

Disqualification for being a member of the Commission. 99. A person shall be disqualified for being appointed as or for being a member of the Commission if he:-

- (a) is of unsound mind;
- (b) is and undercharged insolvent;
- (c) has been convicted offence involving moral turpitude;
- (d) has such financial or other interest as is likely to affect prejudicial his function as a member of the Commission.

Term of office of the members and eligibility for reappointment.

100. Every member of the Commission shall hold office for such period as may be specified in the order of the Governor appointment him, but shall be eligible for re-appointment; provided that he may, by a letter addressed to the Governor, resign his Office.

Constitution of service and salaries and allowances of members.

101. The members of the Commission shall render whole-time or part time service to the Commission as the Governor may in each case, specify, and they shall be paid to the members of the Commission such salaries and such allowances as may be prescribed.

Procedure and powers of Commission.

102. The Commission shall determine their procedure and in the performance of their function shall have all the powers of a Civil Court under the Code of 5 of 1908 Civil Procedure, while trying a suit in respect of the following matters, 1908, namely:-

- (a) Summoning and enforcing the attendance of witnesses;
- (b) Requiring the production of any documents;
- (c) Requisitioning any public record from any Court of office.
- (d) Such other powers as may be prescribed.

Chapter XI

State Election Commission

Constitution of State Election Commission.

103. (1) The superintendent, direction and control of the preparation electoral roles for and conduct of, all elections to the Gram Panchayat and Zilla Panchayat shall be vested in the State Election Commission consisting of a State Election Commissioner to be appointed by the Governor.

(2) The conditions of service and tenure of office of the State Election Commissioner shall be such as the Governor may by rule, determine;

Provided that the State Election Commissioner shall not be removed from his office except in like manner and on the like grounds as a judge of a High Court and the conditions of service of the State Election Commissioner shall not be varied to his disadvantage after his appointment.

(3) The Governor shall, when so requested by the State Election Commission, make available to the functions conferred on it under sub-section (1).

Chapter XII

Miscellaneous

- Oath of affirmation. 104. Every member of a Gram Panchayat or a Zilla Panchayat other than a member referred to in clause (c) of sub-section (1) of section 50 shall before taking his office make and subscribe before such authority as may be specified by the State Government in this behalf and oath or affirmation according to the form set out for the purpose the Schedule.
- Validation. 105. No act or proceeding of a Gram Panchayat or Zilla Panchayat shall be deemed to be invalid merely by reason of the existence of any vacancy in the Gram Panchayat or Zilla Panchayat, as the case may, be or any defect or irregularity in the constitution thereof.
- Members and officers and employees to be public servants. 106. All members, officers and employees of the Gram Panchayat and Zilla Panchayat shall be deemed when acting or purporting to act pursuance of the discharge of their duties, or in the exercise of their powers under this Act or under the rules made there under, to be public servants within the meaning of section 21 of the Indian Penal Code.
- Indemnity 107. No suit or other legal proceedings shall lie against a Gram Panchayat or Zilla Panchayat or against any member thereof or any officer or any employee for anything in good faith done or intended to be done in pursuance of this Act or any rules made thereunder.
- Reference of dispute. 108. (1) If any dispute arises between two or more Gram Panchayat, within the jurisdiction of the same Zilla Panchayat, it shall be referred to the Zilla Panchayat concerned by any party to the dispute and the decision of the Zilla Panchayat thereon shall be final.
- (2) If any dispute arises
- (a) between a Gram Panchayat within a district on the one side and the Zilla Panchayat of the same district on the other, or
 - (b) between two or more Zilla Panchayat; or
 - (c) between one or more Zilla Panchayats in one district on the one side and one or more Gram Panchayat in another district on the other; or

- (d) between one or more Gram Panchayats in one district on the one side and the Zilla Panchayat of another district on the other; such dispute shall be referred to the State Government by any party to the dispute and the decision of the State Government thereon shall be final.

Inspection. 109. (1) The State Government shall empower the Secretary to the Government in the Rural Development Department and such other officers as it may consider necessary for the purpose of inspection or superintending the works of all, or any class of, Gram Panchayat or Zilla Panchayat.

- (2) An officer so empowered to inspect or superintend the works of a Gram Panchayat or Zilla Panchayat may at any time:-
- (a) inspect or cause to be inspected any immovable property used or occupied by the Gram Panchayat or Zilla Panchayat or any work in progress under the direction of Gram Panchayat or Zilla Panchayat;
 - (b) inspect or examine any work or thing under the control of the Gram Panchayat or Zilla Panchayat.
 - (c) Require for the purpose of inspection or examination, the Gram Panchayat-
 - (i) to produce any book, record, correspondence, plan or other document; or
 - (ii) to furnish any return, plan, estimate, statement, accounts or statistics; or
 - (iii) to furnish to obtain any report or information.
- (3) When an inspection of a Gram Panchayat or Zilla Panchayat is undertaken by any officer referred to in sub-section (1) a report of such inspection shall be submitted by such officer to the State Government as soon as possible but not beyond a period of thirty days after the date of completion of inspection;

Power of State Government to rescind or suspend resolution of a Gram or Zilla Panchayat.

110. (1) The State Government may, by order in writing, rescind any resolution passed by a Gram Panchayat or Zilla Panchayat, if in its opinion such resolution:-
- (a) has not been legally passed; or
 - (b) is in excess or abuse of the powers conferred by or under this Act or any rules made there under, or
 - (c) is likely to cause, if executed, danger to human life, health, or safety or is likely to lead to breach of the peace.

- (2) The State Government shall, before taking any action under sub-section (1) give the Gram Panchayat or Zilla Panchayat concerned an opportunity or making any representation against the proposed order.

Power of State Government officer to attend meetings. 111. Any officer of the State Government authorized by the State Government in this behalf shall be entitled to attend meeting of the Gram Panchayat or the Zilla Panchayat as the case may be, for the purpose of furnishing facts, information and technical advice but shall not be entitled to vote at any such meeting.

Direction by State Government. 112. In the discharge of their functions the Gram Panchayat and the Zilla Panchayat shall be guided by such instruction or directions as may be given to them by the State Government from time to time in conformity with the provisions of this Act.

Power to remove Sabhapati, Up-Sabhapati or Sachiva of Gram Panchayat, and Adhakshya or Up-Adhakshya of Zilla Panchayat. 113. (1) The State Government may, notwithstanding anything contained in sub-section (2) of section 17; sub-section (4) of section 31 and sub-section (2) of section 54, by an order in writing remove with effect from a date to be specified in the order any Sabhapati or Up-Sabhapati or any Sachiva of Gram Panchayat, any Adhakshya or Up-Adhakshya or Zilla Panchayat from his office, if in its opinion, he willfully omits or refuses to carry out the provisions of this Act of any rules or orders made thereunder or abuses the powers vested in him under this Act.

(2) The State Government shall, before making any order under sub-section (1) give the person concerned an opportunity of making representation against the propose order.

* Power of State Government to supersede a Gram Panchayat. 114. If, in the opinion of the State Government, any Gram Panchayat or Zilla Panchayat-

(a) has shown its incompetence to perform or has persistently made default in the performance of the duties imposed on it or under this Act or any other law; or

(b) has exceeded or abused its powers, the State Government may, by order, to be published in the Official Gazette stating the reasons therefore, supersede the Gram Panchayat or Zilla Panchayat, as the case may be, and direct that it be reconstituted within such period not exceeding the maximum period of six months;

Provided that the State Government shall, before making any order give the Gram Panchayat or the Zilla Panchayat,

as the case may be, an opportunity or making a representation against the proposed order.

* Conseq-
uences of
supersession.

115. (1) When an order of supersession has been passed under section 114 or the provision to article 243 N of the Constitution has been invoked to dissolve the Panchayats, then with effect from the date of the order:-
- (a) all the members of the Gram Panchayat or the Zilla Panchayat, as the case may be shall vacate their offices;
 - (b) all the powers, duties and functions which, under the provisions of this Act or any rules made thereunder or any law for the time being in force may be exercised, discharged or performed by the Gram Panchayat or Zilla Panchayat as the case may be, shall be exercised, discharged or performed by such authority, person or persons as may appointed by the State Government in this behalf;
 - (c) all properties vested in the Gram Panchayat or Zilla Panchayat, as the case may be shall remain vested in the State Government until the reconstitution of such Gram Panchayat or Zilla Panchayat;
- (2) On the reconstitution of the Gram Panchayat, or Zilla panchayat as the case may be the authority, person or persons appointed under clause (b) of sub-section (1) shall cease to exercise his functions.

Effect of
election of a
member of a
Gram
Panchayat
to the Houses
of Parliament
or Legislative
Assembly.

116. If a Sabhapati or a Up-Sabhapati, or Sachiva or a member of a Gram Panchayat or an adhakshya or an Up-Adhakshya or member of Zilla Panchayat becomes a member of either House of Parliament or a member of the Legislative Assembly, he shall be deemed to have vacated his office as Sabhapati or Up-Sabhapati or Sachiva or member of a Gram Panchayat or Adhakshya or Up-Adhakshya or a member of a Zilla Panchayat, as the case may be, with effect from the date of his becoming such member and a casual vacancy shall be deemed to have occurred in such office.

Electoral
offences.

117. Any act of commission or omission which is an electoral offence in relation to elections to the Legislative Assembly under Chapter VII of the Representation of Peoples Act, 1951 or under any law for the time being in force shall be deemed to be an electoral offence in relation to the elections to the Gram Panchayat under this Act.

Requisition of premises, vehicles, etc. election purposes.

118. The State Government shall have the same powers in the matter of requisition of premises, vehicles and animals for the purpose of the elections to the Panchayat as in the case of elections to the Gram Panchayat under this Act.

Application for questioning the election.

119. (1) The election of a person as a member of a Gram Panchayat or Zilla Panchayat shall not be called in question except by an application presented to such authority within such time and in such manner as may be prescribed on the ground that:-

- (a) the election has not been a free election by reason that the corrupt practice of bribery or under influence has extensively prevailed at the election; or
- (b) that the result of the election has been materially affected:-
 - (i) by the improper acceptance or rejection of any nomination;
 - (ii) by gross failure to comply with the provisions of this Act or the rules framed thereunder.

(2) The following shall be deemed to be corrupt practices to bribery or undue influence for the purposes of this Act.

(1) Bribery, that is to say:-

(A) any gift, offer or promise by a by any other person with the connivance of a candidate of any gratification to any person whomsoever, with the object, directly or indirectly of inducing:-

- (a) a person to stand or not to stand as, or to withdraw from being a candidate at any election; or
- (b) an elector to vote from voting at an election; or as reward to:-
 - (i) a person for having stood or not stood or having withdrawn his candidature, or
 - (ii) an elector for having voted or refrained from voting.

(B) Under influence, that is to say, any direct or indirect interference or attempt to interfere on the part of a candidate or of any other person with the connivance of the candidate with free exercise of any electoral right;

Provided that without prejudice to the generality of the provisions of this clause any such person as is referred to therein who:-

- (i) threatens any candidate, or any elector, or any person in whom a candidate or any elector is interested, with injury of any kind including social ostracism and ex-communication of expulsion from any caste or community; or
 - (ii) induce or attempts to induce a candidate or an elector to believe that he or any person in whom he is interested will become or will be rendered object of divine displeasure of spiritual censure, shall be deemed to interfere with the free exercise of the electoral right of such candidate or elector with in meaning of this clause.
- (3) The application under sub-section (1) may be presented by any candidate at the election or any elector and shall contain such particulars as may be prescribed.

Explanation: Any person who files a nomination paper at the election whether such nomination paper was accepted or rejected, shall be deemed to be a candidate at the election.

- (4) The authority to whom the application under sub-section (1) is made shall, in the matter of:-
- (a) hearing of the application and the procedure to be followed at such hearing;
 - (b) setting aside the election to be void or declaring applicant to be duly elected or any other relief that may be granted to the petitioner, have such powers and authority as may be prescribed.
- (5) The order passed by the authority upon an application under sub-section (1) shall be final and conclusive and shall not be questioned in any Civil Court.
- (6) Notwithstanding anything in the Act, the validity or any law relating to the delimitation or wards in a Gram or Territorial Constituencies of a Zilla Panchayat or the allotment of seats to such wards in such Gram or Zilla made or purporting to be made under article 243K or the Constitution of India, shall not be called in question any Court.

Decision on question as to disqualification. 120. If any question arises as to whether a person has become subject to any disqualification, the question shall be referred to the Prescribed Authority for his decision and this decision, shall subject to the result of any appeal as may be prescribed, be final.

Provided that no order shall be passed under this section unless the person so disqualified is given an opportunity of being heard.

Emergent power on out-break epidemic. 121. In the event of an outbreak of cholera or any other water borne infectious diseases in any locality situated within the local limits of the jurisdiction of a Gram Panchayat or a Zilla Panchayat, the Sabhapati or Up-Sabhapati or a Gram Panchayat or Adhakshya or an Up-Adhakshya of a Zilla Panchayat may, during the continuance of the outbreak, without notice at any time, inspect and disinfect any well or other place from which water is, or is likely to be, taken for the purpose of drinking and may take such steps as he deems fit to prevent the drawing of water therefrom.

Report on the work of Gram Panchayat or Zilla Panchayat. 122. The Gram Panchayat or Zilla Panchayat concerned shall prepare and submit annually a report on work done during previous year and the work proposed to be done during the following year to the Prescribed Authority within such period as may be specified by the State Government.

Placing of services of Government employees at the disposal of a Gram Panchayat or a Zilla Panchayat. 123. The State Government may, by notification, place at disposal of a Gram Panchayat or Zilla Panchayat services of such officers or other employees serving under it on such terms and conditions as may be fixed by the State Government;

Provided that State Government shall have disciplinary control over such officers and employees.

Power to settle disputes. 124. (1) Where parties to a dispute approach the Gram Panchayat or as the case may be, the Zilla Panchayat for settlement of dispute, then the Gram Panchayat or the Zilla Panchayat may settle such dispute if any law in force permits such settlement outside courts.

(2) Without prejudice to the powers conferred under sub-section (1) the dispute which a Gram Panchayat, or as the case may be, the Zilla Panchayat may be, take cognizance, which may be a dispute relating to:-

- (a) irrigation channel in the Gram;
- (b) cattle trespass;

- (c) damages of crops cause by cattle trespass;
- (d) gambling;
- (e) encroachment of one's land by another;
- (f) theft of property where the value of such property does not exceed five hundred rupees; and
- (g) such other petty family and social disputes.

Delegation. 125. The State Government may, by notification, delegate, subject to such conditions as it may specify, all or any of its powers under this Act except the power under section 130 to any person or authority subordinate to it.

Allowances to members 126. The members of the Gram Panchayat or the Zilla Panchayat shall be entitled to such sitting allowances for attending meetings of the Gram Panchayat or the Zilla Panchayat and traveling allowances that may from time to time be fixed by the State Government;

Provided that such sitting allowances and traveling allowances are paid from the Gram Panchayat Fund or Zilla Panchayat Fund.

* Constitution of District Planning Committee. 127. (1) The State Government shall, by notification, constitute in every district a District Planning Committee.

(2) The District Planning Committee shall consist of:-

- (a) the member of the Houses of people;
- (b) the member of Council of State;
- (c) Adhakshya of Zilla Panchayat;
- (d) Chairpersons of Municipalities having jurisdiction over the headquarters of the district;
- (e) Such number of persons, not less than four-fifth of the total numbers of the Committee as may be specified by the State Government, elected in the prescribed manner from amongst the elected members of municipalities and Zilla Panchayat in the district in proportion to the ratio between the population of the rural areas and of the urban areas in the district.

(3) The following persons shall be the permanent invitees of the District Planning Committee, namely:-

- (a) all the members of the Legislative Assembly whose constituencies lie within the district and who are electors in the district;
- (b) the District Collector of the district; and

- (c) the District Development Officer-cum-Panchayat Officer of the district who shall be the Member Secretary of the Committee.
- (4) The Adhakshya of the Zilla Panchayat of the District shall be the Chairman of the District Planning Committee.
- (5) The District Planning Committee shall consolidate the plans prepared by the Zilla Panchayats, Gram Panchayats and the municipalities in the district and prepare a draft development plan for the district as a whole.
- (6) Every District Planning Committee shall, in preparing the draft development plan:-
- (a) have regard to:-
 - (i) matters of common interest between the Panchayat and Municipalities including spatial Planning, sharing of water and other physical and natural resources, the integrated development of infrastructure and environment conservation.
 - (ii) the extent type of available resources whether financial or otherwise;
 - (b) consult such institutions and organization as the Government may, be order, specify;
- (7) The Chairman of every District Planning Committee shall forward the development plan, as recommended by the District Planning Committee, to the State Government for consideration, approval and implementation.

Penalty. 128. (1) Any person who soon after the expiry of his term or resigning from the office or removal from the office of Sabhapati or Up-Sabhapati or Sachiva of Gram Panchayat or as the case may be, fails to hand over any document or, any money or other properties vested in or belonging to the Gram Panchayat or Zilla Panchayat, as the case may be, which are in his possession or control, to his successor-or-office, shall on conviction, be punished with a fine which may extent to five hundred rupees and in the case of a continuing failure or contravention with an additional fine which may extend to fifty rupees for every day after the first conviction during which has persisted in the failure or contravention.

- (2) Any person who will fully obstructs any member or office bearer or servant of all Gram Panchayat or a Zilla Panchayat, as the case may be, in the discharge of his duties or any thing which he is empowered to do shall, on conviction, be punished which may extend to five hundred rupees.
- (3) Any person required by this act or rules made there under to furnish any information fails to furnish such information or knowingly furnishes wrong information shall on conviction, be punished with a fine which may extend to five hundred rupees.
- (4) Any person who contravenes the provision of this Act or rules made thereunder for which no penalty is provided for under this Act shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to two hundred rupees, or with both.

* Election 129. Deleted

not to be
contested
with
the support of
political party

* Power 130. (1) The State Government may, by notification, make rules for carrying out the purposes of this Act.

- (2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any or the following matters, namely;
 - (i) the manner of convening and conducting the meeting of Gram Sabha;
 - (ii) manner of election of Sabhapati and Up-Sabhapati of Gram Panchayat under sub-section (1) of section 17;
 - (iii) manner in which meeting of Gram Panchayat shall be convened under sub-section (2) of section 19;
 - (iv) powers, functions and duties of Sabhapati of Gram Panchayat;
 - (v) power, functions and duties of Sachiva of Gram Panchayat;
 - (vi) manner in which and time within which an appeal may be made under section 42;
 - (vii) manner in which and time within which the Budget shall be prepared by Gram Panchayat under section 46;

- (viii) manner in which and time within which the supplementary budget shall be submitted under section 47;
- (ix) manner in which accounts shall be kept by Gram Panchayat;
- (ixa) manner of election of Adhakshya and Up-Adhakshya of Zilla Panchayat;
- (x) terms and conditions of appointment of Sachiva of Zilla Panchayat;
- (xi) duties and functions of Sachiva of Zilla Panchayat;
- (xii) manner in which and time within which appeal may be made under section 79.
- (xiii) manner in which and time within which the Budget shall be prepared by Zilla Panchayat under sub-section (1) of section 83;
- (xiv) manner in which and time within which, supplementary budget shall be submitted under section 84.
- (xv) manner in which accounts shall be kept by Zilla Panchayat;
- (xvi) manner in which, time within which, place where on and the extent to which accounts of the Gram Panchayat and Zilla Panchayat shall be examined and audited;
- (xvii) manner in which and time within which the matter shall be referred to the State Government under sub-section (2) of section 91;
- (xviii) manner in which a certificate of the amount due and a copy of reasons thereof shall be sent under sub-section (3) of section 92;
- (xix) manner of superintendence, direction and control and the conduct of election of members of Gram Panchayat;
- (xx) manner in which, time within which and the authority to whom the application to questioning the election shall be presented under sub-section (1) of section 119;
- (xxi) particulars to be furnished under sub-section (3) of section 119;
- (xxii) Powers and authority that shall be exercised by the authority under sub-section (4) of section 119;
- (xxiii) Any other matters which are to be and may be, prescribed.

(3) Every rule made under this section shall immediately after it is made, be laid before the State Legislature if it is in session, and if it is not in session, in the session immediately following for a total of fourteen days successive sessions, and before the expiration of the session in which it so laid, or the session immediately following, the House agrees in making modification in the rules or in the annulment of the rules shall thereafter have effect only in such modified form or shall stand annulled, as the case may be so, however that any such modification or annulment shall be without prejudice to the validity of anything previously done under this rule.

Power to
remove
difficulties.

131. If any difficulty arises in giving effect to the provisions of this Act, the State Government may take such steps or issue such orders not inconsistent with the provision of this Act as may appear to it to be necessary or expedient for the purpose of removing such difficulty;

Provided that no such order shall be made after expiry of a period of two years from the date of commencement of this Act.

Repeal
and
savings.

132. On and from the date of commencement of this Act, the Sikkim Panchayat Act, 1982 shall stand repealed and all assets and liabilities of the Gram Panchayat constituted under the repealed Act, 1982 shall stand repealed and all assets and liabilities of the Gram Panchayat or Zilla Panchayat constituted under the repealed Act shall continue to vest in the respective Gram or Zilla Panchayat, as the case any be;

Provided that such repeal shall not effect:-

- (a) the continuance of the existing Gram Panchayat or the Zilla Panchayat as the case may be, by virtue of the provision to Article 243N of the Constitution; or
- (b) the previous operation or the repealed Act or any thing duly done or suffered there under;
- (c) any right, privilege, obligation or liability required accrued or incurred under the repealed Act; or
- (d) any penalty, forfeiture of punishment uncured in respect of any offend committed against the repealed Act; or
- (e) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture of punishment as aforesaid; and
- (f) any such investigation, legal proceeding or remedy may be instituted, continued for enforced and any such penalty

forfeiture of punishment may be imposed as if this Act had not been passed;

Provided further that subject to the preceding provision anything done or any action taken (including any appointment or delegation made, notification, notice, order, instruction or direction issued, rule, regulation, form or scheme frame, certificate obtained, permit or license granted, tax imposed or fee or rates levied) under the repealed Act shall, in so far as it is in force immediately before commencement of this Act and is not inconsistent with the provisions of his Act be deemed to have been done or take under the corresponding provisions of this Act and shall continue to be in force accordingly, unless and until they are repealed or amended or suspended.

THE SCHEDULE

Form of oath or affirmation to be made by a member of a Gram Panchayat or a Zilla Panchayat.

(See Section – 104)

I, A.B., having been elected a member of gram Panchayat/Zilla Panchayat do swear in the name of God or solemnly affirm that I will bear true faith and allegiance to the Constitution of India as by law established, and that I shall faithfully discharge the duties upon which I am about to enter.

APPENDIX – F

THE SIKKIM PANCHAYAT (AMENDMENT) ACT, 1995 (ACT NO. 10 OF 1995)

AN ACT

To amend the Sikkim Panchayat Act, 1993

Be it enacted by the Legislature of Sikkim in the Forty-Sixth year of the republic of India as follows:-

Short title
and
Commencement

1. (1) This act may be called the Sikkim Panchayat (Amendment) Act, 1995.

(2) It shall come into force at once.

Amendment
of Section 12

2. In section 12 of the Sikkim Panchayat Act, 1993 (hereinafter referred to as the principal Act), in sub section (1) the following proviso shall be inserted, namely:-

“Provided however, that in the case of the two villages of Lachen and Lachung in the North District of the State, the areas comprised in the two villages shall be deemed to be the Grams for the purpose of section 3 of the Act and the traditional institutions of Dzumsas existing in these two villages for many centuries shall be deemed to be Gram Panchayat constituted under this section.”

Amendment
of Section 13

3. In section 13 of the principal Act,

(i) in sub-section (1) the following proviso shall be inserted namely:-

“Provided however, that no person whose name does not appear in the electoral roll pertaining to the area comprised in the Gram as indicated above shall be eligible to contest the election for such Gram Panchayat”.

(ii) in sub-section (5), for the words “as may be prescribed,” the words “as the State Government may, by notification, from time to time specify” shall be substituted;

(iii) After sub-section (5), the following sub-section shall be inserted, namely:-

“(5a) The State Government shall, by notification, reserve such number of seats which as nearly as may be one-third of the total number of seats of the Gram Panchayat for the persons belonging to the Backward Classes”;

(iv) in sub-section (7), for the words “as may be prescribed”, the words “as the State Government may, by notification, from time to time, specify” shall be substituted.

Amendment
of Section 17

4. In section 17 of the principal Act, -

(i) in sub-section (2), after clause (a), the following clause shall be inserted, namely:-

“(aa) such number of offices of Sabhapati and Up-Sabhapati of Gram Panchayats which shall as nearly as may be one-third of the total number of offices of Sabhapati and Up-sabhapati in the State for the persons belonging to the Backward Classes”;

(ii) in sub-section (2), in the proviso to clause (b), for words “as may be prescribed”, the words “as the State Government may, by notification, from time to time, specify” shall be substituted.

Amendment
of Section 27

5. In section 27 of the principal Act, for the words “by the majority of the members of the Gram Panchayat present,” the words “by the two-third majority of the members of the Gram Panchayat” shall be substituted.

Amendment
of Section 34

6. In section 34 of the principal Act, in clause (v), for the words “as may be entrusted to it by the State Government from time to time”, the words “not enumerated specifically in the above clauses but enumerated in the Eleventh Schedule to the Constitution” shall be substituted.

Amendment
of Section 49

7. In section 49 of the principal Act, in sub-section (2), after the existing proviso, the following proviso shall be inserted:-

“Provided further that if a person is elected to one or more seats in a Gram Panchayat and or a seat in a Zilla Panchayat than, unless within the prescribed time he resigns all but one of the seats by writing under his hand addressed to the State Election Commissioner, one but all seats in the Gram Panchayat or a seat or seats in the Gram Panchayat, as the case may be shall become vacant”.

Amendment
of Section 50

8. In section 50 of the principal Act,-

(a) in sub section (1),-

(i) for clause (a), the following clause shall be substituted, namely:-

“(a) directly elected members from amongst those whose names are included in the electoral roll of the Sikkim Legislative Assembly for the time being in force pertaining to the area comprised in the respective territorial constituency of the district;”

(ii) for clause (b), the following clause shall be substituted, namely:-

“(b) Twenty per cent of the Sabhapatis of the Gram Panchayats within the district by rotation annually to be specified by the State Government by notification;”

(iii) in clause (c), after the word “and” and before the word “the” the words “twenty per cent of the members of” and after the word “thereof and before the full stop the words “by rotation annually to be specified by the State Government by notification” shall be inserted;

(b) in sub section (4), for the words, “as may be prescribed” the words “as the State Government may, by notification, from time to time, specify” shall be substituted;

(c) after sub-section (4), the following sub-section shall be inserted, namely:-

“(4a) The State government shall, by notification, reserve such number of seats which shall as nearly as may be one-third of the total number of seats in a Zilla Panchayat for the persons belonging to the Backward Classes;”

(d) in sub-section (6), for the words “as may be prescribed”, the words “as the State Government may, by notification, from time to time, specify” shall be substituted.

In section 54 of the principal Act,-

(i) for sub-section (1), the following sub-section shall be substituted, namely:-

“The directly elected members of every Zilla Panchayat shall, at its first meeting at which a quorum is present, elect in such manner as may be prescribed, from among themselves one of the directly elected members to be the Adhakshya and another to be the Up-Adhakshya of the Zilla Panchayat;”

(ii) in sub-section (2) after clause (a), the following clause shall be inserted, namely:-

“(aa) such number of offices of Adhakshya and Up-Adhakshya in the State which shall as nearly as may be one-third of the

total number of offices of Adhakshya and Up-Adhakshya in the State for the persons belonging to the Backward Classes”.

- Amendment of Section 64 10. In section 64 of the principal Act, in sub-section (1) for the words “by majority of the members of the Zilla Panchayat present and voting, “the words “by two-third majority of the directly elected members of the Zilla Panchayat” shall be substituted.
- Amendment of Section 69 11. In section 69 of the principal Act, after clause (1), the following clause shall be inserted, namely:-
“(m) such other duties not enumerated specifically in the above clauses but enumerated in the Eleventh Schedule to the Constitution”.
- Amendment of Section 114 12. In section 114 of the principal Act, in clause (b), for the words “the maximum period of one year as may be specified in the orders”, the words “six months” shall be substituted.
- Amendment of Section 119 13. In section 119 of the principal Act,-
(i) sub-section (5) shall be omitted;
(ii) the existing sub-section (6)
- Insertion of a new section 119A 14. After section 119, the following section shall be inserted, namely:-
“Appeal. 119A. Any person aggrieved by a order of the Prescribed Authority under section 119 may appeal to the Appellate Authority to be appointed by the State Government within such time and in such manner as may be prescribed.”
- Insertion of a new section 119B 15. After section 119 so inserted, the following section shall be inserted, namely:-
119. Save as otherwise provided, no suit or other proceeding shall lie in any court, tribunal or before any other authority to challenge, vary or to set-aside any order passed by the Prescribed Authority under section 119 or the Appellate Authority under section 119A under this Chapter”.
- Amendment of Section 127 16. For section 127 of the principal Act, the following section shall be substituted, namely:-
“127. The District Planning Committee as provided under article 243 ZD of the Constitution read with section 184 of the Sikkim municipalities Act, 1995 shall be the District Planning Committee for the purposes of this Act.”
- Amendment of Section 130 17. In section 130 of the principal Act,-

(i) in sub-section (2), after clause (ix), the following clause shall be inserted, namely:-

“(ixa) manner of election of the Adhakshya and Up-Adhakshya of Zilla Panchayat;”

(ii) after sub-section (2), the following sub-section shall be inserted, namely:-

“(3) Every rule made under this section shall immediately after it is made, be laid before the State Legislature if it is in session, and if it is not in session in the session immediately following for a total period of fourteen days which may be comprised in one session or in two or more successive sessions, and if before the expiration of the session in which it is so laid, or the sessions immediately following the House agrees in making any modification in the rules or in the annulment of the rules, the rules shall thereafter have effect only in such modified form or shall stand annulled, as the case may be, so, however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule”.

By Order of the Governor.

B.R. PRADHAN
Secretary to the Government of Sikkim
Law Department

F. No. 16(82)LD/79-95.

APPENDIX – G

THE SIKKIM PANCHAYAT (AMENDMENT) ACT, 1997 (ACT NO. 5 OF 1997)

AN ACT

further to amend the Sikkim Panchayat Act, 1993.

Be it enacted by the Legislature of Sikkim in the Forty-Eighth Year of the Republic of India as follows:-

Short title
and
commencement

1. (1) This Act may be called the Sikkim Panchayat (Amendment) Act, 1997.

(2) It shall come into force at once.

Substitution
of section 115.

2. For section 115 of the Sikkim Panchayat Act, 1993 No. 6 of 1993 (hereinafter referred to as the principal Act), the following section shall be substituted, namely:-

“Consequences
supersession or
dissolution.

115. (1) When an order of supersession has been passed under section 114 or the proviso to article 243N of the Constitution has been invoked to dissolve all the Panchayats, then with effect from the date of the order –

(a) all the members of the Gram Panchayat or the Zilla Panchayat, as the case may be, shall vacate their offices;

(b) all the powers, duties and functions which, under the provisions of this Act or any rule made thereunder or any law for the time being in force, may be exercised, discharged or performed by the Gram Panchayat or Zilla Panchayat, as the case may be, shall be exercised, discharged or performed by such authority, person or persons as may be appointed by State Government in this behalf;

- (c) all properties vested in the Gram Panchayat or Zilla Panchayat, as the case may be, shall remain vested in the State Government until the reconstitution of such Gram Panchayat or Zilla Panchayat”.

Omission of
section 129.

3. Section 129 of the principal Act shall be omitted. Party based panchayat can contest election.

By Order of the Governor.

B.R. PRADHAN
Secretary to the Government of Sikkim
Law Department
(F.No. 16(269)LD/93-97)

APPENDIX – H

THE SIKKIM PANCHAYAT (AMENDMENT) ACT, 2001

(ACT NO. 7 OF 2001)

AN

ACT

further to amend the Sikkim Panchayat Act, 1993.

Be it enacted by the Legislature of Sikkim in the Fifty second year of the Republic of India as follows:-

Short title
and
commencement

1. (1) This Act may be called the Sikkim Panchayat (Amendment) Act, 2001.

(2) It shall come into force at once.

Amendment
of Section 12

2. In Section 12 of the Sikkim Panchayat Act, 1993, in subsection (1), for the existing proviso the following proviso shall be substituted, namely:-

“Provided however, that the existing system of the Traditional Institutions of Dzumsas practiced in the two villages of the Lachen and Lachung in the North District of the State shall continue to exist in accordance with the traditional and customary Laws of the Dzumsas. Notwithstanding other provisions of the Sikkim Panchayat Act the traditional institutions of the Dzumsas existing in the villages of Lachen and Lachung shall exercise the Powers and Functions as provided under the Act in addition to the Powers and Functions exercised by them under the existing Traditional and customary law.”

By Order.

Sd/- T.D. Rinzing,
Secretary of the Govt. of Sikkim,
Law Department,
F.No. 16(82) LD/2001

APPENDIX – I

ACTIVITIES/FUNCTIONAL TRANSFERRED TO THE PANCHAYATI RAJ INSTITUTIONS AS PER NOTIFICATION NO. 35(2)94-95/38/RDD/P(II) DT. 13TH MAY, 1998

ACTIVITIES IN DETAILS FOR IMPLEMENTATION

| Sl. No. | Name of Deptt./Scheme | State | Zilla | Gram Panchayat | Gram Sabha |
|--------------------|---|---|--|--|--|
| AGRICULTURE | | | | | |
| 01 | Farmers Field Seed Production | Selection of and Procurement of seeds & Technological Supervision | Selection of areas for seed production | Selection of Farmers for seed production | Selection of all Beneficiaries through Gram Sabha |
| 02 | Manure & Fertilizers | Procurement of Fertilizer | Distribution under Supervision of Z.P. | Distribution through V.L.W by Gram Panchayat | Selection of all Beneficiaries through Gram Sabha |
| 03 | Plant Protection | Procurement of pesticides and overall technical supervision | To persue the matter with the Deptt. on the basis of information from G.P. | Collection of information of pests & diseases in plant & inform Z.P. introduction customized services in common disease | -- |
| 04 | (a) Commercial Crops (b) other minor C. Crops (c) Spices (d) Tuber crops | Procurement of seeds where Inter districts ramification is there should lie with State Govt. | Procurement for intra panchayat should lie with the Zilla Panchayat | To organize the G.S. for identification & process the list of Z.P. for supply & approval in case of special component plan/N.C. plan | Identification of beneficiaries |
| 05 | Extension & Training | Providing curriculum teaching aids and other materials. organization of more sophisticated training and training of trainers | Organizing routine training at farms | Identification of training needs of farmers | Gram Sabha to be involved while making identification organization of training at VLW level. |
| 06 | (a) Oil seed production programme (b) Pulses production | As in item 4 As in item 4 | As in item 4 As in item 4 | As in item 4 As in item 4 | As in item 4 As in item 4 |
| 07 | Rejuvenation of old orchards | Technological support supervision annual physical target | Training/drawing of annual action plan | Training/Impl - mentation and supervision identification of areas where rejuvenation is to be taken up | As in item 4 |
| 08 | Planting new orchards Integrated development of fruit vegetable development floriculture | Procurement of planting materials n case of inter district Procurement of planting materials in case of inter district ramification. | Identification of beneficiaries & distribution of planting materials -- | Distribution -- | Identification of beneficiaries -- |

| | | | | | |
|----|--------------------------------|--------------------------------------|---|----|--|
| 09 | Subsidy on Bank Finance Scheme | Formulation of scheme and allocation | Approval of scheme | -- | Identification of beneficiaries through Gram Sabha |
| 10 | VLW Centre | -- | Supervision/ maintenance minor repairs upto Rs. 3 lakhs | -- | Priority to be fixed in Gram Sabha |

ANIMAL HUSBANDRY

| | | | | | |
|----|--|---|---|---|--|
| 01 | Prevention and control of animal disease | Formulation of strategy for prevention & control procurement of technology, medicine & providing to Zilla | Identification of areas for prevention and control execution of works & monitoring I/C census of animals to assess the requirement of vaccine & medicine for the district | Supervision of prevention & control work in co-ordination with the respective V.O. and report to Z.P. | -- |
| 02 | Herd improvement | Formulation of programme and policy | Approval of requirement placed by G.P. | Identification of farmers keeping the breeding | -- |
| | (a) Through natural service | Allocation of fund to Zilla | And release of maintenance allowance on the report of G.P. | Animals | -- |
| | (b) Through A.I. | Formulation of programme & policy & allocation of fund to Zilla | implementation of programme through concerned field functionaries | -- | Supervision and reporting |
| 03 | Integrated Piggery Dev. Programme | Programme introduction guidelines and allocation of funds | Implementation and monitoring of the scheme. training orientation and distribution of piglets and feeds | Identification of beneficiaries for the scheme approved by the Z.P. and reporting to Z.P. | Identification of beneficiaries. |
| 04 | Extension & Training | Providing curriculum teaching aids and other materials. Organization of more sophisticated training and training of trainers. | Organizing routine training at farms | Identification of training needs of farmers | Gram Sabha to be involved while making identification, organization of training at the stockman level. |
| 05 | Minor works/supervision/ maintenance | Allocation to District | Approval and implementation of minor works/ supervision/ maintenance accounts upto Rs. 3 lakhs | To report to Z.P. for projecting requirement of minor works | Gram Sabha to identify the area. |
| 06 | Stockman Centre | -- | Supervision/ maintenance minor repairs upto Rs. 3 lakhs | -- | Priority to be fixed in Gram Sabha |

MEDICAL AND PUBLIC HEALTH

| | | | | | |
|----|----------------|----------------------------------|-------------------------------|---|----|
| 01 | Mass Education | Allocation of funds to Districts | Implementation and monitoring | To organize Swastha Samiti in G.P. and organise health camps in consultation with Z.P. & concerned C.M.O. | -- |
|----|----------------|----------------------------------|-------------------------------|---|----|

| | | | | | |
|----|-------------------------------|--|--|--|-------------------------------------|
| 02 | Rural family welfare services | Allocation of funds to districts | Implementation and monitoring | -- | -- |
| 03 | Maintenance of PHSC | Allocation to District | Upto Rs. 3 lakhs | Supervision | Priority to be fixed in Gram Sabha |
| 04 | PHC | -- | -- | -- | Supervision |
| 05 | I.C.D.S | Women & child welfare department to provide funds from the sources available | Construction of I.C.D.S centres in consultation with State Govt. | Supervision of centre and report to Z.P. | Priority to be fixed in Gram Sabha. |

RURAL DEVELOPMENT DEPARTMENT

| | | | | | |
|----|--|--|---|---|------------------------------------|
| 01 | Maintenance of Panchayat Ghar | Fund allocation to District & monitoring | Project formulation and approval of scheme as per fund available upto Rs. 3 lakhs | Selection & arrangement of land supervision of work & reporting to Z.P. maintenance | Priority to be fixed in Gram Sabha |
| 02 | Rural Bridges | -- | Upto Rs. 3 lakhs maintenance | -- | Priority to be fixed in Gram Sabha |
| 03 | Village WSS Repair/ Maintenance | -- | Upto Rs. 3 lakhs maintenance | -- | As above in 2. |
| 04 | Sanitation | Formulation of programme institutional latrine | Implementation of household latrines | Identification | Identification of beneficiaries |
| 05 | NRSE National Programme on Bio-Gas Development | Fund allocation to District & overall control | Identification of areas on the basis of viability as per the guidelines of the scheme | Identification of beneficiaries, supervision of implementation and reporting to Zilla Panchayat | Identification of beneficiaries. |

EDUCATION DEPARTMENT

| | | | | | |
|----|----------------------|--|---|---|---|
| 01 | Minor Works | Jr. High School | Primary | -- | -- |
| 02 | Non-Formal Education | Planning, co-ordination & management of programmes as per GOI guidelines | Supporting state authorities in survey & related projects | Motivation and Supervision | Motivation |
| 03 | Adult Education | Planning, co-ordination & management of programmes as per GOI guidelines | Zilla Adhakshyas are the presidents of Zilla Saksharta Samities & Co-ordinate the programme with the help of state functionaries. | Helping state functionaries in literacy survey and selection of instructors also identifying potential learners | Helping state functionaries in literacy survey and selection of instructors also identifying potential learners |
| 04 | Mid day meals | Co-ordination & Monitoring | Distribution of dry rations with help of district authorities | -- | -- |
| 05 | Primary School | -- | Supervision/ maintenance/minor repairs upto Rs. 3 lakhs | -- | Priority to be fixed in Gram Sabha |
| 06 | Jr. High schools | -- | Supervision | -- | -- |

LAND REVENUE DEPARTMENT

| | | | | | |
|----|-------------|----|--|----|------------------------------------|
| 01 | VLO Centres | -- | Supervision/ maintenance/ minor repairs upto Rs. 3 lakhs | -- | Priority to be fixed in Gram Sabha |
|----|-------------|----|--|----|------------------------------------|

IRRIGATION DEPARTMENT

| | | | | | |
|----|------------------------|----|---|----|------------------------------------|
| 01 | Minor Irrigation works | -- | Supervision/ maintenance/ minor repairs upto rs. 3 lakhs | -- | Identification of beneficiaries |
|----|------------------------|----|---|----|------------------------------------|

FOREST DEPARTMENT

| | | | | | |
|----|-----------------|----|---|----|-------------------------------------|
| 01 | Social Forestry | -- | Social forestry will be taken up by Zilla Panchayat | -- | Identification of beneficiaries. |
|----|-----------------|----|---|----|-------------------------------------|

APPENDIX – J

LIST OF NOMINATED MEMBERS OF DISTRICT PLANNING COMMITTEE (2002)

No. 35(6) 96-97/06/RDD/P

Date: 01.07.2002

NOTIFICATION

The government has already decided to transfer 10% of the budget allocation of each department to Zilla Panchayat for taking developmental activities within their jurisdiction necessitating constitution of DPC. While the composition and functions of DPC has been envisaged under Section 127 of Sikkim Panchayat Act 1993 as amended by the Sikkim Panchayat Amendment Act 1995 under clause 16 of the Act No. 10 of 1995 the State Government, with the objective of making the said body vibrant and effective, has decided to nominate members from the public in the said body in an advisory capacity to ensure adequate and appropriate representation of the persons who have experience in the formulations of economic and social developmental plans and to assist in the formulations of the District and Gram Panchayat level plans and in the assimilation of data at the appropriate levels.

The State Government is therefore pleased to nominate the following persons as members of District Planning Committee purely on advisory capacity in the said body:-

EAST DISTRICT

| NAME OF MEMBERS | ADDRESS |
|--------------------------------|----------|
| 1. Shri Samten Tshering Bhutia | Sang |
| 2. Shri Mohan Gurung | Rongli |
| 3. Shri K.N. Pradhan | Rongli |
| 4. Shri B.P. Dahal | Rhenock |
| 5. Shri Gopal Sharma | Rumtek |
| 6. Shri Kuber Raj Rai | Pakyong |
| 7. Shri L.B. Rai | Ranka |
| 8. Shri Dawa Tshering Bhutia | Arithang |
| 9. Shri Thendup Pintso Bhutia | Nam Nam |
| 10. Shri Yapchung Kazi | Arithang |
| 11. Shri Mohan Dungmali | Lingdum |

| | |
|------------------------|-----------|
| 12. Shri Menlom Lepcha | Tadong |
| 13. Shri D.B. Thapa | Tadong |
| 14. Shri Palden | Pakyong |
| 15. Shri G.M. Rai | Singtam |
| 16. Shri Rup Raj Rai | Pakyong |
| 17. Shri L.B. Chhetri | Pakyong |
| 18. Shri B.B. Gurung | Chujachen |
| 19. Shri S.K. Pradhan | Duga |

WEST DISTRICT

| | |
|----------------------------|---------------------|
| 1. Shri M.L. Rai | Tikpur |
| 2. Shri Chandra Maya Subba | Daramdin |
| 3. Shri M.B. Subba | Soreng |
| 4. Shri Dauso Lepcha | Rinchenpong |
| 5. Shri Bina Rai | Meyong |
| 6. Shri C.B. Subba | Dentam |
| 7. Shri P.L. Subba | Geyzing |
| 8. Shri M.B. Rai | Sakyong |
| 9. Shri B.B. Rai | Pelling |
| 10. Shri A.B. Rai | Melli-Yoksom |
| 11. Shri B.B. Rai | Legship |
| 12. Smt. Kala Rai | |
| 13. Shri P.M. Chhetri | Dentam |
| 14. Shri B.B. Bista | Hee Bazar |
| 15. Shri R.W. Kazi | Yangte |
| 16. Shri Bishnu Chamling | Zeel Rinchenpong |
| 17. Smt. Dawkit Bhutia | Yangsum Rinchenpong |
| 18. Shri K.D. Gurung | Dodak |
| 19. Shri Ang Lekpa Sherpa | Okharey |
| 20. Smt. Sovna Rai | Dentam |
| 21. Shri H.B. Pradhan | Legship |

SOUTH DISTRICT

| | |
|--------------------------------|----------|
| 1. Shri Karma Dichen Bhutia | Temi |
| 2. Shri Sonam Gyatso Kazi | Yangang |
| 3. Shri Kul Bdr. Rai | Namphok |
| 4. Shri B.M. Rai | Sangmo |
| 5. Shri Tshering Wangdi Bhutia | Ravongla |
| 6. Shri Passang Rinzing Sherpa | Jaubari |
| 7. Shri K.C. Rai | Boomtar |
| 8. Shri Bhim Dungal | Namthang |
| 9. Smt. Santi Maya Rai | Namthang |
| 10. Shri T.B. Rai | Namchi |

| | |
|------------------------------|----------|
| 11. Shri B.T. Tamang | Boomtar |
| 12. Shri K. Stephen | Namchi |
| 13. Shri B.R. Rai | Namchi |
| 14. Shri L.B. Rai | Bennoil |
| 15. Shri Binod Rai | Mikkhola |
| 16. Dr. B.M. Rai | Namchi |
| 17. Shri Chandra Khaling | Turuk |
| 18. Shri Bhim Bdr. Gurung | Sadam |
| 19. Shri Devi Prasad Pradhan | Sumbuk |

NORTH DISTRICT

| | |
|----------------------------------|--------------|
| 1. Shri Hangu Tshering | Kabi |
| 2. Smt. Sumitra Subba | Phodong |
| 3. Shri Dubden Lama | Phodong |
| 4. Shri Chopple Lepcha | Hee Gyathang |
| 5. Shri Tashi Pintso Bhutia | |
| 6. Shri Jigmi Lecenpa | Mangan |
| 7. Shri Sandup Lepcha | Pegong |
| 8. Shri Tenzor Lepcha | Gor |
| 9. Shri C.F. Kazi | Mangan |
| 10. Shri Nim Tshering Lepcha | Naga |
| 11. Shri Tshering Wangdiv Lepcha | Singhik |

The members so nominated shall serve as think/tank/resource personnel for the following purposes:

1. They will help in the identification of the local problems/local felt need and find out measures to resolve them.
2. Help in assimilation of data/inputs to as to make the planning process in the Gram Panchayat/District Panchayat meaningful. A complete record of the development programme taken up in the Gram Panchayat Unit and District will be drawn up.
3. They will advise and inter act with public/officials and technical personnel in matters relating to preparation of plans/development programmes etc. However, the members so nominated shall have no voting right.

(R. ONGMU) IAS

COMMISSIONER-CUM-SECRETARY OF THE GOVT. OF SIKKIM
RURAL DEVELOPMENT DEPARTMENT

APPENDIX – K

SIKKIM PANCHAYAT (PROCEDURE FOR CONVENING AND CONDUCTING THE MEETING OF GRAM SABHA) RULES, 1998

No. 35(40)97-98/38/RDD/P(II)

Dated 26th June 1998

NOTIFICATION

In exercise of the powers conferred by section (1) of section 130 of the Sikkim Panchayat Act, 1993 (6 of 1993), the State Government hereby makes the following rules, namely:-

- | | | |
|---|----|---|
| Short title, extent and commencement | 1. | (1) These rules may be called the Sikkim Panchayat (Procedure for convening and conducting the meeting of Gram Sabha) rules 1998. |
| | | (2) This shall come into force on the date of their publication in the Official Gazette. |
| Definitions | 2. | In these rules, unless the context otherwise requires:- (a) "Act" means the Sikkim Panchayat Act, 1993; (b) "Prescribed Authority" means the Secretary in the Rural Development Department, Government of Sikkim; (c) "section" means the sections of the Act. |
| Jurisdiction a Gram Sabha | 3. | The area comprised within the jurisdiction of a Gram Panchayat constituted under section 12 of the Act shall be the jurisdiction of Gram Sabha. |
| Member of the Gram Sabha | 4. | Every person who is entitled to vote to elect members of a Gram Panchayat and Zilla Panchayat of a district shall be a member of the Gram Sabha of that Gram Panchayat. |
| Notice of meeting. | 5. | (1) The notice of every meeting of a Gram Sabha shall be given at least fifteen days before the date of the meeting and such notice shall also be affixed on the Notice Board of the Panchayat Bhawan and such other places where people gather to the maximum. |

(2) The notice issued under sub-rule (1) shall also be sent to Adhakshya and Up-Adhakshya of Zilla Panchayat concerned, prescribed authority and such other officers of the State Government dealing with the Gram Panchayat of the concerned district.

Place of
meeting

6. Every meeting of the Gram Sabha shall be held at the Panchayat Bhawan or where there is no Panchayat Bhawan of the Panchayat concerned, at such other place as the Sabhapati may fix;

Provided that while fixing the place is so fixed that it will be convenient to members of all Panchayat wards comprising the Gram Sabha to attend the meeting.

Register
of
proceeding

7. (1) A register of proceedings shall be maintained by the Sachiva of the Gram Panchayat, who shall obtain in the register the signatures of thumbimpression of the members present at the meeting.

(2) The proceedings of every meeting of the Gram Sabha shall be recorded by the Sachiva in the language commonly known by all the members and it shall be signed by the person presiding over the meeting.

(3) A copy of the proceedings shall be sent to the District Development Officer-cum-Panchayat Officer, the prescribed authority, and the Adhakshya of Zilla Panchayat, as soon as may be, but before the expiry of fifteen days, from the date of the meeting. The Sachiva shall keep proper record of all actions taken in this regard.

(4) Proceedings of the last meeting of the Gram Sabha shall be read at the subsequent meeting and confirmed.

Resolutions

8. (1) The person presiding over the meeting may disallow the moving or discussion of any resolution or propositions which he considers to be beyond the scope of the Sabha and in doing so he shall record his reason in writing.

(2) All resolutions or propositions not disallowed under sub-rule (1) shall be discussed and passed by a

majority of votes of the members present and voting in the meeting and in case of equality of votes the person presiding over the meeting shall have a casting votes.

Transaction
of business.

9. (1) The order of the business to be transacted at every meeting shall be decided by the person presiding over the meeting.
- (2) In particular and without prejudice to the provisions of sub-rule (1). Such meeting may consider and make recommendations and suggestions to Gram Panchayat on the matters specified in clauses (a) to (e) of subsection (1) of section 10 and section 11 of the Act.

Regulation
of conduct
of business.

10. It shall be the duty of the person presiding over the Sabha to regulate the conduct of business in a Sabha and to preserve order therein. If any member disregards the authority of the presiding person or is guilty of obstruction or offensive conduct during the meeting the presiding person may ask him to behave properly and on his failure to do so direct him to withdraw from the meeting.

R. Ongmu, IAS
Rural Development Department

APPENDIX – L

SECTORAL ALLOCATION OF FUNDS TRANSFERRED TO GPUS

(For non Total Sanitation Campaign selected Gram Panchayat Units)
(2005-06)

| | |
|---|---------------|
| 1. MAINTENANCE AND MINOR REPAIRS | - 15% |
| 2. INFRASTRUCTURE | - 20% |
| 3. PRODUCTIVE SECTOR | - 20% |
| 4. RURAL MICRO ENTERPRISES INCLUDING VILLAGE TOURISM | - 20% |
| 5. SOCIAL SECTOR | - 10% |
| 6. ADMINISTRATIONS & MISC. | - 15% |
| | <u>- 100%</u> |

GUIDELINES

1. MAINTENANCE AND MINOR REPAIRS.

Rs. 1.00 lakhs from this sector shall be utilized for repairs & maintenance of rural bridges, Panchayat Ghars, Community Center, Waiting Sheds, Marketing Centres, Crematoriums, CC Footpaths and Community toilets/bathing cubicles. Rs. 50,000.00 shall be utilized for repairs and maintenance of Rural Water Supply Schemes. Additional funds for repairs and maintenance of RWSS shall be provided from the Twelfth Finance Commission Grants, the guidelines for which shall be provided with the funds as soon as it is received by the Department. Individual schemes should not exceed Rs. 20,000.00. No repair of private buildings or religious places shall be taken up.

2. INFRASTRUCTURE.

All Gram Panchayats with its own Panchayat Ghar shall set aside a sum of Rs. 1.00 lakhs for construction of an additional room within the Panchayat Ghar premises. The construction shall be taken up under the

supervision of the Assistant Engineer, RM & DD. Those Gram Panchayats without its own Panchayat Ghar may utilize upto Rs. 1.50 lakh for creation of new infra-structure based on the felt need of the area and the community. No schemes should be taken up for which government programmes already exists, e.g. CCFP. Schemes can be taken up in phases if the financial allocation is not sufficient. However, prior approval of the RM & DD should taken in this regard. The remaining Rs. 50,000.00 may be utilized for repairs to infra-structure other than those listed in Sector 1 above but individual schemes should not exceed Rs. 20,000.00. Repairs in excess of Rs.20,000.00 may only be taken up with the prior approval of the DDO. Estimates of repair, supervision of works and preparation of bills/MBs shall be done by the AE/JE of RMDD irrespective of the administrative control of the asset/infra-structure proposed to be repaired. Before proceeding with any repairs, it should be ascertained that no repair to the asset has been already sanctioned by the concerned administrative department. It shall be compulsory for the DDO to inform the concerned administrative department of repairs made to the department's assets/structure indicating the date of completion of amount incurred within 7 days of the final bill payment with a copy endorsed to the RMDD. No construction or repairs of religious places shall be taken up.

3. PRODUCTIVE SECTOR

This sector will take up programmes that cover agriculture, horticulture, animal husbandry & livestock schemes which will be aimed at income generation or supplementation. Indicative schemes, such as mushroom, passion fruits, pears cultivation and other fruits, vegetable, flowers, etc., are to be promoted. Operation and maintenance cost of nurseries, herbal gardens and smriti Vans which were established earlier shall be incurred from this sector. No new Herbal Gardens or Smriti Van shall be set up. Schemes that will facilitate the development of animal husbandry, livestock and fisheries can also be taken up under this sector. Wherever necessary sufficient funds should be kept for up-keep and maintenance of the schemes implemented. Beneficiaries of schemes under this sector should furnish an undertaking that the scheme so implemented in his/her property shall be maintained as a demonstration farm for a minimum period of 3-4 years. As far as possible Self Help Groups of not less than 10 households should be constituted for all schemes.

4. RURAL MICRO ENTERPRISES INCLUDING VILLAGE TOURISM

Under this sector, employment generating schemes such as village cottage industries and economically viable enterprises that are congenial

to local conditions can be taken up. The assets acquired for imparting training e.g. sewing machines, etc., shall not be given away under any circumstances. These assets may be used by the trainees to generate income for themselves after they have been trained. Promotion of village tourism can also be taken up under this sector. Operation and maintenance cost of enterprises set up earlier shall be met from this sector. Marketing of the products of micro enterprises, cottage industries and production units shall be given due priority. The GPU shall make sufficient provisions for setting up exhibition-cum-sales stalls during major haats, markets and melas, Construction of CC Footpath, waiting sheds and protective works shall not taken under this sector.

5. SOCIAL SECTOR

Under this sector 50% of the funds shall be allocated for women and child development, assistance to the old and physically challenged (disabled). Programmes for general well being may also be taken up through sensitization programmes and health camps. 50% of the funds shall be allocated for the development of sports with the objective of identifying local talents. The following sports/games shall be targeted:

Football, Volleyball, Archery, Table Tennis, Shot Put, 100mts and 200 mts sprint, Cross Country/Marathon, Tae Known Do/Karate, Boxing.

Purchase of equipments upto Rs. 10,000/- may be made. The remaining amount shall be incurred on conducting intra and inter GPU competitions and contests in the above sports/games. Sports/Games programmes shall be made in consultation with the Sports and Youth Affairs Department (Officials) for which detail guidelines are being issued separately.

6. ADMINISTRATION AND MISCELLANEOUS SECTOR

Under this sector, all Panchayat Ghars (Govt. constructed) shall have its roof painted green, if they are currently of other colour or requires re-painting. 2 numbers of sign boards shall be made as per specification which is provided herewith. A notice board may also be made if the GPU does not have one or is in a dilapidated condition. The salary of barefoot engineer appointed by the Government for the Gram Panchayat shall be paid from this sector. Hence, suitable provision should be made to meet this expenditure for 1 year. An amount not exceeding Rs. 5,000/- shall be incurred in purchase of 2 camp cots, mattresses, blankets, pillows etc. for a guest room in the Panchayat Ghar. Each Gram Panchayat shall purchase basic tools as per list enclosed for Disaster Management for an amount not exceeding a sum of Rs. 10,000.00. If the amount allocated, namely, Rs. 10,000.00 is not

sufficient, the number of items may be reduced. The DDO shall regulate the rates of these items by calling quotations at the district level. All Gram Panchayat must purchase their requirements in accordance with the quality specification given and rates specified by the DDO.

The remaining amount shall be utilized for meeting the establishment cost of the Gram Panchayat and shall not be diverted to any other sector without the prior approval of the Secretary, RM & DD. There shall not be purchase of office furniture and equipment which were already purchased during the last 2 years.

7. UNUTILIZED FUND

The Gram Panchayat Units shall restrict their expenditure within the sectoral allocations prescribed. In the event of any unutilized fund in hand, the Gram Panchayats shall submit specific proposals for utilization of the un-utilized fund for the approval of the Secretary, RMDD.

APPENDIX – M

CRITERIA FOR ALLOCATION OF PLAN OUTLAY (INTER-DISTRICT AND INTER-GRAM PANCHAYAT ALLOCATION OF FUND)

Indicators and weightages for distribution of plan outlay

| Indicators | Weights (%) |
|---|-------------|
| 1. Population – Rural. | - 40 |
| 2. Backwardness in Agriculture as measured by the value of Agricultural output per hectare. | - 7 |
| 3. Backwardness in Irrigation as measured by the proportion of Irrigated Area to Net Area shown. | - 5 |
| 4. Backwardness as measured by the value of Industrial output. | - 3 |
| 5. Backwardness in Communications as measured by road mileage. | - 3 |
| 6. Backwardness in Financial infrastructures measured by size of population served by each commercial and cooperative bank. | - 2 |
| 7. Backwardness in Medical and health facilities as measured by the number of hospitals/PHC/PHSC. | - 5 |
| 8. Backwardness in power supply as measured by the proportion of villages electrified. | - 5 |
| 9. Problems of the weaker sections: | |
| (a) as measured by the proportion of SCs/STs in the population. | - 10 |
| (b) as measured by the proportion of landless agricultural labourers. | - 8 |
| 10. Special Problems of drought prone areas/dry areas. | |
| (a) as measured by the area under forest. | - 2 |
| (b) as measured by the rural population of drought prone areas. | - 2 |
| 11. Literacy percentage. | - 5 |
| 12. Performance in Family Planning Programme. | - 3 |
| | <u>100</u> |

APPENDIX – N

ABBREVIATIONS

| | | |
|-------|---|---|
| BPL | - | Below Poverty Line. |
| DDO | - | District Development Officer. |
| DPC | - | District Planning Committee. |
| DWCRA | - | Development of Women and Children in Rural Areas. |
| EAS | - | Employment Assurance Scheme. |
| GC | - | General Caste. |
| GP | - | Gram Panchayat. |
| GS | - | Gram Sabha. |
| IAY | - | Indira Awaas Yojana. |
| ICDS | - | Integrated Child Development Scheme. |
| INC | - | Indian National Congress. |
| IRDP | - | Integrated Rural Development Programme. |
| JGRY | - | Jawahar Gram Rojgar Yojana. |
| JGSY | - | Jawahar Gram Samridhi Yojana. |
| JRY | - | Jawahar Rojgar Yojana. |
| MPHW | - | Multi Purpose Health Worker. |
| MWS | - | Million Wells Scheme. |
| NFBS | - | National Family Benefit Scheme. |
| NGO | - | Non-Governmental Organization. |
| NOAP | - | National Old Age Pension. |
| NREP | - | National Rural Employment Programme. |
| NSAP | - | National Social Assistance Programme. |
| OBC | - | Other Backward Classes. |
| PDS | - | Public Distribution System. |
| PHSC | - | Primary Health Sub-Centre. |
| PRI | - | Panchayati Raj Institution. |

| | |
|--------|--|
| RDA | - Rural Development Assistant. |
| RDD | - Rural Development Department. |
| RLEGP | - Rural Landless Employment Guarantee Programme. |
| RM&DD | - Rural Management and Development Department. |
| RWSS | - Rural Water Supply Scheme. |
| SC | - Scheduled Castes. |
| SDDO | - Sub-Divisional Development Officer. |
| SDF | - Sikkim Democratic Front. |
| SEC | - State Election Commission. |
| SFC | - State Finance Commission. |
| SGRY | - Sampurna Gramin Rojgar Yojana. |
| SHG | - Self Help Group. |
| SSP | - Sikkim Sangram Parishad. |
| ST | - Scheduled Tribes. |
| SITRA | - Supply of Improved Toolkits to Rural Artisans. |
| TRYSEM | - Training of Rural Youth for Self Employment. |
| TSC | - Total Sanitation Campaign. |
| UR | - Unreserved. |
| VLW | - Village Level Worker. |
| VPF | - Village Planning Forum. |
| ZP | - Zilla Panchayat. |

APPENDIX – O

GLOSSARY OF LOCAL TERMS

- Darbar* - Royal Court
- Dhuri*
Khajana - Household tax. Dhuri literally means ridge of a roof.
- Dzumsa* - Traditional Tribal Village Council/institution of local self-government among the *Lachungpa* and *Lachenpa* of Northern Sikkim.
- Elakadars or*
Illakadar - Estates were locally known as *illakas* and the estate-holders *illakadars*.
- Elakas or*
illakas - A region or precisely a group of revenue blocks equivalent to a Tehsil.
- Gompa* - Monastery.
- Gaucharan* - Grazing land. 'Gau' = Cow, *Charan* = Pasture-meaning a pasture land for cattle.
- Gyapen* - Assistant to Village Headman.
- Gyemmi* - Assembly of influential village elders.
- Kazis* - A parsi ward, 'Quazi' meaning munsif, magistrate or equivalent. In Sikkim this title was given by the kings to the Tibetan and Lepcha aristocracy in lieu of services rendered.
- Mondals* - Village headmen/commission agents for revenue collection.
- Pipon* - Village Headman.
- Thikadars* - A term denoting one who functions according to the terms and conditions of a contract i.e. Contractor.
- Zamindari* - Under this system, the lease contractor has to pay a fixed amount of revenue to the state. The contractor has been interpreted as being the owner of the land under him, hence the word 'Zamin' meaning land.

