

# Legal framework and status of devolution in Jharkhand

A study by Anode Governance Lab, Bangalore, July 2016

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# 1.0 Introduction

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The state of Jharkhand is a delayed entrant into the country's decentralization discourse having held only its second Panchayat elections in 2015. Pradan, a public service organization has been actively working in the state and developing strong SHG collectives towards improving livelihoods of the poor. As Pradan's engagement with local government institutions including Panchayati Raj Institutions began to grow, it recognized a need to understand the status of devolution in Jharkhand. There was a need to understand the potential opportunities that exist for Gram Panchayats (GP) to deliver services and governance in their capacity of constitutionally mandated bodies as per the 73<sup>rd</sup> Constitution Amendment of 1992. Pradan is keen to further leverage PRI towards sustainable change and development.

Accordingly, Pradan in April 2016 commissioned Anode Governance Lab, a consultancy firm engaged in developing governance solutions to undertake a four-month research study to understand the devolution status of transferred subjects in Jharkhand. The premise on which Anode works is that a robust GP organisation can deliver its powerful mandate by forging collaborations for leveraging resources and can negotiate a larger space for itself by influencing externalities. These could involve operating in a political environment with varying priorities, governmental authorities hesitant to devolve power or balancing the socio-economic and cultural milieu.

The research study - *Legal framework and status of devolution in Jharkhand* was undertaken with the following objectives:

- a. Analysis of present status of functions which are transferred to the GPs and initial recommendations for improvement in process
- b. Recommendations for identification of 2 functions/sectors where there is potential for panchayats to deliver for future engagement
- c. Strategies and road map around building capacities for strengthening governance processes

Anode Governance Lab<sup>1</sup> conducted an in-depth analysis of the Jharkhand Panchayat Raj (JPR) Act, 2001, and corresponding schemes, rules and notifications relating to devolution to panchayats. The research team organised visits to Jharkhand to gather primary information and data for analysis as well as brainstorming with a wide array of stakeholders including senior government officials, panchayat members, PRADAN field staff, sectoral experts, NGO representatives and SIRD officials so that the research could benefit from their collective wisdom. A team of two interns from Azim Premji University, Bengaluru was also stationed for five weeks in Basia for primary research and interviews with panchayat members, staff and citizens. This primary research was conducted in five GPs in Basia block, Gumla district, that were identified along with Pradan and where the organisation development interventions in partnership with GPs will further be piloted.

From a positive lens, decentralisation in Jharkhand has been gaining significant momentum in recent months, thanks to a successfully conducted election to GPs in December 2015 and the subsequent roll out of the Yojana Banao Andolan (YBA) that has been significantly driven by the state machinery and supported by organisations like Pradan. The election of several SHG members into elected GP bodies as well as their appointment as grassroots functionaries such as Jal Sahiyas, ASHAs and NREGA mates has injected a sense of enthusiasm and hope into the potential of these bodies to drive bottom-up transformation of their villages. **The participatory planning exercise conducted at units of 100 households each has generated an exhaustive bottom-up wish list of priorities from all across Jharkhand's 4,423 Gram Panchayats,** which has informed the state's prioritisation for rural development. GPs are being financially and administratively strengthened to some extent. Encouraged by a recent government order, the *Karya Karini Samiti* (executive committee) of the GP has been meeting regularly in many parts. The first instalment of 14<sup>th</sup> Finance Commission's funds amounting to about Rs 8.5 lakh has also been received by GPs.

However, Jharkhand still has a long way to go when compared with other states. The [Devolution Index 2015](#) published by Tata Institute of Social Sciences, Mumbai measured and ranked states

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<sup>1</sup> The research study was undertaken by a team of consultants led by Sonali Srivastava and included Dr Anjali Mohan, Hemant Sharma and Madhavi Rajadhyaksha (*Profiles in Annexure VII*)

on their achievements in three core aspects of devolution viz funds, functionaries and finances to PRI. Jharkhand featured near bottom at a low 22 of the 25 states analysed (See Annexure I) Where a new component related to infrastructure, governance and transparency was concerned too, the state of Jharkhand emerged 20<sup>th</sup> among the 25 states. Worryingly, the state has been a low performer in previous years as well.

Our analysis corroborates these trends. While there are many requirements for strengthening devolution in the state, the GP designed as the government closest to people, can potentially create a large impact. Supported with an informed citizenry, it could trigger changes in State policy and provide a platform for deepening democratic processes through self-governance. In addition to the potential gains from strong GP institutions, there are pragmatic reasons to focus on GPs. Being self-contained units within geographical bounds, they are likely to be adaptable to systemic change interventions. Their contained size also allows for specific process diagnosis, data management and designing of context-specific interventions to bring about change. It is thus proposed to keep the GP at the centre of our intervention.

In the context of on going state initiatives in Jharkhand, GP organisations need to be fundamentally strengthened in a systemic and sustainable manner for current initiatives like YBA to deliver benefits on the scale that is required. The shortfalls are at two levels- i) Externalities that influence the space within which GP organizations operate and ii) Shortfalls in the institutional capacity of GPs to deliver their mandate. Where the former is concerned, an analysis of notifications for instance, reveals that only 13 of the 33 functions in the JPR Act, 2001 have actually been devolved to the level of the GP and existing department-wise notifications too fail to amply clarify the role and functions of the GP or locate corresponding funds and functionaries at the disposal of GP members. Furthermore, capacity constraints at the level of state whether it is shortage of trainers in the SIRD or 40% vacancies in the rank of panchayat secretaries, impede the capacity and functioning of GPs on a day-to-day basis.

As a way forward, it is proposed that intensive engagement be undertaken in partnership with the 5 selected GPs in Basia(viz *Pokta, Kumhari, Tetra, Arya & Okba*, with the dual objectives of real time change in the five panchayats and developing a step by step framework towards strengthening governance processes based on learnings and change demonstrated in the pilot

GPs. Working towards strengthening the GP institution, organisation development (OD) framework (detailed in Chapter 5) is proposed as OD approaches organisation building from a whole systems perspective and interfaces with members of the institution as participants and not recipients of change. Chapter 6 expands on the theory of change and proposed intervention steps.

Given that perceptible improvements may be slow to emerge in an organisation building process, there is need to place anchors which are more visible, thereby bringing momentum to the change effort. With this purpose, the research study further conducted an in-depth sectoral analysis of nearly 14 sectors or functions, which were devolved by the state to the level of the GP. The findings as outlined in Chapter 3.0 and subsequent discussions at the brainstorming workshop led to the identification of two sectors- drinking water and NREGA where an intensive engagement is proposed to map and re-engineer processes, systems and structures with a view to demonstrate tangible improvements related to service delivery and governance. Further, identification and implementation of ‘quick wins’ which require little or no resources, such as health camps, display of information in Public Distribution Shops, tracking functioning of anganwadi centres etc., is proposed parallelly to provide required citizen services as well as to build confidence in the GP.

We acknowledge at the outset that the subject of governance is a complex and interdisciplinary area of work and that finding solutions is an on going effort to fathom and unravel such complexities which is best done in partnership with different agencies. Further, with the focus of the team being primarily on the legal framework in the state, the assumption of higher receptivity to institution building efforts due to presence of SHG members in the grass roots democratic institutions, was not dwelled upon in an in-depth manner.

## 2.0 Methodology

The four-month research study, *Legal Framework and status of devolution in Jharkhand* was undertaken with a view to understand in an in-depth manner the present status of devolution to PRI in the state of Jharkhand, to draw up recommendations for improvements in governance processes as well as to identify two functions/sectors where there is potential for panchayats to deliver tangible results.

The team accordingly designed a research methodology that would involve a thorough analysis of secondary research complemented with a contextual understanding of the functioning of GPs in the select geography of Jharkhand.

Figure 1: Illustration of Research methodology

Activities undertaken	Methodology
Secondary Research	Analysis of Legal framework & status of devolution <ul style="list-style-type: none"> <li>• Jharkhand Panchayat Raj Act, 2001</li> <li>• Department-wise notifications related to PRI</li> <li>• Allied laws/schemes such as PESA, NRDWP, NREGA, NRHM</li> <li>• Existing Research studies- E.g.: Devolution Index, OD literature, PRI Acts of other states</li> </ul>
Primary Research	Analysis of delivery mechanism/practices in PRI <ul style="list-style-type: none"> <li>• Sector-specific Baseline data collection</li> <li>• Meetings with state government officials, SIRD, sectoral experts, NGOs, activists</li> <li>• Meetings with SHG members, GP staff</li> <li>• Field interactions with 5 GPs in Basia, to interact with 5 GPs in Basia block, Gumla (1. Pokta 2. Kumhari 3. Tetra 4. Aria 5. Okra)</li> </ul>
Brainstorming	Feedback for designing strategy <ul style="list-style-type: none"> <li>• Gram Panchayats, TP, ZP, Secretary in Basia</li> <li>• Pradan field staff, sectoral experts, NGOs, activists</li> <li>• State agencies- departments HQs &amp; field staff</li> </ul>

As illustrated in the table above, the research methodology involved the following processes:

- Secondary research: With a view to understand the mandate of GPs as defined by the state, the research team started out with an analysis of the legal framework of different constitutionally-mandated functions. This covered a wide-ranging ambit of national and state



laws including the JPR Act, 2001, sixteen department-wise notifications covering 13 functions related to PRI, allied laws and key centrally sponsored schemes such as PESA, NRDWP, NREGA, and NRHM etc. Literature review was also conducted of studies such as the Devolution Index over the years, national and state-level manuals such as GPDP and PRI Acts of other states. Relevant studies and models related to Organization Development were also referenced.

- b) Primary research: Recognizing the need to understand contextual realities and capacity constraints, as they exist in practice, the research team undertook three visits to Jharkhand. Interviews and focused group discussions were held with senior government bureaucrats, GP elected representatives and staff, SHG members, government departments, SIRD, sectoral experts, NGOs, and activists. A two-member student team from Azim Premji University spent five weeks in Basia for a more insightful understanding of the day-to-day working of GPs, funding flows and the constraints of grassroots functionaries. Interactions were held with Pahans (traditional leaders) to understand traditional management systems as well as with block and district-level staff towards setting of a baseline for the socio-economic status of GPs in Basia and detailing the delivery mechanism of select functions such as drinking water, sanitation, health, NREGA among others. The primary research was limited to the five Gram Panchayats pre-selected by Pradan.
- c) Brainstorming workshops: The research team held brainstorming sessions with Pradan field staff, sectoral experts, NGOs and activists on July 4 & 5, 2016 to garner feedback on the preliminary research findings and to build upon the proposed way forward. Some key observations are noted here. We need to be cognizant that GPs operate in a political space and any intervention aimed at deepening decentralization and democracy too would be a political process. **Traditional tola sabha structures** and their interplay with mandated PRI structures itself involves power shifts. OD in GPs should involve leveraging three linkages—those with community, with government departments and political representatives. Their studied feedback has been duly incorporated into the proposed next steps.

We are conscious of certain limitations in the research methodology given the constraint of time and resources. As pointed out in Chapter 3, we decided for instance to eliminate certain functions such as Sports and Cultural Activities at the very outset. There is no denying their importance to

the overall development of a village community. However, these were conscious decisions taken by the research team in regular consultation with Pradan to ensure that the study could focus on more pressing concerns that were aligned with the basic development agenda of the region.

## 3.0 Legal Framework & Policy initiatives

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As mentioned in Chapter 2, the starting point for the secondary analysis and, the understanding of the legal framework was the Panchayati Raj Act of 2001. The JPR Act was enacted in 2001 (in accordance with the 73rd CAA, 1992) and included the provisions of the Panchayat Extension to the Scheduled Areas Act (PESA) 1996. The JPR Act, 2001 was further amended in 2003, 2005 and 2010. These amendments have been studied and analysed as a part of this analysis. What perhaps merits mention here is that while the rules and regulations for the JPR Act, 2001 have been drafted and are awaiting approval, those of the PESA are currently under preparation. In other words, the PESA guidelines (of the GoI) are yet to be notified in the state. Additionally, secondary analysis was also conducted, and the findings will be enunciated in this chapter.

### 3.1. Legal Framework

#### The Jharkhand PR Act, 2001

The JPR Act, 2001 is a comprehensive Act detailing out funds, functions and functionaries at the three tiers of the PRI. This section covers the process of the first level of analysis of the Act focusing on i) the general provisions in the Act relating to the efficient functioning of the GPs; and, ii) the 3Fs - to understand which are the functions that have been devolved in the Act - the related provisions for the devolution of associated funds and functionaries.

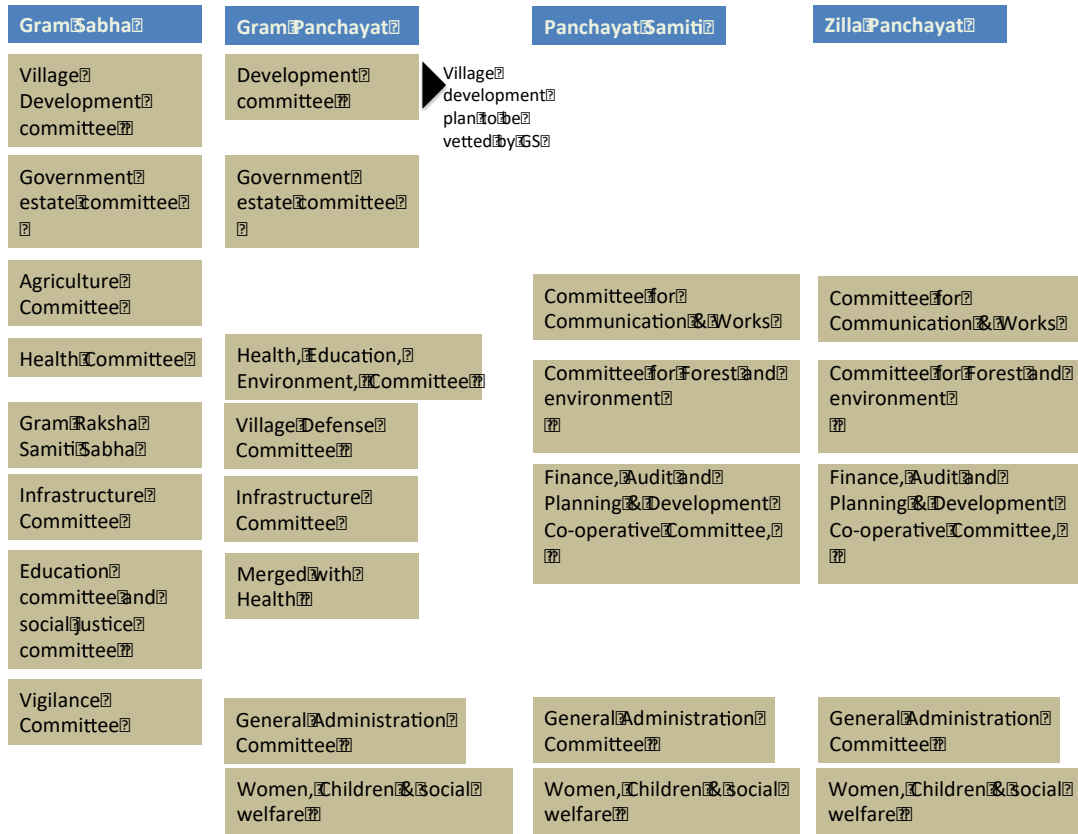
Major observations:

1. Section 11 of the JPR Act, 2001 provides for the constitution of the Gram Panchayat for village, a Panchayat Samiti (PS) for a Block, and a Zila Parishad (ZP) for a district and, Sections 3-10 provides for the constitution of the Gram Sabha and its functions and functioning. The PESA provisions for the scheduled areas are embedded within the same section. For example, Sections 75 (A) and (B) define the functions of GP, Section 76 (A) and (B) and Section 77 (A) and (B) define the functions of the PS and the ZP respectively. Sub section (C) of these section outlines the PESA provisions for the scheduled areas.
2. Section 12: For each such village, which has been specified as a village under section 3

for the purposes of this Act, there shall be a Gram Panchayat, although under Section 3, the district Magistrate can notify a village or group of villages for purpose of formation of Gram Sabha or a Gram Panchayat. Where a Gram Sabha is constituted for a group of villages, name of the village having the largest population shall be specified as that Gram Sabha. However the PESA villages can have more than one gram sabha. Ordinarily there shall be one Gram Sabha for a village but if members of a Gram Sabha in a scheduled area so desire they may constitute more than one Gram Sabha (in accordance with the Tola) in a village in the manner, which may be prescribed. The Act also allows small villages or villages/group of tolas comprising of communities to manage their activities in according with customs and usages.

3. The JPR Act, 2001 mandates that the “Government may delegate powers by amending, after due deliberation, the Acts/Rules for the time being in force with regard the functions of the GP, PS and ZP or its additional functions mentioned in sub-section (A) and (B). However, this does not hold true for C. Both this and the previous provision provides the scheduled areas, on one hand, additional autonomy, while on the other, it can lead to on ground conflicts between the Gram Panchayat structures as per the JPRC, 2001 and mandates and the PESA provisions.
4. In order to discharge there functions, all three tiers of the PRI as well as the Gram Sabha are, as per the Act, are required to formulate committees. These committees are indicative (broadly) of the functions that each of these tiers are supposed to perform (Refer Figure 1 for details). However, in practice, as was gathered during field visits, in practice, these committees are not constituted. Wherever, these do exist, these are not functional. What is critical here and, worth mentioning is that the sectoral and functional relationship between the committees of GP and GS is not clear. Also what is not clear is the relationship of these committees with the departmental committees/ committees formulated to implement the centrally sponsored schemes. As can be seen in Figure 2 below, different tiers of the PRI are expected to perform different functions. Yet, there seems to be an inconsistency in some of the functions, especially at the GP level. For instance, there appears to be ambiguity as far as the GPs role in agriculture is concerned. An analysis of some of the functions in the next section will demonstrate this issue comprehensively.

**Figure 2: Standing committees at the various levels of the PRI**



- Jharkhand as a tribal state demands the notification of the PESA guidelines, the absence of which creates ambiguity in the functioning of the GPs in the tribal hamlets. Furthermore, it can lead to potential conflicts between elected GPs and the historically constituted (and functioning) tribal sabhas. The notification of PESA guidelines is critical, given that the state has 26% ST population (12% is SC). All departments are mandated to carve out proportionate funds for tribal welfare – i.e. 26% of the total state budget should be for tribal development – as per the Tribal sub plan under Ministry of Tribal Affairs. Preparation of the Tribal Sub plan is in itself a challenge as many of the tribal indicators not available. Currently, Tribal sub plans are being prepared as per the general population indicators.
- Section 10 mandates an exhaustive list of functions (43) that the Gram Sabha is required to perform. An understanding of these functions clearly positions the Gram Sabha as an over sight body that requires strengthening to operationalize bottom-up, citizen-driven participatory planning. More importantly, the Act envisions the Gram

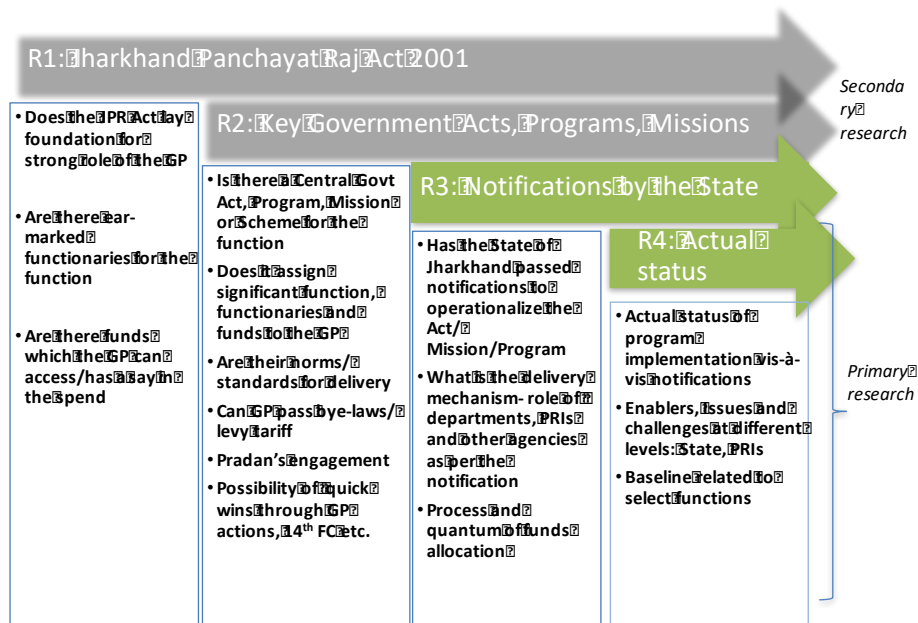
Sabha as an important accountability enhancing mechanism for the functioning of the Gram Panchayat. The JPR Act, 2001 mandates that the “Village Development committee [of the GP] shall prepare a scheme for all-round development of the village and shall be presented before the Gram Sabha for its approval (Section 10 B).

- In addition, the Gram Sabha has the power to nominate (and remove) members to and from the standing committees of the GP.

### 3.2. Functional devolution in Jharkhand

Apart from an analysis of the general provisions of the JPR Act, 2001, a detailed analysis of the functional devolution was also undertaken, with the explicit purpose of identifying potential areas where GPs have significant roles and a deeper intervention could be initiated to achieve tangible results.

Figure 3: Analysis of the legal and policy framework



While the 73<sup>rd</sup> CAA 1992, talks of devolution of 29 functions, a first set of screening brought down the list to 21 functions. At this level (R1-See Annexure II) a set of criteria was deployed to narrow the focus further and opt for only those functions which when intervened with help to strengthen GPs as institutions of self-governance. These criteria include:

- Does the JPR Act, 2001 lay a foundation for a strong role of the GP?

2. Are there earmarked functionaries for the function?
3. Are there funds which the GP can access/has a say in the spend?

Based on analysis in R1, the next set of criteria that was deployed to narrow down the functions spanned state and central interventions i.e. an analysis of the various centrally sponsored schemes as well as state schemes applicable to a particular function and the associated role of the GP. We termed this analysis as Research Round 2 (R2-See Annexure III), where criteria included:

1. Is there a Central Government Act, program, mission or scheme applicable to the function?
2. Do these assign significant function, functionaries and funds to the GP in conception, design, implementation, monitoring and evaluation?
3. Have the concerned departments outlined / detailed norms/ standards for delivery of a particular function or the associated service?
4. Can GP pass bye-laws/ levy tariff on the concerned service?
5. What is Pradan's engagement in the concerned function, and,
6. Within the functions devolved is there a possibility of quick wins (and therefore visibility) through GP actions? To quote an example, the 14<sup>th</sup> FC is devolving funds directly to the GPs, thereby signaling a certain degree of financial autonomy that the GPs can exercise. The idea is to leverage this financial autonomy to trigger some actions (within the larger framework of strengthening GPs as institutions of self-governance)

With the intent of gaining a deeper understanding the 14 functions shortlisted in R2, we undertook a next level of analysis, from the perspective of notifications to understand the quality, intent and depth of notifications on one hand and, delivery mechanisms outlined thereon, on the other. Thus, the notifications were analysed to understand the role and involvement of the state departments as well as the PRIs, the processes to be followed and, mandated funds allocation and flow, in any, to operationalize the notification. This constituted the third level of secondary research (R3-See Annexure IV).

In parallel, field engagement (interviews and discussions at the state government and GP level, FGDs with the Pradan led SHGs and with Pradan field staff) further provided insights into the actual status of the operationalization of the notifications, the enablers as well as issues and challenges faced by the different levels of the state, although the focus was at the

GP. Analysis of two functions: Minor Forest Produce and Drinking Water illustrate the process followed for shortlisting functions.

Minor Forest produce – Legal framework & Analysis		
Criteria		
Significant role/powers for GP as per JPR Act, 2001?	Section 75 (8): Providing for collection, processing, storage and marketing of minor forest produce “Providing for” is not clear	Not clear
Allied law/mission identifying role/scope for GP?	Mechanism for Marketing of Minor Forest Produce (MFP) through Minimum Support Price (MSP) and Development of Value Chain for MFP Scheme - Ministry of Tribal Affairs. The Scheme was launched during 2013-14. It is funded by the Central as well as the State government. This scheme is applicable for Scheduled Tribes (STs)	Y
Have Notification/rules & regulations been passed?	While the notification is passed, it is not very clear on the role of the GP's. It does mention that the relevant GS samiti needs to be constituted.	Y
Can GP make bye-laws?	While in principle, and as per PESA guidelines, the tribal communities have direct rights over the MFP, in practice this is not the case. Tribals can only have access once the provisions of the Forest Rights Act are implemented. The process of establishing these forest rights is currently underway. Currently, the department of social welfare, under the Ministry of tribal affairs is implementing the Minimum support price scheme for various minor forest produce - a predominant one being Lac. However, the pricing mechanism is decided by the ministry which is not always applicable / conducive to the area in question	Not currently
GP can received direct grant from the State	The minimum support price as fixed by the GoI is given directly to the individuals.	No
GP can raise its own resources		No
Availability of additional functionaries within the GP		No
Whether plans can be made for this function under GPDP		No

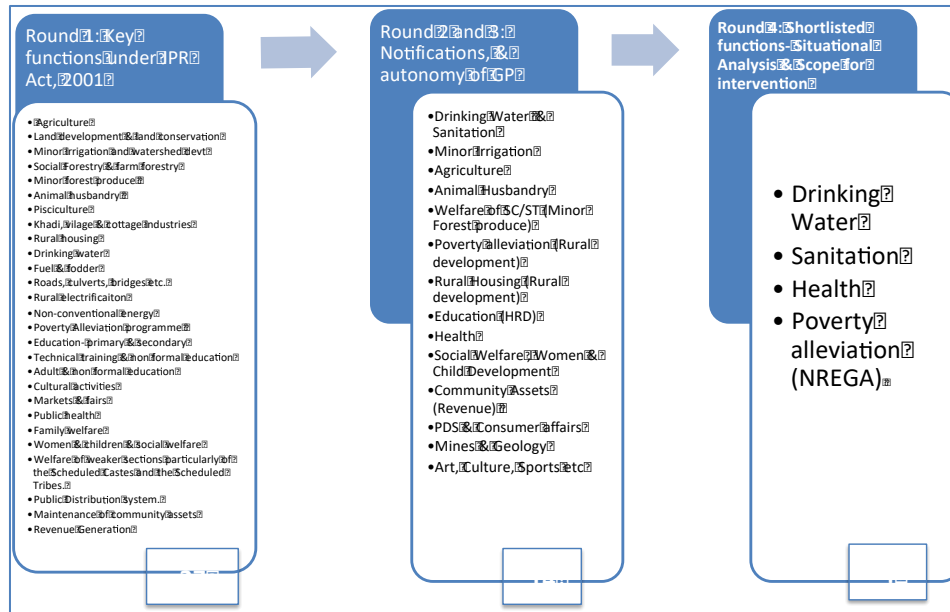
Drinking Water – shortlisted based on R1-R3		
Criteria		
<b>FUNCTIONS</b> Significant role/powers for GP as per JPR Act, 2001?	75 A (11) (i) Construction, repair and maintenance of public wells, ponds and hand - pumps for drinking water, washing clothes and bathing; (ii) Taking measures for control and prevention of water pollution ; (iii) Regulation and maintenance of rural water supply scheme ; (iv) Management of drinking water sources	Y
Allied law/mission identifying role/scope for GP?	National Rural Drinking water program has detailed role for Gram Panchayats (rather VWSC)	Y
Notification/rules provide significant role for GP	Notifications dt 05.07.13 and 27.03.13; Mukhia has administrative sanction powers up to INR 10lakhs	Y
GP make can make bye-laws	Yes, Jharkhand Panchayat Raj Act, 2001, 132	Y
<b>FUNDS</b> GP can received direct grant from the State	Grant to VWSC under NRDWP for operations and maintenance GP can access 14 <sup>th</sup> FC funds for drinking water systems and access	Y
GP can raise its own resources	JPR 93 (1-ii-c) Water tax, where arrangement for the supply of water for drinking, irrigation or any other purpose is made by the Gram Panchayat within its jurisdiction;	
<b>FUNCTIONARIES</b> Availability of additional functionaries within the GP	VWSC, Jal Sahiya under NRDWP, with provision that VWSC shall function as Standing Committee/Sub Committee of the GP	Y

Sharing our findings and analysis with Pradan, we eventually shortlisted 4 functions, which



we argue, constitute the critical pathways along which the GP can potentially deliver tangible results, leveraging enabling notifications as well already existing momentum towards implementation. These are i) Drinking Water; ii) Sanitation; iii) Health; and, Poverty alleviation (NREGA).

Figure 4: Shortlisting of the GP functions



For a detailed analysis of the shortlisting of functions, see Annexures II, III & IV

### 3.3. Situational Analysis and scope for intervention in 4 shortlisted functions: a summarized view:

Function	Central/state scheme	GP Staff, JPRA, 2001 GP committee	Parallel committees/ structures	Role of GP as per State Notifications	Risks and dependencies
Drinking water	NRDWP	Jal Sahiya (Village level) Infrastructure committee (GP)	Village water supply Committee (Village level)	To prepare action plan for a single panchayat scheme. To select the location. To implement the scheme. To collect water tax/ pollution tax. Maintenance of the work under the scheme.	1. Skills for key role of operations and maintenance 2. Shortage of GP level staff 3. Capital intensive interventions where funds need to come from the State 4. Technical approval to be given by the State post DPRs, which are delayed due to shortage of manpower at the JE level
Poverty Alleviation	NREGA	Rozgar Sevak (GP) Infrastructure and Village Development committees	NREGA Mates (4 mates per revenue village)	Creating awareness about the scheme Support families in completing Job card and request forms and give receipt. Organize Rozgar Diwas on a weekly basis Distribution of work within 15 days Provide facilities at work site Verification of muster role. Mukhiya/ward member authorized signatory Mukhiya is the second signatory for labor & material Fund transfer order Evaluation of quantity and quality of material provided by vendor. Review of all NREGA schemes on a monthly basis. Supervision & evaluation of mates Evaluation of Rozgar sevak and escalation in Program Officer in case of concerns/issues	1. Skills of Razgar sevak and mates, for implementation of NREGA 2. Delay in payments due to mismatch in names as they appear in Job cards, Aadhar and Bank accounts, improper fillin in the muster roll etc. 3. As against the requirement of 1 Rozgar Sevak per GP, they oversee 2-3 GPs, making their availability an issue. Moreover, while Sevaks and mates are to be supervised by the GP in letter, in spirit, the allegiance of the Sevak is to the Program Officer in the block
Health	NRHM	Health, Education and Environment committee (GP)	ASHA and Sahiya Sakhi (Village level) Village Health Committee (Village level)	Prepare GP-level health database Prepare & approve GP-level health plan Identify land for subhealth centres & maintenance of existing structures Conduct social audit through GS	1. Delay in salaries of grassroots health staff affects motivation 2. Statistics collected by department staff are often flawed & rarely involve triangulation by community
Sanitation	SBM	Health, Education and Environment committee (GP)	Swachhta Doot (SBM) Village Health Committee (NRHM) Sub centre Health Committee (notification) VWSC (NRDWP)	Notification same as that for drinking water (above)	1. SBM grants a central role to GP in sanitation, but state notification doesn't address several provisions. 2. Delay in salaries of grassroots sanitation staff affects motivation 3. GP member not in selection committee of health functionaries. Supervisory role then is difficult to implement

### 4. Yojana Banao Abhiyan

While the above levels of research do provide clear pathways / opportunities (embedded within the 4 shortlisted functions/ sectors), a significant opportunity that provides a good spring board to facilitate the strengthening of the GP is the recently concluded Yojana Banao Abhiyan – a state wide campaign launched by the GoJ in 2015, primarily to facilitate decentralised participatory planning for enhancing livelihoods, managing natural resources and improving basic infrastructure (drinking water, roads, sanitation, schools, anganwadis etc.) in the rural areas. The Abhiyan is an outcome of the Mission Antodaya (Intensive Participatory Planning Exercise) of the MoRD and the Gram Panchayat Development Planning (GPDP) of the MoPR. It entailed the preparation of village level plans by the people with the support of their Gram Panchayats, community based organisations and civil society. The women collectives and SHGs were leveraged significantly in this process. The plans were evolved separately under MGNREGA, 14<sup>th</sup> FFC and for the vulnerable HHs. The plans so evolved are currently being implemented through the MNREGA funds (2016-17) and the funds devolved under the 14<sup>th</sup> Finance

Commission and other development programmes. The planning exercise was conducted at, by and for every unit of 100 HHs and essentially pivoted around peoples' needs with respect to livelihoods, natural resources and basic infrastructure in their respective villages. Referred to as the hamlet level planning exercise, the outcomes were vetted through a Gram Sabha meeting, followed by a GP executive meeting committee that consolidated, prioritised and approved the various projects / needs as expressed by the hamlets for implementation through the MNREGA and the FFC funds. These schemes were then presented to the Panchayat Samiti and the Zila Panchayats. These approved plans were then collated at the district level to get reflected as the state MGNREGA plan and the labour budget for 2016-17.

The Abhiyan and its outputs (village plans) are significant from two perspectives. First, the process as described above is reflective of a bottom-up planning exercise that reflects the needs and desires of the communities. This is in contrast to the earlier processes where the GPs and the GS would primarily focus on agenda items, which were handed down by the departments through the higher tiers of the PRIs. Given the recently concluded GP elections, the Abhiyan, in effect, was an opportunity to the newly elected GPs to establish its identity and lead the planning exercise with the help of all the other stakeholders.

Second, an analysis of the plans and the desired schemes and projects that have been shortlisted points to the needs for smaller structures like ponds etc. primarily for water harvesting and conservation (implementation of Dobhas is underway – as per the state's seasonality calendar), animal sheds, plantations etc. The exercise also threw up a large number of schemes for enhancing the livelihoods of the vulnerable families. This is a significant departure from the earlier top-down planning processes where the focus was largely kuccha roads, large ponds and irrigation wells.

Both these constitute critical components to strengthening GPs. They point to the immediate needs of the villagers, which can only emerge from bottom up planning which is best facilitated by the last government tier.

## 4.0 Challenges, Opportunities and Emerging Imperatives

A review of the statutory framework, central and state policies and programmes throws up several challenges, while also pointing to opportunities that exist and that can be availed while outlining the strategic actions for engagement with the GPs in Jharkhand. Although Jharkhand is not a fore-runner in adopting and operationalising the 73<sup>rd</sup> CAA, 1992 and the ensuing decentralisation agenda, there are several on going efforts and interventions that can be built upon further to strengthen GPs as critical agents and drivers of change. Outlined below are the most critical challenges and opportunities as well as emerging imperatives derived from the secondary research and the primary engagement in the field.

Challenge / Issue	Opportunity	Emerging imperative
With only the second term of Gram Panchayats beginning in December 2015, the identity of GP is still diffused with traditional panchayats (tola sabhas etc.) and consequently Mukhia/Ward members vis-à-vis traditional leaders (Mundas, Pahans etc.)	The Yojana Banao Abhiyan has sown the seeds for panchayat identity and built momentum through its exhaustive bottom planning exercise	Enhance knowledge and skills of panchayat members and staff, and further create systemic interventions to establish panchayat's identity as constitutionally mandated local self governments
JPR Act, Centrally Sponsored Schemes and Missions as well as State notifications lay down elaborate roles for Gram Panchayat in delivering services to citizens, but without the matching capacities	Widespread participation of SHG collectives in panchayat elections, existence of functional traditional panchayats in scheduled areas, bring to the table their skills, practices and inherent interest in governance processes.	Leveraging skills and positive inclination in the community to create effective panchayats
The JPRA, 2001 is exhaustive, although its rules and regulations have not been notified.	Intensive engagements with panchayats will throw up a comprehensive critique of the Act and draft rules. Further analysis and recommendations to the Act to enable panchayats to work as local self governments, constitutes an opportunity	Notify the rules and regulations, which have already been drafted.

<p>PESA provisions are embedded within the JPRA, 2001.</p>	<p>Given that the state has close to 33% of its total population comprising of SC/ST (12 out of 24 districts and few blocks in 3 more districts are scheduled areas) PESA and its provisions are critical to the management of tribal hamlets. Given that there is already some experience with the implementation of the JPR Act, 2001, debating and framing a comprehensive set of guidelines, and that that are best suited to the tribal hamlets constitutes an opportunity.</p>	<p>Notifying a comprehensive set of PESA guidelines that reflect and incorporate the historical management of the tribal hamlets is critical to avoid any potential conflicts in the management of the tribal areas.</p>
<p>The JPR Act, 2001 provides for the functioning of the GP through Standing committees (7 No's)</p> <p>The Act also provides for Standing committees (8 No's) at the GS level. These are envisaged as accountability structures.</p>	<p>Although, in most GPs these committees have not been operationalised, field visits revealed that the GP and the GS meets regularly which constitutes an opportunity.</p>	<p>The GP and GS standing committees need to be operationalised on a priority. However, care should be taken these are operationalised in tandem, with due considerations to not just their inter-operability, dynamics and roles and responsibilities, but also to the numbers and functionalities of these committees. A critical question that assumes significance is whether these committees are really required in their present conceptualisation? Or is a rationalisation of their mandate, participation and numbers that merits attention.</p>
<p>The central schemes are being implemented through parallel structures that have been instituted by the concerned ministries/ departments of the GoI. These parallel structures undermine the roles of Gram Panchayats and need to be dovetailed with the structures mandated through the JPRA, 2001</p>	<p>Many of the services that are being delivered at the village level are through these parallel structures. To ensure delivery, systems and processes involving these structures are already functioning and operational. Streamlining these within the mandated 3Fs is an opportunity, primarily as many of these are working.</p>	<p>Rationalising these parallel structures within the mandated 3Fs is a priority. Its also is a key input to developing recommendations for putting process and structures in place.</p>

<p>Currently, the government of Jharkhand has notified 14 of the 33 functions that it has devolved. However, a preliminary analysis shows that most of the notifications are piecemeal/incomplete.</p>	<p>Several states have notified functions to operationalize devolution through their respective state Panchayati Raj Acts. Examining these notifications and learning from the experience constitutes an opportunity.</p> <p>Notifications need to be critiqued on basis of practices and challenges faced by panchayats in Jharkhand</p>	<p>Debating the efficacy of the existing notifications, examining some of the good practices of the other states in this space, taking cues from operational facilitators and challenges, and recasting the notifications such that these have a larger impact</p>
<p>While the GPs and the GSs are meeting regularly to discuss the affairs of the village, most times the agenda for the discussions is driven top-down – from the higher tiers of the GP</p>	<p>The Yojana Banao Abhiyan (YBA), the processes followed thereon, the structures constituted as part of the process as well as the outcomes (village level plans / wish lists) all constitute an opportunity</p>	<p>Examining the wish-lists / plans that have emerged and the prioritisation process to understand what can possibly constitute quick wins to work with Panchayats</p>
<p>Until, 2015, funds available to Gram Panchayats for discretionary spend were limited</p>	<p>That the 14<sup>th</sup> FC, for the first time ever transfers a significant proportion of the funds directly to the GPs is an opportunity</p>	<p>Leveraging these funds to implement some of the schemes/projects as prioritised through the YBA, while also ensuring that structures and processes envisaged as part of the OD of GPs.</p>

## 5.0 Context Setting- Application of Organisation Development to Gram Panchayats

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The need for strengthening Gram Panchayats in Jharkhand has been substantially demonstrated in the previous chapters. We recognise that there have been various initiatives towards establishing GP identity and strengthening its capacity in Jharkhand. The State Institute of Rural Development, Ranchi undertakes training related to the JPR Act and leadership skills for Mukhias, and technical trainings for GP staff such as Jal Sahiyas. With nearly 70% of Mukhias having taken over the post for the first time, such effort will go a long way. Workshops are organised for delivery of specific programmes rolled out by the Centre, State or non-governmental agencies such as the recent YBA from the Centre or VWSC training undertaken by UNICEF.

In addition to training, the need is for a focussed and systemic intervention, which is targeted at strengthening the organisation capacity of the GP in a holistic manner. Organisation Development (OD) involves recognising Gram Panchayats as organisations in their own right, and underlines the need to simultaneously differentiate and integrate different components of the GP organisation (vision, organisation structure, incentives, resources and action plans). A systemic approach is taken rather than training on one standalone component. It involves a shift in the perception of Panchayats- from last tier implementation arms to strong local governments.

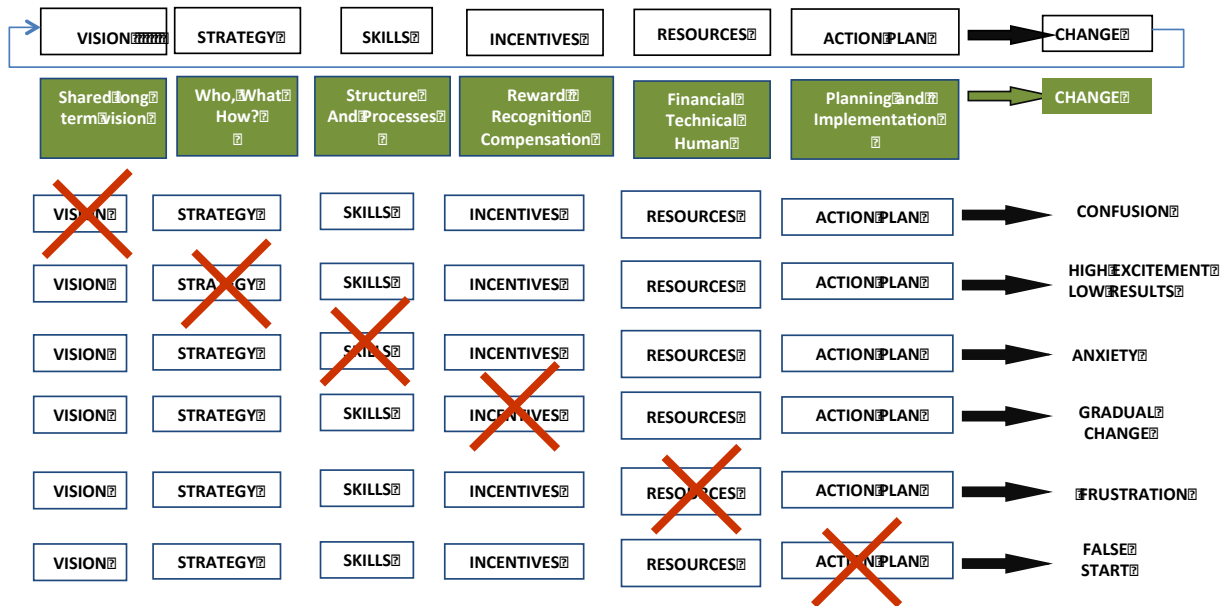
### 5.1 What is Organisation Development?

There is no one definition of OD, and its principles can be interpreted differently and applied to varied contexts. Kurt Lewin's three stages of change capture the essence of OD. He describes an OD process as involving "unfreeze, change and refreeze".

Delores Ambrose's model of managing complex change (1987) with its premise that change is successful only when all the organisational components such as vision, skills, incentives, resources, action plan and results are in alignment, reveals the whole systems approach in a lucid

manner. Interventions introduced to target one-off components such as decision-making processes, planning or incentives may not result in the desired transformation.

Figure 5: The Delores Ambrose model of Managing Complex Change



Source: Ambrose D. 1987; Managing Complex Change. Pittsburgh: The Enterprise Grp Ltd.

## 5.2 Theoretical context

A detailed literature review of change management publications was undertaken and it was found that there is merit in applying OD to local governments like Gram Panchayats. To begin with, OD draws from humanistic value orientations that allow members within an organisation to grow and realise their individual potential, in the course of the organisational change process. In other words, OD principles applied to GPs would allow individual GP members to develop their own skills, capacities and knowledge, even as the GP as an institution itself was being strengthened. Change is initiated in an environment of openness, mutual learning and inclusiveness. OD brings sustainability to any change management process as members of the organisation themselves take its ownership. “Organisations as we know them are the people in them; if the people do not change, there is no organisational change,” state Schneider, Brief and Guzzo in their paper, *‘Creating a climate and culture for sustainable organisation change’* (1996). Panchayat members would thus be involved in strengthening their GP, from the design to implementation stages.

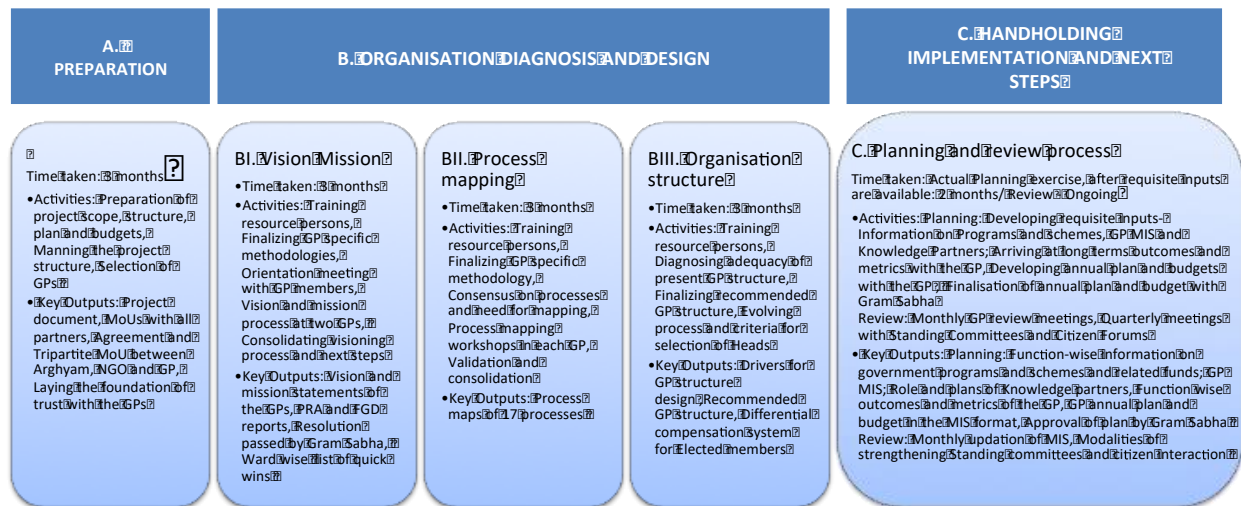


There are other arguments to support the rationale of applying OD to GPs. Local governments are self-contained units within geographical bounds and are likely to be adaptable to systemic change interventions as leaders are keen to demonstrate results to citizens. Their contained size also allows for specific process diagnosis, data management and designing of context-specific interventions to bring about change.

### 5.3 Practical application of OD to GPs

The conceptual framework for applying OD to GPs was devised in Action Research mode or by using a learning-by-doing approach with two GPs in Karnataka in 2011. The action research was undertaken in Oorkunte Mittur in Kolar District and Dibburhalli in Chikkaballapur district, together covering 32 villages and reaching a population of 15,220 citizens. It was incubated in January 2011 in Arghyam Foundation and was housed in Avantika Foundation from April 2014 till March 2015. The OD principles were developed into a framework that came to be known as the Gram Panchayat Organisation Development (GPOD) framework. The outcomes demonstrated in the action research led to a subsequent scale by the Government of Karnataka and Ministry of Panchayati Raj to the taluk level covering 30 panchayats (currently under implementation in Mulbagal block of Kolar district, Karnataka).

Figure 6: Stages of organisation development of Action Research GPs in Karnataka



As seen in Figure 6, reform was initiated through a step-by-step framework in GP bodies. In GPs where it was implemented, GPOD involved building of a vision and mission for GPs to build a

momentum for the change initiative. Process mapping of devolved functions was then undertaken to encourage GPs to move from sporadic fire fighting to process-oriented functioning. Building upon the standing committees mandated by the Karnataka Panchayat Raj Act, 1993, GPs then created accountability structures within their ranks to bring in more structured division of work as well as more transparency in their functioning. The GPs then initiated action planning with some individual GP members taking on the onus of delivering on select functions. GP members owned each independent step and their participation itself was an empowering and capability building experience for many members.

The systemic OD approach taken in the 2 Action Research GPs resulted in systemic and service delivery outcomes as summarised below. (See Annexure V)

- Oorkunte Mittur and Dibburhalli GPs instituted annual plans and budgets and clear accountability structure for their elected representatives for 3 years
- Systems were instituted wherein complaints to streetlights were fixed within a 48 hour period. Both GPs ensured that nearly all ration shops displayed the monthly grain stock received and daily stock position for all commodities, as per government norms
- Mandated citizen committees such as the VWSC, *Bal Vikas Samiti* (Child Welfare Committee), SDMC (School Development and Monitoring Committee), which were previously defunct were activated & involved in monitoring key functions such as child development, nutrition and schooling.
- A marked increase was recorded in citizens participating in mandated Ward sabhas and Gram sabhas
- In terms of service delivery, Dibburhalli GP was a top performer in achieving NREGA targets in 2013-14, collected water tax to the tune of Rs 1 lakh versus a targeted Rs 1.75 lakh in 2014-15. Oorkunte Mittur GP facilitated the formation of nearly 10 *Raita Samparka Kootas* (farmers groups) and ensured distribution of subsidised seeds to over 2,300 farmers

To conclude, it is essential to recognise that organisation change is a slow, dynamic and continuous process and can be sustained only if we continue to invest in people, systems and processes. The humanistic value orientation underlining OD must be upheld at all times.

## 6.0 Proposed intervention steps for strengthening governance

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In this chapter, the attempt is to build on the findings of the study to propose steps for creating a framework for strengthening governance processes in Jharkhand. With a view to developing mechanisms, which will work on the ground as well as to extrapolate learnings towards developing solutions at scale, it is suggested that real time change management work is undertaken with select panchayats while simultaneously consolidating and documenting tools for wider consideration.

Based on discussions with Pradan, intensive engagement can be planned with 5 selected GPs in Basia (viz *Pokta, Kumhari, Tetra, Arya & Okba*). Intervention steps will include continuous interaction and coordination with the other key institutions of decentralisation, i.e., the Gram Sabha and the other tiers of the government. Collaboration with civil society organisations will be key for policy advocacy at different levels.

### **6.1 Proposed theory of change**

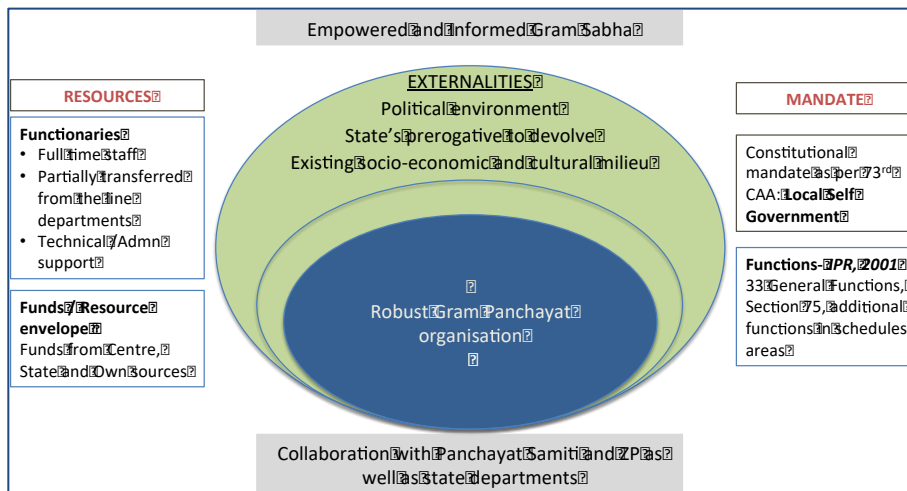
The 73<sup>rd</sup>. Constitutional Amendment was a recognition of the fact that the two-tier structure had not delivered, with rural poverty at 37.3% of the rural population in 1993-94 (Planning Commission). The third tier was seen as a plausible solution to this crisis. However, panchayat raj being a state subject, discretion of transfer of functions, funds and functionaries lies with the states, which is about sharing power and resources. With the exception of few states, devolution has been piecemeal (Refer Annexure I). *To realize the promise of the third tier providing a solution for last mile governance and service delivery, panchayats themselves need to embrace the principles of devolution and influence conflicting externalities and pressures to establish their space as equal intergovernmental institutions.*

Among the PRIs, the GP designed as the government closest to people, can potentially create a large impact and supported with an informed citizenry, trigger changes in policy while providing a platform for deepening democratic processes through self governance. In addition to the

potential gains from strong GP institutions, there are pragmatic reasons to focus on GPs, as being self-contained units within geographical bounds, they are likely to be adaptable to systemic change interventions. Their contained size also allows for specific process diagnosis, data management and designing of context-specific interventions to bring about change.

If GPs have to effectively deliver the promise of 73<sup>rd</sup> CAA, they need streamlined and robust internal organizations, with systems and structures to forge collaborations and leverage resources of other Panchayati Raj tiers and departments of the government. Further, and as aptly pointed by practitioners from Pradan and experts working with panchayats, given that a) Gram Panchayat is a representative local self-government accountable to its electorate; and b) Gram Sabha comprising the citizens of the panchayat is mandated to provide the required oversight mechanism through tools such as social audit and other actions, there is need for continuous political education and civic literacy among citizens.

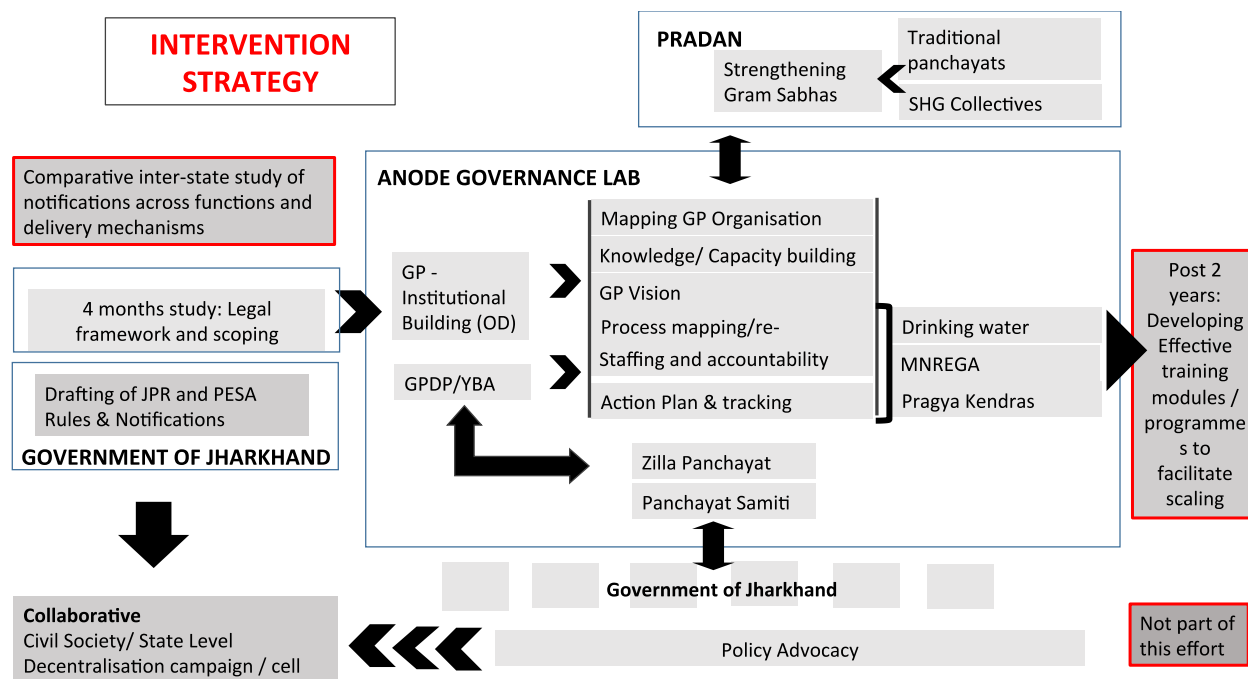
Figure 7: An illustration of Theory of Change



## 6.2 Intervention strategy

With the significant mandate and promise related to effective GP institutions, the proposal is to keep the GP institution at the centre of the intervention, while engaging with citizens as well as other government tiers. Figure 8 outlines intervention steps and plausible roles of organisations. Certain actions are required but are presently not a part of the intervention steps. Each of the key actions is described below.

Figure 8: Illustration of intervention steps and organisational roles



GP Institution building: While the GP is an institution of local self-government and needs to function like one, presently, the basic components of the GP organisation in Jharkhand are far from being clarified and understood. As a constitutionally mandated body, the GP is the custodian of values enshrined in the constitution. We need to clarify its vision and identity, what are its values and how will they be translated to action? What is the strategy for pursuing the vision, what are the processes and accountability mechanisms to deliver its mandate, are there enough resources, are the members inspired to perform their roles etc. The need is to build the GP organisation components in a way that they are aligned and lead to effective governance and service delivery.

Working towards strengthening the GP institution, we will work with the organisation development framework (detailed in Chapter 5.0) as we are approaching organisation building from a systemic view and want to associate with members of the institution as participants and not recipients of change. Recognising that change is complex and also takes its own course, we need to envisage a stage-by-stage process, which takes into account factors of institutional maturity. Moreover, given that people are the key drivers of change, we need to pace the journey with their priorities and aspirations. The movement from one stage to the next may be slow or it may take an exponential turn.

As the change process is underway, there is need for several anchors, which people can relate with, participate and attribute to the on-going intervention. One of the anchors proposed here is to set in processes for tangible improvements in the two focus areas identified in the first phase of the study: Drinking water and NREGA. Leveraging the Pragya Kendra as information kiosks also needs to be explored. Wish list arising from the bottom up planning exercise through the YBA coupled with funds from FFC provides another key anchor to the change effort. Further, costless deliverables, a term used for those services which require no or little overt cost, such as pensions, immunisation camps etc. will need to be identified to simultaneously build momentum among members and build GP's credibility among citizens.

Coordination mechanism with Panchayat Samiti, Zilla Panchayat and State departments: As the Gram Panchayat institution comes of its own, its relationship with other tiers and departments will undergo change. Presently, the treatment of the GP is that of an extension of a department, as a delivery arm. The focus will slowly nudge towards GP setting its priority and negotiating its space as an equal inter-governmental body. While this is advantageous to all in the long run, as service goals and administrative norms are better met, there are likely to be frictions in the immediate and short term. Mutual understanding and coordination is required, and mechanisms of inter-institutional delivery and coordination need to be set in place. One such requirement would be to streamline processes and parallel committees under different CSS and State departments with the operational mechanism of the GP.

Empowered citizens: Parallely, an engagement will need to be planned with citizens, as they are both recipients of services and by law, the oversight body. The analysis of JPR Act, PESA as well as other programs and schemes reveal significant role of the Gram Sabha. Civic literacy, political education and knowledge of audit tools such as the RTI among citizens will enable them to participate in governance processes and are critical for higher accountability and transparency. Existing systems of the traditional panchayats as well as knowledge and skills of the SHG collectives form a solid foundation for an active citizen engagement.

Pradan with its extensive work with SHG collectives is best placed to lead this effort.

Policy Advocacy: While multiple initiatives are being undertaken by the State towards panchayat capacity building, such as training by the SIRD, UNICEF and the YBA, the proposed intervention is a focussed and structured effort towards strengthening the GP institution. Our

learnings as well as tools designed at different project steps can be shared with the State, and can feed into larger State led campaigns and programs. Processes will need to be set for policy advocacy and a larger civil society engagement will be required.

#### Drafting JPR Act and PESA Rules and Strengthening State notifications

The rules of the JPR Act, 2001 have not been notified, though based on interactions with the State, the draft rules are ready and needs to be notified. PESA rules however are in the process of being drafted. Currently, the government of Jharkhand has notified 14 of the 33 functions in the JPR Act. However, a preliminary analysis shows that most of the notifications are piecemeal/incomplete and there has been an expressed need by the State for a review of these notifications with a purpose of drafting notifications for a more comprehensive devolution process.

Drafting rules and strengthening notifications are not a part of this engagement. However, the experience and insights gained from this intervention can provide inputs for both the rules as well as notifications.

#### **6.3 Intervention steps (limited to those proposed to be led by Anode)**

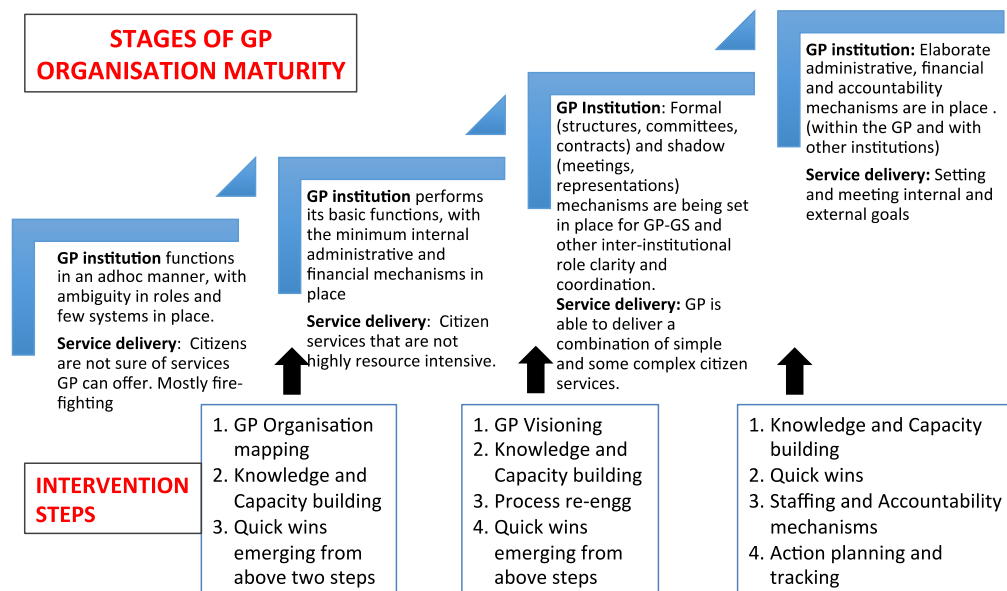
This section describes each intervention step in some detail, with Figure providing a glimpse of various project steps, outputs expected and outcomes envisaged. It also details the unit of intervention and need for inputs and coordination with other agencies, as required. Figure 9a positions the intervention steps with the likely movement in GP's functioning and institutional maturity.



Figure 9: Summary of project steps, outputs and outcomes

	Key Outputs	Outcome	GS	GP	PS	ZP	GoJh
1 Mapping the GP	1. Self-analysis on state of GP organisation 2. Index for longitudinal and inter-GP comparison	Initial seeds of thinking of GP as an institution and what needs to be done to make it effective					
2 Knowledge and skill building	1. Continuous knowledge and skills upgradation among members and staff	Equipping participants with knowledge and skills to leverage resources, including from other tiers					
3 GP Vision and Values	Vision statement which members, staff and other key stakeholders of the GP identify with, which gives a direction for decision making	Consolidation of GP identity, team with a sense of purpose					
4 Process mapping and Re-engineering	1. Re-engineered processes 2. Role clarity among different agencies involved in delivering the processes	Targeted improvements in identified functions/services					
5 Staffing and accountability mechanism	1. Role descriptions of key stakeholder(s) involved in delivery of GP functions 2. Operating guidelines for inter-institutional coordination 3. Development of grassroots GP leaders	Clarity, alignment and ownership of GP deliverables; distributed leadership in the GP					
6 Action planning and tracking	GP Annual plans and budgets	75% of achievement of plan					
Key unit of intervention		To provide inputs					

Figure 9a: Stages of GP maturity



#### A. Mapping Panchayat's organisation:

Gram Panchayat mapping is a process whereby GPs are objectively evaluated on parameters related to different facets of panchayat functioning both from sectoral and institutional perspectives, at a given point in time. The mapping will be a self-assessment process conducted at individual GPs. The purpose of the mapping exercise is:

- To build an understanding of current state of panchayat capacity & capability amongst panchayat members, staff and traditional leaders
- To build awareness on roles and responsibilities
- To build need and ownership for the organisation building steps

Following steps are envisaged for design and dissemination:

##### Step 1: Develop GP Diagnostic Tool

- Develop parameters relevant for assessing panchayat organization capacity in Jharkhand- both from sectoral and institutional perspectives
- Benchmark existing tools ( O'Mittur, Mulbagal, DI etc.)
- Workshop to pilot and take feedback

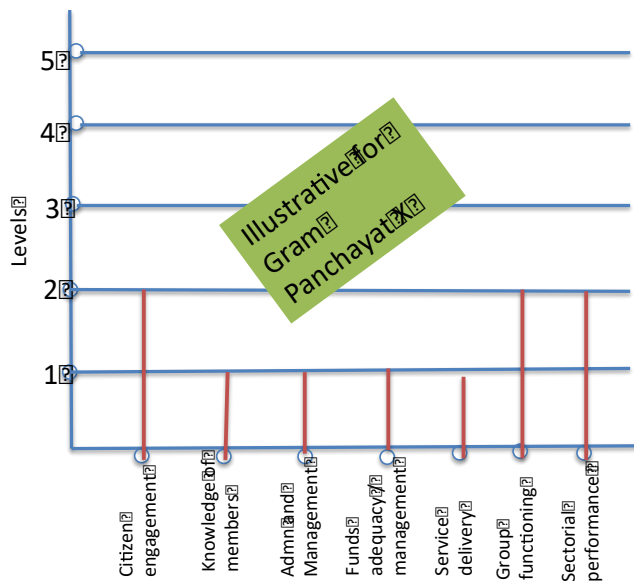
##### Step 2: Administering & dissemination

- Self assessment/Facilitating diagnosis
- Triangulate by seeking a 360 degree view on panchayat capacity
- Interaction forum to discuss findings and next steps

Output from this step:

- Bottom up situation analysis, which will help contextualize and design of follow through interventions
- Index for longitudinal and inter GP comparison

Figure 10: Illustration of GP assessment criteria



- Will serve as needs analysis for designing the knowledge and capability building modules
- Will provide inputs for first level identification of quick wins/ low hanging fruits

**Expected outcome: The mapping process will set in motion the thinking regarding GP's identity as an institution of local self government and how do we make it more effective**

B. Knowledge & Capacity Building: Design and dissemination of knowledge and skills in the GP

Modules will be designed to provide legal, political & administrative knowledge and skills related to different functions of the GP, describing the 3Fs, notified delivery mechanisms with roles of GP as well as other institutions. Skills such as planning, budgeting, negotiation etc. may also be part of the modules. Dissemination of these modules will be spaced at different times in the duration of the project, at appropriate times as per requirement, and will cover elected members, staff as well as, for relevant topics, the citizens of the panchayat.

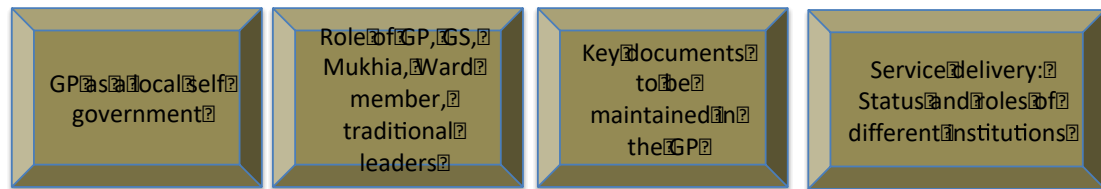
The purpose of the knowledge and skill modules:

- Equip GP with knowledge and skills to leverage resources from other tiers and departments of government

- Set in a process to discuss, share and access information from different sources as per needs of the GP

Following steps are envisaged for design and dissemination:

- i. Research: Analyze laws, notifications & schemes to highlight:
  - Roles and boundaries
  - Delivery mechanism
  - Sources of funds
  - Information sources
- ii. Design of the modules
  - Designing GP-friendly tools, games, activities
  - Material development (posters, flipcharts etc.)
  - GP info packs: An illustrative list:



- iii. Dissemination
  - a. GP-wise activities (discussions, workshops, exhibitions)
  - b. Modules to remain with the GP as information packs

Outputs from this step:

- Continuous knowledge and skills up gradation among members and staff
- GP-friendly knowledge material available at Panchayat Bhavan
- Varied forums and tools for knowledge exchange
- Will continue to provide ideas for quick wins and services which can be delivered with no or little resources

**Expected outcome: Equipping participants with knowledge and skills to leverage resources, including from other tiers**

### C. Developing GP Vision

A Vision is a dream or creation of a mental image about a desirable future state. It comprises of values or principles that guide our day-to-day behavior and actions towards achieving this desirable future state. A vision only concentrates on the dream, not on how to achieve it. In the context of panchayats, the vision would be a long-standing dream of what the members, staff, traditional leaders and other citizens of the GP want their ideal Gram Panchayat institution to be.

The Gram Panchayat being a constitutional body, it will need to understand values it must uphold and further describe how these values will be demonstrated in their GP. Articulation and description of values and its demonstration help build a code of conduct for the GP and guide all aspects of the GP's functioning.

#### Purpose of developing GP vision

- When a member stands for elections, he/she has aspirations on what he/she wants to do for the GP. While one member may want to solve the drinking water problem, another member may want to address disputes, and still another may want to nurture his social status. The process of developing a shared vision for their GP provides its members, staff and citizens, an opportunity to articulate and discuss their aspirations, and provides a platform to creating a GP institution of their dreams.
- A vision statement and its stated values also help guide GP members in all their functions and activities, be they defining village development priorities, identifying beneficiaries for government schemes or making bye-laws. The values that are stated in the vision statement can help the GP members in making the right choices and even resolve conflicts. For e.g., if the GP has justice as a stated value, it will give priority of housing to families living in huts.

Following steps are envisaged for developing GP vision and values:

- Equipped with basic knowledge of panchayat roles and mandate as per the Constitution and the JPR Act, participants will follow a participative process of drawing the vision for the GP institution
- Discussions and deliberations on a) shared values and how do the members and staff want to demonstrate these values in day-to-day functioning of the panchayat, and b) couple of areas of focus where panchayat wants to deliver tangible results to citizens

Outputs from this step:

- A vision statement which members, staff and other key stakeholders of the GP identify with, which gives a direction for decision making

**Expected outcome: Consolidation of GP identity, team with a sense of purpose**

#### D. Process mapping and re-engineering

Mapping a process helps describe different activities and roles of different stakeholders involved (as-is process). Further, it identifies and addresses lacunae, creating a more effective ‘to-be process’, describing activities to be performed at different levels, roles of different stakeholders and funds requirements. The participative methodology helps in bringing out issues in the open and a platform to negotiate roles as well as set accountability mechanisms, which may detail and even recommend alternations in the existing notification of the department further

Purpose:

- Diagnosis and unraveling the functioning of the GPs vis-à-vis identified focus areas such as drinking water and NREGA. Issues emerging from process mapping are analysed in three categories:
  - Operational bottlenecks, which are discussed and solved by re-engineering processes at the level of the GP and related stakeholders
  - Structural issues, related to roles and responsibilities as well as number and skills of people required to perform different activities
  - Policy issues, related to issues, which may require further understanding of policy or need change in policy (notifications, delivery mechanisms, administrative and technical approval processes etc.)
- Participative methodology followed during mapping process allows reflection on own functioning and expectations from Panchayat Samiti and Zilla Panchayat as well as other related agencies. It helps align different stakeholders.
- Provides insights and opportunity to participants to understand basic management principles of role clarity, skills, difference between accountability and responsibility, paving way for



- Operating guidelines for identified processes
  - Responsibility, Accountability, Collaboration and Information (RACI) matrix and competency requirements for delivery of the process, such as RACI for drinking water will include EE, JE, GP, Jal Sahiya, VWSC, Gram Sabha, Water repair staff etc.
  - Estimated budgets and source of funds (14<sup>th</sup> FC, water tariff, O&M grant to VWSC etc.)
- Issues, their analysis and steps for addressing them
  - Process mapping tool
  - Feeds into Staffing and Accountability framework for GP and annual GP plan
  - The process mapping and re-engineering exercise provides concrete recommendations for activity mapping in the chosen sectors, as it will provide inputs for roles of different agencies as well as funds requirements.

**Expected outcome: Targeted improvements in identified functions/services**

E. Staffing and accountability mechanisms

The roles of Gram Panchayat as a whole as well as that of the Mukhia/Up Mukhia are detailed in the JPR Act. Many state and centrally sponsored schemes and programs detail the roles of Gram Panchayat as well as Gram Sabha. However, given the extensive mandate of the GP, there is need to further detail the required numbers and competencies for effectively achieving different goals of the GP, which will be defined for select functions based on process mapping exercise.

There is another crucial requirement for defining roles and accountabilities. While the roles of Mukhia and UpMukhia are defined, the roles of individual ward members, however, are not clarified. This potentially leads to over burdening of the Mukhia/ UpMukhia on one hand, and a Mukhia centric decision-making process on the other. However, the JPR Act does detail multiple Standing committees both as the GP and GS levels which provides opportunities for enlisting ward members and citizens in GP functioning, further making way for distributing leadership and hence transparency in the GP.



### Purpose:

- To clarify and lay down accountability and responsibility mechanisms for different activities/functions among Gram Sabha, other PRI tiers, government departments, Standing committees, Elected members, Staff etc. as required, exploring new options for staffing. For the functions for which process mapping has been done, detailed numbers and competencies will be defined.
- To ensure leadership is distributed among GP members (not concentrated with Mukhia and also not to overburden him/her)

### Steps envisaged:

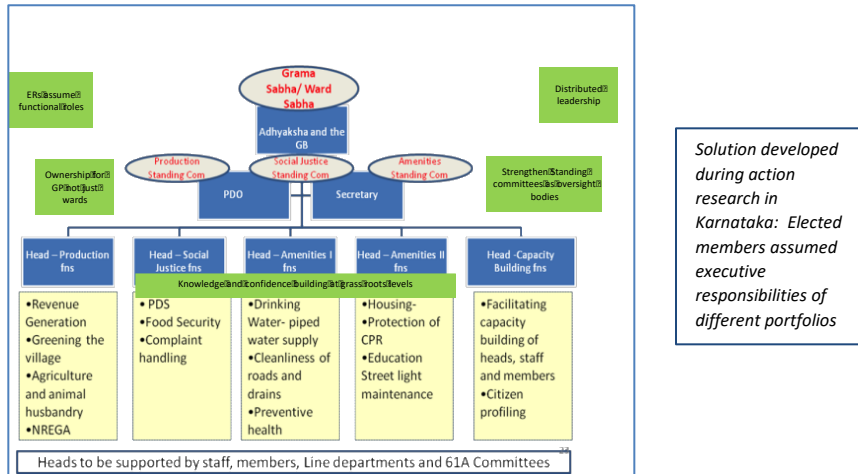
- Analysis of the present roles, interfaces and accountability mechanisms
- Participative process to arrive at issues, gaps and recommendations
- Operationalising, which will include documentation of formal (structures, committees, contracts) and shadow (meetings, representations) mechanisms for GP-GS and other inter-institutional role clarity and coordination.

### Outputs

- Role descriptions of key stakeholder(s) involved in delivery of GP functions
- Operating guidelines for inter-institutional coordination
- Development of grassroots GP leaders who could serve as peer leaders to other GPs in Jharkhand

**Expected outcome: Clarity, alignment and ownership of GP deliverables; distributed leadership in the GP**

Figure 12: Illustration of solution developed in Action Research project for GP’s structural strengthening



F. Action planning and tracking

While the proposed engagement is not to be a linear process, action plans are effectively implemented once there is clarity on core organisation components, described in the preceding sections. Typically, GP planning should entail baseline, deliverables, indicators, activities, responsibilities and source of funds for 2 identified focus areas/functions as well as plans prepared under GPDP. It also needs to cover other goals, including those requiring no or less resources, termed mostly as costless development. A monthly tracking system needs to be followed in the GP to gauge achievement versus plan and decide corrective action.

Figure 13: Illustration of monitoring of drinking water function in Action Research GP

Oorukunte Mittur GP Report card for the year 2013-14											
Function	Plans	Process Metric	Baseline, Target and Achievement (per Year)				GP Expenditure and Government funds utilisation (in Rs.)				
			Baseline (as on 1st April '13)	Target (as on 31st Mar '14)	Achievement (as on Mar 31st, 2014)	Source of Info for Process metrics	GP Funds (Budget)	GP Funds (Actuals)	Parallel structures funds spent	Parallel structures funds allocated	Govt. schemes funds utilised*
<b>Drinking Water</b>	Conduct discussion with citizen group in 5 villages to adopt meters and drying pits	No. of villages in which water meters are installed	-	5	6	GP Pilot programme Records	--	0.00			
	Adopting meters (NRDWP pilot project)	are installed	-	5	4		--	0.00			2300000.0
	Water quality testing (Chemical)	No. of tests	2	4	5	GP Records	--	3450.00			
	Water quality testing (Bacteriological)	No. of tests	0	2	1	GP Records	--	2500.00			
	Construction of rainwater harvesting system at Mittur PHC	% completion of work	-	100	100	NREGS records	--	0.00			59334.00
	Construction of check dam in Chiyandhalli ward	No. of check dams constructed	-	1	1	NREGS records	--	0.00			220277.00
Improvement of Kalyanis in the GP	No. of Kalyanis reconstructed	-	3	3	NREGS records	--	0.00			211758.00	

Achievement against plan for Drinking Water, O’Mittur GP, Karnataka Action research

The above steps have been arrived at based on experience and insights gained from the Gram Panchayat Organisation Development project in Karnataka, and further enriched by the findings of the study of legal framework and status of devolution in Jharkhand. Discussions with Pradan have added value at each step. However, the design may undergo change / alterations once the intervention is underway, as in the true spirit of organisation change and development, intervention should be guided by priorities and realities during implementation and not be a rigid framework.

## 7.0 Conclusion

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This study was conducted with imminent opportunities emerging from second Panchayati Raj elections in Jharkhand after a gap of 32 years, the first since the inception of the state in 2000. Various centrally sponsored schemes (CSS) elaborately define roles of Panchayati Raj institutions (PRIs) in service delivery for which funds are ear marked too. Additionally, Pradan has been extensively engaging with Self Help Groups (SHGs) and the latter have made their entry in panchayats through the recent elections. Our assumption is presence of SHG members and their previous exposure to knowledge and skill building exercises as well as value-driven governance, would provide a receptive platform for a panchayat level intervention towards strengthening its institutional and delivery capacities.

Our key findings revealed a myriad of opportunities and equal number of challenges, if not more. The JPR Act is fairly close to the model Act, but its rules have not been released. Similarly, while the PESA provisions are embedded in the JPR Act, its guidelines have not been formalised. 16 state departments have issued notifications detailing the devolution of functions, funds and functionaries but their implementation is hindered by lack of knowledge and capacities among the grass roots elected members and staff. Proclivity of state departments to build these capacities also seems to be half hearted. During our visits, achievements made possible due to presence of experienced Mukhia and able Secretary demonstrate the necessity of such capacity building.

This report details our recommendations and next steps, laying down the road map for strengthening Gram Panchayat institutions using principles of organisation development, with the elected members, Gram Sabha and local level bureaucracy being at the centre of change process. While our recommendations build on the action research and subsequent scaled up efforts in Karnataka, our focus would be to devise an organic and bottom up processes, which is determined by the priorities of the panchayat and its readiness for change.

The report in its different chapters, spells out the challenges and possible risk mitigation methods. There is dependency on state departments for funds for most works in panchayats, and hence bureaucratic delays. The focus would need to be on resources available and accessible to the panchayats such as the 14<sup>th</sup> Finance Commission grant and transfers to Village water and Sanitation committees (VWSCs), which are declared by the state as standing committees of the Gram Panchayats etc. While the PRI institutions are designed to be the government closest to the people, their role models are existing government

agencies and representatives who very often demonstrate behaviours which are counter to democratic principles, hierarchy-driven behaviour, such as priority to self before others for access of government schemes and programs as privileges of the position held etc. How do we build value driven governance and professionalism among GP members and staff, would be one of the drivers of the institution building process. Simultaneously, a knowledgeable citizenry would provide an oversight mechanism. Another tendency has been focus on program implementation while not focusing on actual requirements. Holistic thinking at the panchayat level and subsequent convergence of programs will be the key.