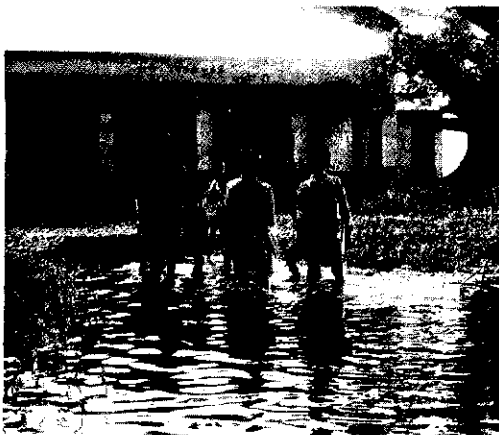




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# Primary Education and Panchayati Raj Institutions



1982-2002  
20 Years  
PRIA

### **About PRIA**

'Participatory Research in Asia,' PRIA is a non-profit voluntary development organisation based at Delhi, India, which has been promoting people centred development initiatives within the perspective of participatory research. It aims to strengthen popular knowledge, demystify dominant concepts and promote experiential learning and people's participation. For nearly two decades, this has been the basis of supporting empowerment of the poor and the oppressed in PRIA's work. It learns about challenges of promoting people's participation and democratic governance through local grassroots action via systematic documentation. It facilitates learning through sharing of its research findings and capacity building, by promoting a conducive environment and supportive public policies towards this end. PRIA operates locally, nationally, regionally and globally.

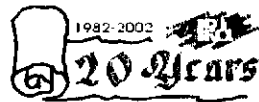
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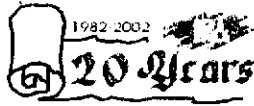
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# Primary Education And Panchayati Raj Institutions



**PRIA and Partners**



**PRIA**

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PRIA is an International Centre for Learning and Promotion of Participation and Democratic Governance

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**Dr. Rajesh Tandon**  
**President**

4<sup>th</sup> February 2002

Dear Friend,

Education, today, is a fundamental right in India, thanks to the initiatives to pass the 93<sup>rd</sup> Constitutional Amendment Bill. Whatever the short comings, it is heartening to note that this Bill, while emphasizing on quality and accessible education, also calls for the sharing of responsibilities between different levels of government. Education being a basic right of citizens, the need for community participation in ensuring adequate and quality education to all (irrespective of class or caste) cannot be over emphasized. It is our firm conviction that Panchayati Raj Institutions have the major role to play in this regard.

Hopes and expectations were high when education was included in the list of functions to be devolved to panchayats, as per the 73<sup>rd</sup> Constitutional Amendment Act. This report is based on a study conducted by PRIA and its partners in 14 states across the country, on the status of devolution of powers to panchayats in the area of primary education and how this is translated in reality. It is very sad to note that the studies across the States have given a dismal picture of devolution of powers.

This should not be allowed. The pressing need of the hour is to empower Panchayati Raj Institutions with the necessary devolution to enable them to work towards ensuring accessible and quality education to all.

We appeal to you to use your good offices in realizing this objective.

Best wishes

Sincerely

A handwritten signature in black ink, appearing to read 'Rajesh Tandon', written over a horizontal line.

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42, Tughlakabad Institutional Area, New Delhi- 110062

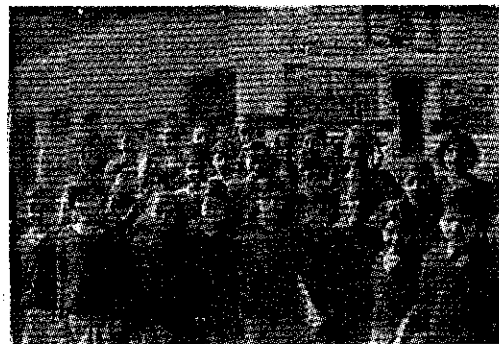
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# INTRODUCTION

There has been growing concern among economists and social scientists world over for enhancing access to education because of the economic and social benefits attached to education. The Indian Constitution recognizing the importance of education, provided for "free and compulsory education for all children until they complete the age of fourteen years", in Article 45 of the Directive Principles of State Policy. In other words, all children are entitled to attain at least primary levels of education. Though it took another fifty years, a major breakthrough in the history of India's education took place when the Lok Sabha on 28th November 2001 passed the 93<sup>rd</sup> Constitutional Amendment Bill, making education a fundamental right

In the context of primary education being mandated by the Constitution, the role of governments become crucial in implementing these Constitutional provisions. Taking this in account, education has been placed in the Concurrent List, which implies that individual states are responsible for the expansion and growth of education in their respective areas, with specific directions and policy guidelines from the Central Government. For achieving education to all children, one of the key strategies has been to expand the formal schooling facilities, which means delivering education through a schooling system. The significance of formal schooling system is revealed from the fact (2001 Census) that about 75% (153 million) of literacy has been attained through the formal schooling system.

Since it is the duty of State to provide free education to all children, most of the primary schools in India are controlled and managed by the government. There are some private institutions as well but keeping in view the impoverishment of Indian masses (especially in rural areas), the role of government schooling system becomes significant as they promise to provide free education. The government schools also become important in making education accessible to economically backward sections, disadvantaged groups (Dalits and tribes) and women.



## Educational Scenario: An Overview

In spite of the Constitutional provisions and efforts made by the government, the educational status of Indian masses after 54 years of independence continue to be defined as backward. Although total literacy rates in India has gone up from 16% in 1941 to 64% in

2001, the gap across regions, castes, social groups and gender in terms of literacy attainment has also widened. This reveals that disadvantaged social groups and women have not been able to access educational facility and even after initiation of many programmes, the Constitutional mandate for free and compulsory education has not been adequately addressed.

The low level of literacy and disparity in educational development can be attributed to factors like access to educational facility, be it physical, social or economic access. In addition, the quality of educational infrastructure (like proper building, roofs, toilet, play ground, drinking water etc) and facilities such as availability of teachers and learning materials in government schools have been inadequate and therefore, there is growing tendency among parents to send their children (especially sons) to the private schools. The detailed discussion of infrastructure facilities will come in the subsequent section of the report.

On one hand the quality of education facilities in government formal schools has been deteriorating and on the other, private schools which are having comparatively better infrastructure and teaching facilities are not accessible to children of all classes and castes. In such a scenario, ensuring free and quality education (as per Article 51 and recent Constitutional Amendment Bill) to all children till the age of 14 years is still in question. It will not be wrong to say that access to quality education, various tools and world of knowledge remains the domain of children from economically well off families.

## **Primary Education and Panchayats**

As discussed in the previous section, social and economic constraints and quality of facilities available in the government schools remain major obstacles in the attainment of literacy. It has been realized in the past decade, that the problems of education cannot be solved through centrally sponsored schemes and government efforts alone and it is necessary to involve community in educational planning.

The Constitution of India (Article 243 G, 73rd Amendment Act) mandates the Gram Panchayat to prepare plans for economic development and social justice. Besides 73<sup>rd</sup> Amendment, 93<sup>rd</sup> Amendment Bill also emphasizes the sharing of education related responsibility among various levels of government. Since Gram Panchayats are government at local level, the primary education related functions and responsibility of primary education institutions to Panchayats become a Constitutional obligation. It is expected that role of Panchayats in providing education will address the issues of social and economic access as well as quality of educational facilities. The community will be directly involved and it will not have to go to higher authorities for conveying its ideas, needs and aspirations for education. The direct involvement of Panchayats in primary education will make the education system more accountable and transparent as

Panchayats are in closer proximity with community and they are answerable to the community through the Gram Sabha.

## **This Study**

PRIA and its Partners in 14 States of India undertook a study on Devolution of Primary Formal Education to Panchayats. These States include Andhra Pradesh, Bihar, Gujarat, Himachal Pradesh, Haryana, Kerala, Madhya Pradesh, Orissa, Rajasthan, Tamil Nadu, Sikkim, Uttar Pradesh, Uttaranchal and West Bengal.

The study aims to build an understanding of the devolution of primary formal education to Panchayats. In this study three aspects of education have been taken to analyse the extent of devolution. These nodal aspects of education has been identified as: teachers, teaching aids and infrastructure. The present study also tries to look into roles and responsibilities handled at various levels in terms of 3 Fs namely, Functions, Functionaries and Finances.

Secondary data related to these aspects of the study was collected from Education and Panchayat departments at state, district and block levels. These data were analysed to understand the dynamics of devolution at different levels of government and administration. To understand the ground realities of powers and functions devolved, five Gram Panchayats were purposively selected from one block of a purposively selected district of each state. The selected block is an intensive area of intervention by PRIA or one of its partners in that state; its people and its realities are well known to the local researchers. State, district and block level secondary data related to primary formal education were shared with Gram sabha members. They analysed the data and helped us in understanding state of primary education and roles of Panchayats in this regard.

On the basis of secondary data and participatory analyses from these Gram Panchayats, a draft report was prepared. This report was shared with participants from different parts of district in a district level workshop. The participants of district level workshop included Teachers, Panchayat members, district officials, academia, and media. These participant analysed and enriched the district report by their inputs. The district level reports in all states were shared with participants of state level workshops in all states. Thus efforts have been made to widen and deepen the scope of this study by employing Participatory Research methods. However, in drawing inferences, sampling and methodological limitations of the study are fully recognised.

# Devolution to Panchayats

## State Panchayat Acts and Ground Realities

### 1. POWERS PROVIDED TO PANCHAYATS

#### (i) Infra structure

Increasing accessibility of children to schools requires ensuring adequate availability of schools within a reasonable distance, basic facilities in the school, its maintenance etc. Absence of physical access to schools is one of the causes for under enrollment in primary schools. This is particularly true in the Indian rural context, where the enrolment of female children especially, is influenced by the availability of schools within a reasonable distance. Also, it is the children belonging to the socially and economically backward sections who are frequently affected by the lack of adequate education infrastructure. These are also the groups who are more dependent on the government schools.

By transferring the responsibility of primary education to Panchayats, a change was sought to be realized in improving among others, education infra structure, in tune with the local needs. As per the Eleventh schedule, accompanying the 73<sup>rd</sup> Constitutional Amendment Act, the responsibilities with regard to primary education had to be transferred to Panchayats. But it was left to the respective state governments to decide what powers were to devolve to the Panchayats



and what were to be retained by the state government. As mentioned earlier, the study attempts to understand the powers with and exercised by the Panchayats in ensuring education infrastructure (construction of school buildings, its maintenance, provision of facilities like toilets, drinking water, playground etc.,). All the state governments of respective States taken for study had passed conformity legislation and primary education was included in the list of functions to be transferred to Panchayats.

A cursory look at the provisions of various State Panchayati Raj Acts with regard to primary education shows that in general, Panchayats have the functions of construction and maintenance works, control and management of primary schools, creation of public awareness, conduct of enrollment drives, implement schemes like noon meal schemes etc.

On analysing the specific responsibilities of each tier, it was found that in some State Panchayati Raj Acts, *the functions devolved to various tiers of Panchayats were overlapping*. For example in Gujarat, construction and maintenance of school buildings

have been specified as the responsibility of Village Panchayat, Taluka Panchayat and District Education Committee of the District Panchayat. Similar is the case of Bihar, where the responsibility of adult and non-formal education has been given to all the three tiers of Panchayat.

The exercise of powers mentioned in the state Act requires the issue of departmental orders detailing the responsibilities devolved to different tiers of Panchayat. It was found that in certain cases, departmental orders led to confusion. In *Andhra Pradesh*, as per the State Act, primary education is one of the items devolved to the Panchayats. However, the Government Order issued in 1999 (G.O.Ms.No.120, dated 31.3.1999) had no mention of primary education, but states that adult and non-formal education and libraries will be transferred to the gram Panchayats. The GO only makes a passing mention that the Panchayats shall have control over all the schools, which exist within the jurisdiction of a Panchayat, but does not mention them in detail. A recent government order (G.O.Ms.No.538, which came into effect in 2000) attempts to bring in uniformity in the administration of the school through transferring whatever powers there were with the Chief Executive Officer of Zilla Parishad (elected body) and vesting all powers with regard to functionaries, teaching and non teaching staff with the District Education Officer (State Education Department). In short, whatever little powers were given to the Zilla Parishad, even if it had been to the Chief Executive Officer, were taken back and vested with the department.

To take the example of *Uttar Pradesh*, the Panchayati Raj department through a G.O (G.O.No.3467/33-1-99-222/99 dated 1 July 1999), stated that the funds for the development of primary education should be transferred to the Gram Nidhi of Panchayat. The Gram Shiksha Samiti under the PRI Act was given the charge for the development of primary education. But in January 2000 through a government order (G.O.No.129 (1)/15-5-99-282/98 dated 29 January 2000), a change was made in the earlier order. It announced the formation of a Gram Shiksha Nidhi in every gram Panchayat, to which funds for the development of primary education would be transferred and further stated that the said account would be jointly operated by the gram pradhan and the head master of the school of the area. In practice this led to confusion at the Gram Panchayat level.

In Sikkim, as per the Sikkim Panchayat Act, 1993, Zilla Panchayat has been given certain responsibilities with respect to primary education like establishing and maintaining primary schools and adult education centers. For undertaking such functions the state government places necessary funds with the Zilla Panchayat. The Notification by the Education department in 1998 states that Zilla Panchayat has been vested with the powers of undertaking minor works in primary schools and supervision/ maintenance/ minor repairs upto 3 lakhs. In doing so the gram sabha should fix priorities.

However, the role of Gram Panchayat in primary education finds place only among the "Other Duties" of the Sikkim Panchayat Act, which states that the state government will assign duties and place funds at the disposal of the gram Panchayat for the performance of these

duties. Similar is the case of West Bengal, where the state Panchayati Raj Act provides for primary, social, technical, vocational, adult or non-formal education to be among "other duties" of gram Panchayat.

On the positive side, states like Haryana have taken constructive steps to further devolve powers to Panchayats. As per a government order, notified in 2001, rural primary schools have been transferred to Zilla Parishad and all the assets vests with the Zilla Parishad for a period of five years. Transfer and posting of teachers are now the responsibility of the Zilla Parishad.

To cite another example, in Himachal Pradesh, as per the notification dated 12 March 2001, ownership of primary school buildings is transferred to the Gram Panchayats. The maintenance of primary school buildings is also the responsibility of Gram Panchayats. The entry of the land in the revenue records would be changed to the extent that the state government would continue to be the owner of the land and possessions would be in the name of the Panchayat. Gram Panchayats are declared beneficiary trustee. Panchayats have the right to dismantle unserviceable buildings, auction or use materials of dismantled buildings and repair or make addition or alteration to the buildings. In case any agency other than the Gram Panchayat wants to construct primary school building, then it is necessary to take permission from the Gram Panchayat to do so. As per the above notification Gram Panchayats are also free to use the building and play ground for the benefit of the community and to generate additional income without causing any damage to the property. The primary school buildings can also be used by the Panchayat for coaching, health camps, marriage, reading rooms, etc.

Uttaranchal being a newly formed state, does not have its own Panchayat Act and therefore no clear cut powers to Panchayats have been outlined. The role of Panchayats is therefore in the form of Village Education Committees (VEC), which is headed by the gram pradhan. The VEC has the function of establishing new schools and maintenance, providing land for schools, providing facilities etc.

### **(ii) Teachers and Teaching Aids**

While some states like Orissa, Gujarat have transferred powers with regard to teachers to the Zilla Parishad level, states like Kerala and Himachal Pradesh have given responsibilities to the gram Panchayat level. For instance, in Gujarat, one of the main tasks of the District Education Committee includes appointment of teachers. The taluka Panchayat can also exercise such powers over the staff employed in primary schools and other educational



institutions under the control of district Panchayat as they may be delegated from time to time.

As in the case of infra structure, Haryana, has taken positive steps to transfer certain responsibilities with regard to teachers to the Panchayats. As per the government order 2001, the services of existing teachers vest with the Zilla Parishads, who would fill the posts of teachers arising out of vacancies, transfer existing teachers in rural areas within the district. Panchayats are required to supervise the attendance of teaching staff and recommend casual leaves of teachers and head teachers to Block Education Officers.

In Kerala, as per the government order dated 1996, Gram Panchayats can examine and evaluate whether the teaching and non teaching staff of the lower primary schools in the gram Panchayat strictly fulfill their responsibilities, recommend to the Assistant Education Officer (AEO) action against teaching and non teaching staff, who create obstacles in the path of the smooth and creative functioning of the school, see that from the start of the academic year the vacancies of teachers are filled in by the AEO through PSC or employment exchange.

In some states like Uttaranchal and Himachal Pradesh, Gram Panchayats have been given the power to supervise the attendance of teachers. Himachal Pradesh, however, has further strengthened this responsibility in favor of Panchayats in that the pradhan or the ward member of the concerned ward can put their remark on the supervision book to be kept in the primary schools (circular by the Primary Education Department dated December 1996). The Panchayat can send these remarks to the District Primary Education Officer (DPEO) who has to take action within a month.

## 2. Glimpses from Ground Realities

### (i) Functions

Available data show that most Panchayats are not really clear about the functions that they are expected to perform. One major reason for this was that the majority of the Panchayats taken up for study in sample states had not received any official communication from the respective state governments regarding the transfer of powers to Panchayats. This lack of adequate information regarding the responsibilities of the Panchayat was reflected in the functioning of Panchayats. In Haryana, as per the government notification, Zilla Parishads have been vested with movable and immovable assets and liabilities with regard to rural schools. But in actual practice, it was observed that the responsibility of maintenance of school assets has been entrusted to Gram Panchayats. To carry out this function, it was seen that sample Panchayats did not possess a list of these assets, which is needed by the Panchayats to carry out their maintenance and supervision function. Moreover, the understanding of Panchayat elected members was that they were only required to verify the assets. They were not sure whether they have the power to periodically supervise the assets to fulfill their responsibility.

In Orissa, Andhra Pradesh, Haryana, Rajasthan, Himachal Pradesh, Uttar Pradesh, Tamil Nadu and West Bengal, Gram Panchayats have been providing land for the construction of primary school buildings. In some states, the role of Panchayats is limited to just this responsibility (provision of land). However certain Panchayats face difficulty in carrying out this responsibility too. In the opinion of a Pradhan in Himachal Pradesh, there are 2 types of land available for constructing school: government land and private land owned by individuals. Where government land is concerned there is a problem of transferring land in the name of Gram Panchayat especially if it is a forest land (in Himachal Pradesh most of the land belong to Forest department), since the Forest Department is generally reluctant to issue No Objection Certificate (NOC), for non-forestry activities. The Forest Department officials are of the opinion that Forest Conservation Act does not permit non-forestry activities and therefore NOC cannot be issued for construction of primary school buildings in the forestland. Because of this Panchayat make multi-storied buildings and there is hardly any playground in the primary schools. It was also found that in most cases Mothers Teachers Associations (MTA) was involved in constructing new buildings.

On the positive side, there are cases where Panchayats have done well in the matter of infra structural development of the school. The following case is one such example.

The Madappally Government L.P.School, is one of the three Lower Primary Schools in the Onchium Panchayat in Vadakara Block in the district of Kozhikode, Kerala. The school has played an important role in the education of the fisher folk, who are the main inhabitants of this village. Until 1995, when the Panchayat took over the management, the school used to function in an old rented building. When the building eventually crumbled the school was shifted to another building. The number of children being very low (52) the school was declared 'uneconomic' by the state government.

The school was about to be wound up when the Panchayat took over its management. The first thing the Panchayat did was to set up a committee for the renovation of the school. The committee made a thorough study of the issue, including a survey of children of primary school age in the vicinity. Consultations were held with the parents. It was found that the parents were reluctant to send their children to school, which was conducted in a dilapidated building, with no essential facilities and no regular teachers. At a cost of more than Rs.12,00,000, of which 50 percent was contributed by the local people, a pucca school building was constructed in a plot of 50 cents transferred to the Panchayat by the Fisheries Department. Facilities like toilet, drinking water were provided. Essential pieces of furniture including benches and desks, shelves, tables, utensils for noon feeding etc. were also arranged. With regular monitoring and supervision by the Panchayat functionaries and the members of the various committees, the atmosphere in the school steadily improved. It was ensured that teacher vacancies were filled in at appropriate time.

As a result of all these measures, undertaken by the Panchayat with the full participation of the people, the strength of the school dramatically improved. Today there are 90 students, only 10 short of the minimum for an economical school. Also the learning standard of the school has significantly improved, so much so that District Institutes of Education and Training has decided to put this school on the model school list. The parents too had very high opinion about the atmosphere and functioning of the school. They were all agreed that devolution in primary education has been a very positive step. Now they have the feeling that the school really belongs to them and they are responsible for its continuance and improvement.

With regard to *proov*, it was observed that these comprised the traditional functions performed by Panchayats. Most gram Panchayats were primarily looking after provision of drinking water, road links to schools, etc. But in providing such facilities, gram Panchayats were acting as mere implementing agencies of various schemes. In Uttar Pradesh for example, for the maintenance of schools, the state government provides Rs.2000 per school, which is transferred to the gram shiksha nidhi of the gram Panchayat. These funds are tied in nature. Out of Rs2000, it is mandatory to spend Rs 1000 on whitewashing of the building.

It was observed in the study conducted in Uttaranchal that the schools do not have adequate infra structure facilities as well as other facilities mainly because the Village Education Committee (VEC) depends on higher authorities for funds. The example of Naari Primary School in Rudraprayag is revealing. Though a resolution for a new school building was passed in early 2000, due to lack of response from higher authorities, school construction could not be started and classes take place in a local person's house.

It would be worthwhile, here, to have a look at the statistics (of 5 states – Bihar, Madhya Pradesh, Uttar Pradesh, Rajasthan and Himachal Pradesh) showing the gaps existing in government schools as compared to private schools.

Facility	Government school (%)	Private school (%)
Non leaking roof	37	65
Functioning toilets	11	34
Drinking water	42	78
Play ground	42	78

NCAER and PROBE survey, 1999

In West Bengal, in order to bridge the gap between the existing primary school facilities and the demand, the state government adopted a novel measure. The department of Panchayat and Rural Development opened a number of *Sishu Siksha Kendra* (child education centers), which will be provided with two *Shayaikas* (teacher or facilitator) each. Each such school is given a one-time lump sum grant of rupees 5000 as contribution towards building a hut or shelter for the children, Rs250 as contingency and Rs500 for teaching learning material grant annually. The demand of such schools were so high that up to the year 2000, 7931 schools had been sanctioned, out of which 7920 are already functioning. The proposal for opening such schools must be mooted through the gram sansads via Gram Panchayat and Panchayat samiti to Zilla Parishad.

## Teacher and Teaching Aids

Field data shows that Panchayats, in general, have been given only a nominal role with regard to teachers, while actual control is still with department officials. In majority of the states it was found that though the Panchayats can supervise the attendance of teachers, he/ she couldn't make comments/ remarks on the teachers conduct in the school register/ documents. In other words, the sarpanch has no authority to initiate action against the teacher. They can only complain about the erring teacher to higher authorities and recommend some punishment. In many cases Panchayat members raised the concern that their complaints go unheard by higher authorities. This has caused disillusionment among some who now do not bother to complain.

Following case of a school at Budhipat, in Saharapada block, Keonjhar in Orissa is illustrative of this fact. Incidentally, this school of a fairly large size, and the only center of learning for school going children, had just three teachers. Now this number too is dwindling. One teacher who used to come from a far-flung village remains at home these days. Another teacher now is busy with the DPEP programme.

To address this problem, Sarpanch along with the VEC members and some guardians complained to the district inspector of schools, who assured them that the problem would be solved very soon. Six months have elapsed and still the higher authorities have taken no steps. The school still continues with the problem of teacher shortage.

Where Panchayats have been given some powers like writing Annual Confidential Report, marking attendance sheets etc., lack of information/ awareness amongst Panchayats members were perceived as a hindrance. For instance, a DPEO, in Haryana, recalled his experience with Sarpanches who are not aware about their powers in Primary Education. *In the Annual Confidential Report (ACR) of the teachers, Sarpanches can mark their comments in relation to the performance of the teachers. As a practice, teachers in the school write their own ACR and request Sarpanches to sign on the same. Panchayat being unaware of the implication of ACR as a document- one that is critical in monitoring and supervision of teachers, sign on it. Later on when the Sarpanches approach DPEO with grievances against the non-performance of teachers, no action could be taken as the ACR gave a good account of the teacher's performance ratified by Sarpanch's signature.*

In Himachal Pradesh, in a circular dated 1996, it is stated that the DPEO would initiate action against the erring employee within one month of receiving the remarks from the gram Panchayat: it is not mentioned that information on whatever action is initiated by the DPEO should also be shared with the concerned Gram Panchayat.

It was found that in certain areas, the teacher pupil ratio was quite high. In Uttar Pradesh, it was observed in the sample area that there was only one teacher for 100, 200 or 300 odd students, while the rule says that the teacher pupil ratio should not be more than 1:40. In Bihar, in the study area it was found that one third of the schools was single teacher schools.

There are cases where Panchayats have tried to address the problem of teacher shortage on their own. Following is one such case.

In Sonali village of Purola block (Uttarkashi), there was only one teacher for 127 children in the primary school. In addition to this, there were no toilet, drinking water facility and proper school building. Here the Gram Pradhan with the help of VEC took initiative and from Panchayats' fund and contribution from parents, basic infrastructure was provided in the school. They sent proposal for additional teacher to the administration but when no step was taken by the administration, they appointed one teacher. Salary of Rs.700 per month is now paid to the teacher and this money comes from people's contribution.

It needs to be pointed out here, that there are other cases from across states highlighting similar initiatives by Sarpanches, in the absence of adequate powers and resources with the Panchayats. In fact, where sarpanches have taken interest, some initiatives in primary education could be taken up in the village. However, while such initiatives are appreciable and should be encouraged, one cannot overlook the weaker Panchayats. Moreover, the basic focus should be on the adequate power requirements of the system (Panchayati Raj Institution) as a whole, for effective functioning.

There are doubts arising from various quarters regarding the capacities of Panchayat elected representatives to carry out the new and challenging responsibilities. While capacity building of elected members is a must, it cannot be presumed that the Panchayats cannot handle "complex" responsibilities. The following examples from Kerala are illustrative of this.

The Kayyur Cheemeni Panchayat, in Kasargod district, Kerala, apart from earmarking considerable amount of money for improving quality of education, has developed a revised curriculum and presented it to the State Council for Educational Research and Training. Other innovations by the Panchayat include teachers training, students camp for environmental study, setting up of library and lab, arranging furniture etc. Similarly Thodannur block Panchayat in Kozhikode district, has made singular contributions to school education through innovations like designing training modules, conducting special training for teachers of English, tele conferencing etc. Both the Panchayat and the Assistant Education Officer (AEO) are keenly interested and work in unison.

In Madhya Pradesh, Gram Panchayat proposes the name of a local person to be chosen as Guruji for Education Guarantee Scheme (EGS) School. The Zilla Parishad then appoints the teacher. In case of any disciplinary action, gram Panchayat can complain to the Zilla Parishad who in turn recommends action to the District Education Officer (DEO). The salaries of Gurujis come to the joint account of president of School Management Committee

(SMC) (gram pradhan), Guruji and Cluster academic coordinator (who is generally a teacher). To withdraw salary from the bank, the signature of at least two persons is required. On the reasons of operational difficulties, that banks are often quite far off from the villages, making it difficult for the local panch/ sarpanch to go to the bank, the department officials have changed the rules which makes it possible for the Guruji to ignore the SMC in favor of the cluster coordinator. It was observed that the signatories are often the cluster coordinator and Guruji. In such cases, even if the Panchayat has any complaints against the Guruji, they cannot stop his/ her salary.

## **Multiplicity of Committees**

It was observed that there were multiple committees functioning in some states with respect to education. To take the example of Madhya Pradesh, there is one Shiksha Samiti formed under Rajiv Gandhi Shiksha Mission (RGSM) at village level and one samiti has been elected by gram sabha after enactment of Gram Swaraj Act. In reality it was seen that there was not much role clarity between these two parallel institutions. The study conducted in Madhya Pradesh shows that the samiti formed by gram sabha is not a functional body due to the prevailing confusion.

In Himachal Pradesh, it was found that in non-DPEP districts, it was the Mothers Teachers Associations (MTA) which were involved in construction of new school buildings. (Though as per the state Panchayat Act, this is the responsibility of the Panchayat). The involvement of Panchayat in MTA is limited to the membership of gram Pradhan as patron, while the chairperson is one of the student's mothers and the secretary is a teacher.

A grave concern regarding committees was observed in Andhra Pradesh. It was found that in practice, it is the School Education Committee (SEC) formed under the Andhra Pradesh School Education (Community Participation) Act, 1998, which was carrying out major responsibilities like appointment of para teachers, provision of infra structure facilities etc. A major source of funding of SEC at the Gram Panchayat level is DPEP. In the perception of many functionaries and elected representatives, the PRIs have virtually no role in primary education, after SECs came into being.

### **(ii) Functionaries**

With regard to functionaries, it was observed that among the sample States, very few have transferred the staff required by Panchayats to carry out the functions devolved to them. In some states where they have been transferred, there is the problem of role clarity with regard to the responsibilities that they have to perform. For example, in Kerala there is a lot of confusion prevailing in the matter of deployment of staff. The deployment has

taken place only at the district level and only of a few clerical staff, consisting of a junior superintendent and three or four clerical assistants. The Panchayat presidents erroneously think that the teachers in the lower primary school have been deployed to the Panchayat. The fact is that the Panchayat has some control over them, but they are still part of the education department.

In Haryana, as per a recent notification, the offices of the Block Education Officers and District Primary Education Officers will continue to function as hitherto, however they will be declared ex-officio authorities under the Zilla Parishads for discharging functions in respect of school education to be assigned to Zilla Parishads. For this purpose, they will be accountable to Zilla Parishads. However the notification does not specify the functions of the concerned officials in the capacity of ex officio authorities. In the perception of a DPEO in Fatehabad, officials are devolved to Zilla Parishad, but without any decision making power.

In the case of Sikkim, one assistant from the Rural Development Authority has been transferred to the Gram Panchayat Unit (GPU) for overseeing the development works undertaken in gram Panchayats. The assistant works as a conduit between the Zilla Panchayat and GPU and helps the elected Panchayats to prepare action plans for undertaking activities and effectively executing such works. In case of beneficiary oriented programmes, the assistant has to ensure that eligible persons are selected for assistance. In such programmes, yearly targets are fixed and the assistant is responsible for initiating a process involving the community members and elected representatives for meeting targets. Departmental inquiry can be instituted against the Assistant if written complaints are received from the elected Panchayats or community members.

In Uttar Pradesh, a lot of powers are vested with the District Basic Education Officer (DBEO). It is the DBEO who is to sanction the construction of new schools. The funds are provided by the state government through the DBEO and are transferred to the Gram Shiksha Nidhi, which is jointly operated, by the headmaster and the gram pradhan. Taking the case of Gujarat, in the taluka Panchayat, the education inspector and the Bit Inspector are two major officials who have regulatory control over the primary schools and their teachers. They are accountable only to the Taluka Development Officer, who in turn is accountable to the District Primary Education Officer and District Development Officer.

### **(iii) Finances**

The financial autonomy of Panchayats across the states are affected by 'tied grants' from state and central governments. Panchayats have been devolved very little powers to generate their own revenue. Whatever power is there in this regard, lack of political will on the part of Panchayats results in almost negligible collection of taxes and fees. Powers to Panchayats with regard to primary education, as discussed earlier, have more words on paper and more problems in their implementation at ground level. To implement whatever powers that are given to Panchayats, state governments have not given commensurate funds. Much of the funds available

are through various state and centrally sponsored tied schemes like EAS, JGSY, JRY, Operation Blackboard, etc and grants like those earmarked by the Tenth Finance Commission. But Panchayats face difficulties in utilizing these tied funds. Also, it is not obligatory on the part of Panchayats to utilize these funds specifically for education. Hence utilization varies from one Panchayat to another.

Thus in the absence of adequate funds at their disposal, the Panchayats, very often are not in a position to ear mark an amount for promotion of education. They have to prioritise the use of funds and education does not tend to top the list. For example in Uttar Pradesh, schools in the sample area did not have facilities like toilets and play ground. Though Panchayats have to ensure these facilities including proper water supply to schools through installation of hand pumps, the resources with the Panchayats were limited. The hand pumps being limited in number, these were first installed in the hamlets. Facilities to schools come as second priority.

Where Panchayats have flexibility in the utilization of funds, monitoring and supervision of works by Panchayats have been greater. In Haryana, with the exception of JGSY, EAS and other schemes that provide for substantial space for Panchayats' decision making, the rest of the schemes restrict the Panchayats to making demands and proposal submission. Panchayats involvement in terms of surveillance (monitoring) on the infra structure development, according to the study, is relatively higher, when the fund is directly devolved to the Panchayats for expenditure. It is attributed to the fact that devolution of funds requires Panchayats to maintaining records (linked to social audit exercise) and become responsible and accountable for expenditure. A major concern in Haryana is the existence of a Gram Vikas Samiti, (which is a seven member committee), outside the framework of elected panchayats, which has the responsibility of construction and maintenance work. (which in fact is the statutory function of Panchayats). Certain finances with regard to this that were earlier devolved to the Panchayats by the state government are now with this Samiti.

## Ways Forward

Across all states, one common perception of participants during district and state level workshops, was that the majority of students in government primary schools are from marginalised sections. Those who can afford, send their wards to private schools (if there are any in their areas). There are many examples from the field where the girl child from the same family is a student of government primary school while her brother has been enrolled in a high profile private school of the nearby town. While the school bus from private school comes to pick up her brother, she waits for her irregular teacher. It seems that (hard data required to make an assertion) the primary formal schools are pressed with the need to cater to the requirements of marginalised sections. In the light of this emerging trend, roles and responsibilities of Panchayats vis-à-vis Primary Formal Education become more important because as per constitution, marginalised sections (women and dalits) have now more say in local governance and so, are expected to be more sympathetic to the cause of improving state of primary formal education in the country.

- Devolution in the context of Panchayats, means that when the authority in respect of a specific activity is to transferred from the state to the local governments, the latter should have the prerogative of taking decisions in respect of planning and implementation of such activity. The study holds that devolution in this respect is hardly taking place. Majority of the state governments have given only 'soft' powers to the Panchayats with regard to primary education like provision of land, monitoring attendance of teachers without the authority to take action etc. Major decision making powers still lie with the line department, and Panchayats continue to be implementing agencies. Beginning with the provisions of the Act and the subsequent departmental orders, there is a need to review the provisions and lend clarity to the role and responsibilities of the Panchayats.
- While devolving powers to panchayats, care should be taken to prevent overlapping of functions across the three tiers of panchayat. Such overlapping of functions only nullify the effect of devolution.
- In detailing out the roles and responsibilities, Gram Panchayats should be given the major responsibilities regarding planning and implementation of primary education programmes. The role of the district and block Panchayats should be limited to providing technical inputs and resources.
- To carry out the added responsibilities adequate staff must be transferred to the Panchayats. The roles and responsibilities of these staff need to be clearly defined in the government order and accountability of such staff should lie with the Panchayats. The details of such transfer and the responsibilities of the staff should be informed to the concerned Panchayats as well.

- Panchayats should be enabled to prepare village level plans. Due weightage should be given to the finance proposed in the village plan prepared by Gram Sabha and accordingly funds need to be transferred to the Panchayats. To enable Panchayats to implement need-based programmes, untied funds need to be given, the expenditure of which can be socially audited in the Gram Sabha.
- A major concern of the study is the presence of multiple committees (including committees under different Acts as well as project committees) for carrying out responsibilities with regard to education, rendering the statutory and standing committees of Panchayats non functional. This has to be viewed in the light of accountable and sustainable institutions of local self-governance. To prevent such committees from functioning as parallel institutions, their accountability need to be with the Panchayats.
- Government and civil society organizations need to take up systematic and concerted efforts to build capacities of elected members of Panchayats and also Gram Sabha members to carry out the new and increased responsibilities effectively.

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