SDG16: Peace, Justice and Strong Institutions
SDGwatch Status Report Tamil Nadu 2020
(Local government in pandemic response)

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January 2021

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Prepared by: HRF **Human Rights Advocacy and Research Foundation, Chennai**

HRF

The Human Rights Advocacy and Research Foundation (HRF) works to protect and promote the human rights of socially excluded communities and vulnerable sections of society, mindful of intersectionality. The Foundation enables these communities to exercise their constitutional rights, amplifies their voice, and enhances their participation in decision making through demystifying laws and state mechanisms, building their capacity, and supporting them to deepen democracy and build inclusive, sustainable and resilient communities. We broaden space for civic engagement and support human rights defenders to promote a culture of human rights to secure a life with dignity for all at all times.

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INTRODUCTION

Local government is the first government. The local government - of whom the panchayat president is the face - is the closest state mechanism/ constitutional authority to the community, and the one with which the citizens have the most interactions with. It is the silent steel frame on which the administration depends, yet the most under-recognised.

The local government is the closest institution to the community, and therefore the most accessible - the first responders, the rebuilders, and the only permanent presence. Unlike the natural disasters in previous years, when the disaster was compounded by the absence of local government since elections were not conducted, 29 of 38 districts had local governments at this time.

These local self-governments were the channels for delivery of basic services during the more than 100 day abrupt lockdown, and an even longer, still ongoing, unlock.

Yet these institutions are under-resourced, and face one crucial impediment, which make their task virtually impossible: public perception. Few within or outside the local government think of them as constitutional bodies, and fewer recognise the elected representatives as constitutional functionaries.

In mindspace, local governments are perceived to be subcontractors or poor cousins of the other tiers of government, tasked to implement programmes of the state and central government.

Yet, several laws have sufficient provisions to make local governments an institution of justice and peace, with adequate powers for preventive and proactive governance. Wielded dexterously, this constitutional authority can protect and promote the rights of children, women, and include all socially excluded communities. It can prevent crime, ensure villages that child and women friendly villages and forced and child labour free. They can nurture citizens who are nation builders, and sustainable communities that are global citizens.

HRF undertook this study to explore the self-perceptions of the panchayat presidents, what they actually did during the pandemic induced lockdown (in times of crisis the vulnerable community members invariably turn up at their doorstep), and what assistance they got from the other tiers of government. Unsurprisingly, they were well aware of their skill gaps and wanted to upskill. They won through one set of skills, but knew their gaps even in knowledge as to their functions and authority, and sought assistance to rectify this imbalance.

The asymmetry of knowledge and information has resulted in the civil service encroaching upon the space of the elected representatives - in several cases even displacing them. The effects of not conducting elections for over three years will take long to unwind.

The HRF team consisted of Deputy Director Tamilarasi who designed and guided the study, Sr Coordinator Chitra and Associate Coordinator Muthurani who did the telephonic interviews, and Associate Coordinator Murugesan who did the analysis and wrote the report. It was made possible by the generous support of GIZ. We thank all contributors, and look forward to continuing association with them as we work to build on the findings.

The study is only the first step. It is our hope that it will serve as a base from which we can change the perception of the community, and the self-perception of the elected representatives, as to the power, roles, functions, and duties of local government, so that it can occupy its rightful place in the decentralised governance, and in the constitutional framework as an institution of peace and justice.

Edwin
Director (Programmes)
January 2021

The local government - of whom the panchayat president is the face - is the closest state mechanism/ constitutional authority to the community (bar the police). The elections to the Tamil Nadu local government after a gap of three and a half years provided the mechanism for grassroots governance again, so that the state could be more responsive to community needs. Despite the endemic prevalence of caste and gender based discrimination - Dalit women presidents were made to sit on the floor or otherwise humiliated in more than one instance, even within the pandemic times.

The Covid-19 pandemic brought into sharp focus the capacities of the institutions at every level - local, provincial, national and international - to address a crisis. Each succeeded (and failed) in their own way. The Government of Tamil Nadu wanted all relief to be deposited at its offices so that only the government, and not private citizens nor civil society organisations, would distribute it. It would take a high court suit to reverse this order.

The clueless state response to the pandemic - indefinite lockdown with four hours notice, 4000+ orders in 40 days, shifting goalposts - brought life to a standstill, and destroyed the livelihoods of 120 million people, hate did not stop. Crimes against women, children, gender and sexual minorities, elders, Dalits and Adivasis continued and intensified. The justice institutions went MIA, as the state turned a medical emergency into a para-military spectacle, letting the police lose on the citizens, and usurping evermore powers to the point of becoming an autocracy.

The local government is the closest institution to the community, and therefore the most accessible - the first responders, the rebuilders, and

the only permanent presence. Unlike the natural disasters in previous years, when the disaster was compounded by the absence of local government since elections were not conducted, 29 of 38 districts had local governments at this time. These local self-governments were the channels for delivery of basic services during the more than 100 day abrupt lockdown, and an even longer, still ongoing, unlock.

2.1 Need

Given that this was the first batch of elected representatives after reservations for women in local government was increased to 50%, and many of the panchayat presidents were from non-political families, and the fact that elections were not conducted for about three and a half years, it was imperative to access both the individual and institutional capacity of this fundamental building block of democracy and decentralised government to function.

This study was undertaken to answer the following questions:

a) What, according to the panchayat presidents, was the community experience during the pandemic?
b) How did local government fare in responding to the needs of the community during the pandemic?
c) What is the capacity of the panchayat presidents, and is it sufficient or what are the gaps?
d) Are the institutional mechanisms robust enough to respond to a similar extreme event?
e) If not what are the gaps, and how can they be remedied?

2.2 Scope

This study was conducted to identify the extent to which rural areas have been affected during this Covid-19 pandemic, and the performance of the state mechanisms especially with respect to justice and delivery of basic services and relief to the most vulnerable.

2.3 Methodology

134 panchayat presidents were interviewed telephonically to collect data on a pre-designed questionnaire. They were, by and large,

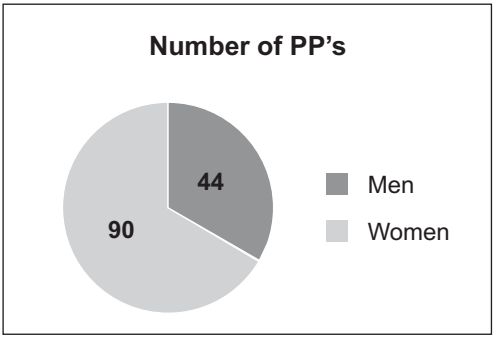
panchayat presidents known to NGOs that HRF had already worked with and were to that extent knowledgeable about basic needs and justice issues.

2.4 Dates

The interviews were conducted from 14 September 2020 to 14 October 2020. The analysis was done from 14 September 2020 to 18 September 2020. The report was completed on 3 November 2020.

2.5 Sample size

The assessment covered 134 panchayat presidents, 90 (67%) of whom were women and 44 (33%) were men, from 65 taluks, 69 blocks, in 134 village panchayats of 27 districts in Tamil Nadu (approximately five per district, three of whom were women).

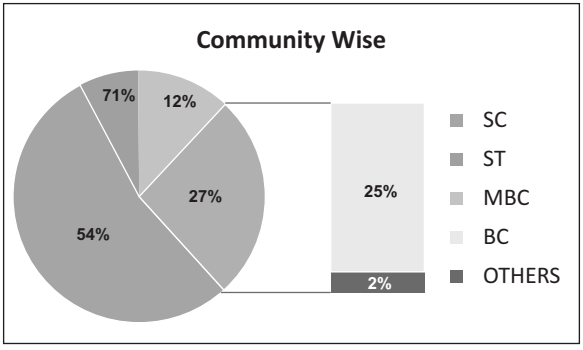


Most panchayat presidents (118) are first time representatives, 12 are elected for the second time, one for the third time, two for the fourth time, and one elected for all five terms - ie. ever since local government elections were conducted in Tamil Nadu in 1996.

2.6 Communities

A total of 134 panchayat presidents were interviewed. Community wise, panchayat presidents belonging to the scheduled castes were 72 (53.7%), most backward classes were 16 (11.9%), backward classes 33

(24.6%) and 3 (2.2%) were from other communities. 10 (7.4%) panchayat presidents were from scheduled tribes.



2.7 The team

The HRF team consisted of Deputy Director Tamilarasi who designed and guided the study, Sr Coordinator Chitra and Associate Coordinator Muthurani who did the telephonic interviews, and Associate Coordinator Murugesan who did the analysis and wrote the report.

Challenges And Limitations

The survey was conducted over the phone. While it enabled a wider reach, it brought with it a different set of challenges, such as accessibility to technology (both the instrument and the requisite infrastructure).

The dependence of the elected women (or the overbearing dominance of their menfolk) could not be addressed as much as it could have, were it an in person interview.

4.1 Reservation and participation

Of the 134, about half (63) were elected from reserved constituencies. Among them 48 constituencies are reserved for scheduled castes, and of them 39 for women from the scheduled castes. Ten were reserved for scheduled tribes, four of them for women from scheduled tribes. Of the four others, one was reserved for women.

4.2 Independence

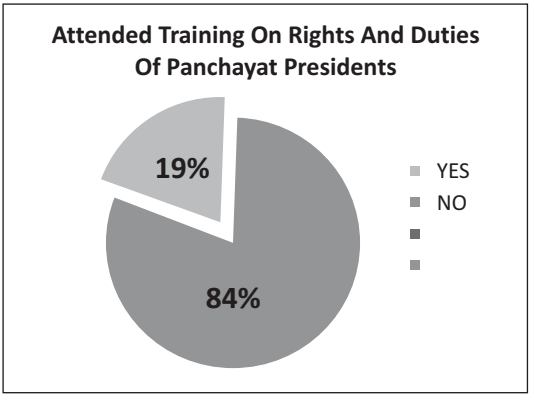
About 117 panchayat presidents are able to work independently without any intervention. 2 reported that they could not work independently due to various reasons. 15 reported that they are somewhat able to function independently. Gender is a barrier for 1 out of 2 panchayat presidents, who reported that they are unable to work independently. Mental stress is another reason for the remaining one.

4.3 Knowledge and capacity

4.3.1 Awareness of the duties and responsibilities of local government (PRI)

Many of the panchayat presidents are aware of the Tamil Nadu Panchayat Raj Act 1994. 68.6% of the respondents know the Act.

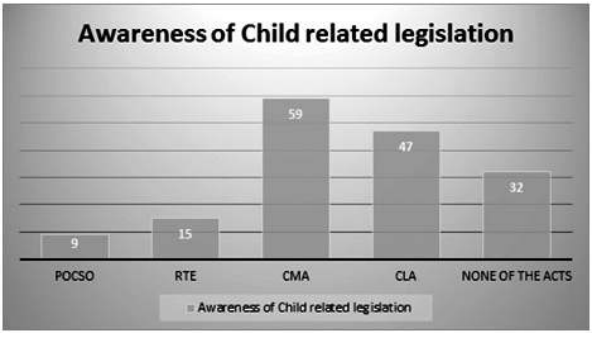
However 31.3% still did not know it. About 109 (81.1%) attended the training programme related to their rights and duties as a panchayat president in local government. 25 received no training. Of those trained, 107 attended the training given by the district administration. So far no training has been conducted by the State Institute of Rural Development (SIRD) or the Regional Institute of Rural Development (RIRD). 5 attended in the training given by Non-governmental Organisations. Among those 5 panchayat presidents 3 attended the training conducted by both district administration as well as NGO.



4.4 Child rights

4.4.1 Awareness of relevant legislation

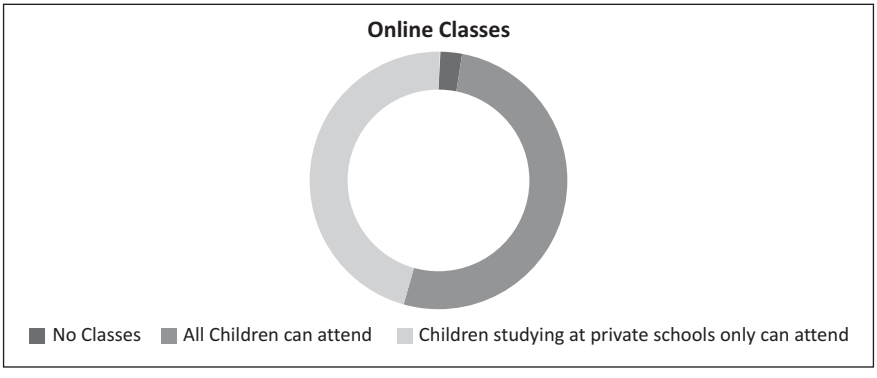
15 panchayat presidents are aware of the Right To Education Act but only nine are aware of the Protection of Children from Sexual Offences (POCSO) Act. On the other hand, 59 were aware of the Child Marriage Act and 47 were aware of Child Labour Act. 32 reported that they did not know any of these Acts.



Issues pertaining to child welfare and child rights have been discussed in 89 of the panchayat meetings. It was not discussed in any of the panchayat meetings of 45 panchayat presidents. Only 10 panchayat presidents were aware of the children's parliament.

4.4.2 Schooling

Many children have dropped out from school due to several socio-economic factors. The major one is poverty. 6 respondents said that approximately 5 children have dropped out from school in each area. 93 reported there is no special/non-formal education (run by NGOs/panchayat) available for out-of-school children. On the other hand, the online classes make a mental imbalance with children. They lack access to school friends, teachers, social workers and the safe space and services that schools provide. During this pandemic, 4 reported that no classes are conducted for the children. Only 69 panchayat presidents said all children in their jurisdiction were able to attend online classes. 61 said that only children studying in private schools could attend online classes. 4 reported the children cannot afford to pay for buying an android phone. 44 said there are no online classes conducted on TV.



4.4.3 Participation in School Management Committee (SMC)

Only 42 (31%) out of 134 are even aware of the school management committee. Of these 42, only 7 are members of the committee. Three attended the SMC meetings earlier and two haven't participated in any of its meetings. In 2 of 3 places the decisions of the SMC have been implemented. The decisions taken by SMC are joining all the children in school, constructing a compound wall.

4.4.4 Village education committee (VEC)

Only 9 respondents knew about the village education committee (VEC). Out of these 9 responses, 6 reported that the VEC is not functioning properly. The VEC is active in only three places. None are aware of the functions of this committee nor of the roles and responsibilities of the committee members.

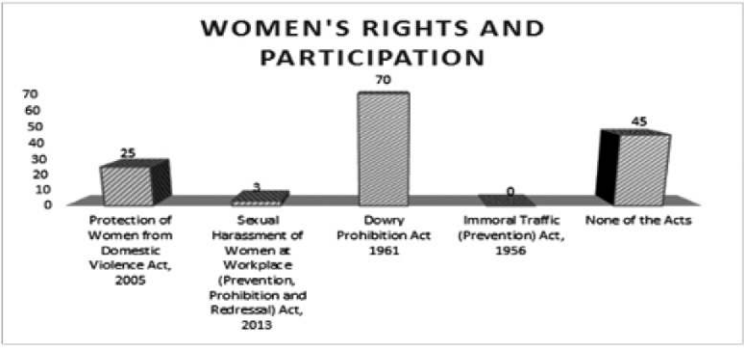
4.4.5 Child marriages

None of them reported that child marriages are taking place in their villages. 89 responded that child welfare and child rights issues are being discussed at their grama panchayat meetings.

4.5 Women's rights and participation

Twenty five panchayat presidents were aware of the Protection of Women from Domestic Violence Act, 2005. Three were aware of Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013. 70 are aware of the Dowry Prohibition Act 1961. No one knows the Immoral Traffic (Prevention) Act, 1956. 45 people don't know any of these Acts.

In most of the villages (122) women are participating in the grama sabha meetings. In 12 villages women's participation is 50% or more.



All reported that the decisions taken by women are accepted in gram sabha meetings. No one reported that the women panchayat presidents are not being treated equally in grama panchayat meetings. Only 25 reported that issues related to women welfare women rights have not been discussed in their grama sabha meetings. Remaining 109 said, the issues related to women are being discussed in their panchayat meetings.

4.6 Access to justice, entitlements, and institutions:

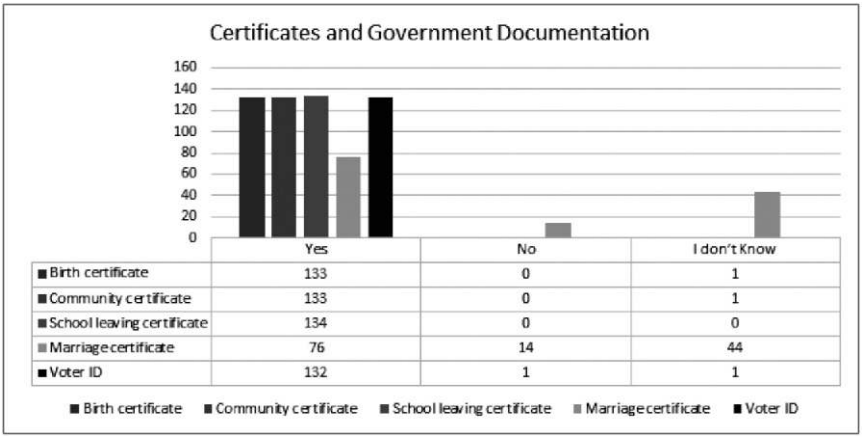
4.6.1 Access and assistance to justice and institutions

80 out of 134 reported they did not go to police stations to help others. 99 reported going to the anganwadi (for an enquiry or inquiry), 22 to the Primary Health Centres (PHC), only one to the government school and private school, and 103 to the ration shops. 15 did not go to any of the institutions.

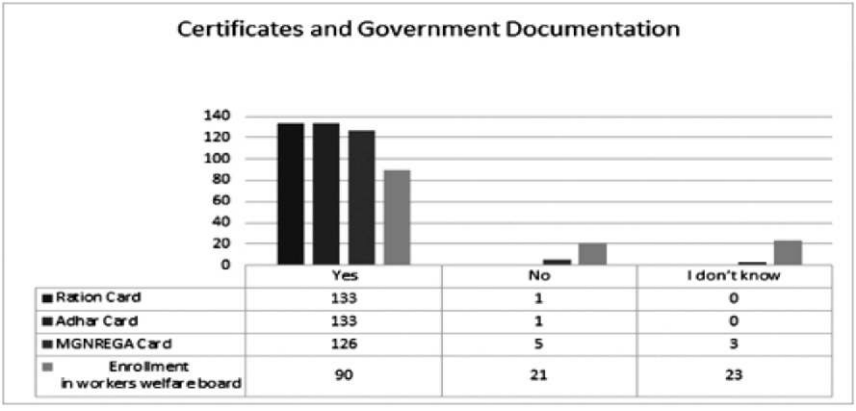
10 reported that no timely vaccinations were given for the children and women during the lockdown. 99 reported that there is a functioning PHC in their locality. 25 of the panchayat presidents reported that the PHC was not available in their panchayat.

4.6.2 Certificates and government documentation

The panchayat presidents report that most of the people in their villages have all the requisite documents. The weak spot seems to be MGNREGA. In many village panchayats people were not allowed to go for 100 days work due to age restrictions during the still extant pandemic restrictions. Most of the elderly people struggled to meet their basic needs.



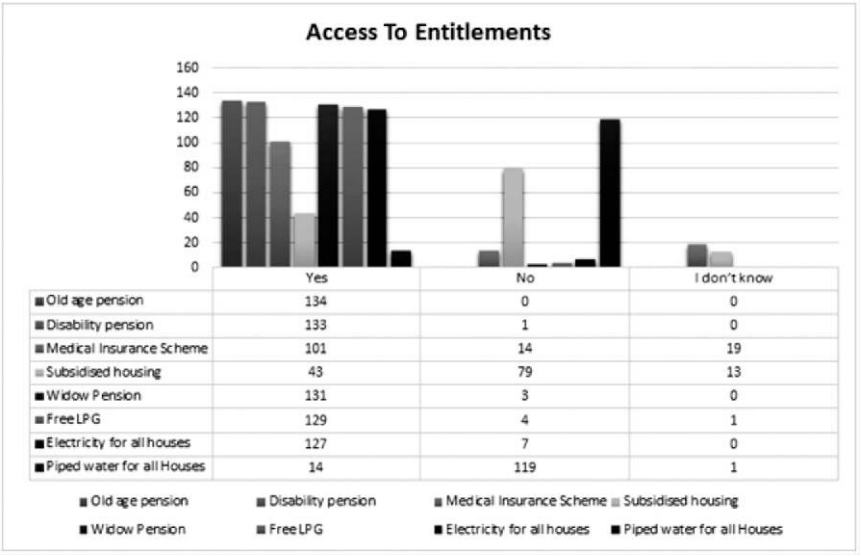
	Yes	No	I don't Know
Birth certificate	133	0	1
Community certificate	133	0	1
School leaving certificate	134	0	0
Marriage certificate	76	14	44
Voter ID	132	1	1



	Yes	No	I don't know
Ration Card	133	1	0
Adhar Card	133	1	0
MGNREGA Card	126	5	3
Enrollment in workers welfare board	90	21	23

4.6.3 Access to entitlements

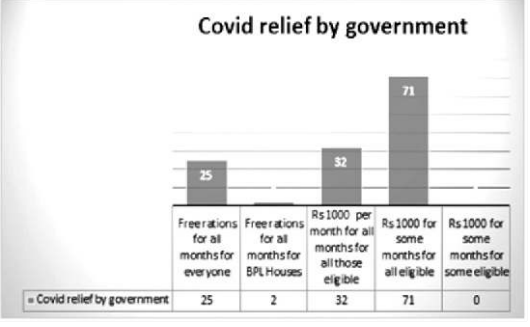
Many reported they did not have access to subsidised housing. For most people , old age pension, disability pension, free LPG, electricity for all houses other needs are met properly. Medical insurance is not available to a few people. Only 14 reported that the piped water is available for all the houses. 90% of the households do not have access to piped water.



	Yes	No	I don't know
Old age pension	134	0	0
Disability pension	133	1	0
Medical Insurance Scheme	101	14	19
Subsidised housing	43	79	13
Widow Pension	131	3	0
Free LPG	129	4	1
Electricity for all houses	127	7	0
Piped water for all Houses	14	119	1

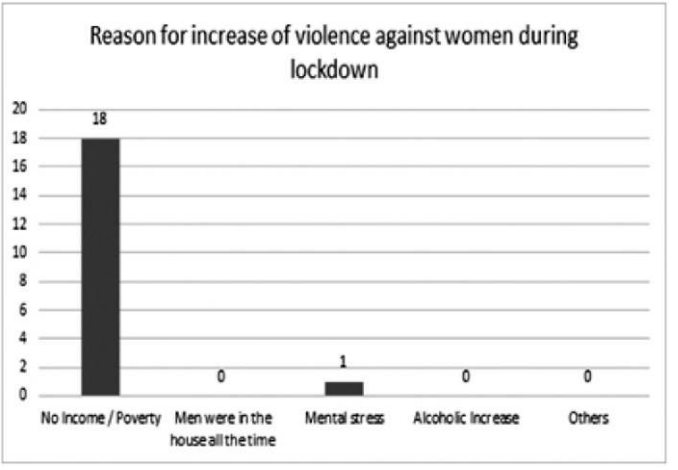
4.7 Local government during the Covid response

Relief was given in 126 places. 8 reported that they did not get any covid relief from anywhere.



19 mentioned violence increased against women during the lockdown. This

only tracks the increase, not the prevalence, which is a lot more and normalised.



There were several disturbing statements during the conversations. Due to paucity of time, we were unable to further explore them. However, considering the implications, we are putting them on record, with the usual caveats.

Grama sabha meetings:

- Grama sabha meetings were not held in any of the villages during this pandemic. The Government of Tamil Nadu called off the grama sabha meetings scheduled on 2 October 2020 late at night on 1 October 2020. (Police prevented the grama sabha meetings, possibly due to the fear that the grama sabhas would pass resolutions against the central government's farm bills. If pandemic induced distancing requirements was the concern (the ostensible reason) the meetings could have been conducted by following distancing norms.
- The grama sabha empowers citizens and encourages them to participate in the social audit. Cancelling the grama sabha is a blatant violation of the panchayat raj act.

Online classes:

- Online classes have affected the education of many poor children.
- With boys getting preference to use the single android phone at home, girls from poor rural households have discontinued studies, resigning themselves to an early marriage
- Mahatma Gandhi National Rural Employment Guarantee Scheme:
- Work under the Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGS) had also come to a complete halt

under the lockdown. While many of the respondents complained about a general lack of functioning of the scheme, it is a major cause of worry among manual workers in those few villages where the scheme played an important role in supporting the household economy.

Service deficit / stoppage:

- Due to this epidemic, various village welfare activities have been stopped.
- Some eligible elderly, widows, and the people with disabilities are not getting the pension they are entitled to.

6.1 Requested training

The presidents were keenly aware that they needed much more knowledge and skills to function effectively. (general administration, development planning, the financial system, and their powers and duties top the list of skills and areas where they wanted more training and awareness).

This is not only because of their relative newness to the tasks (first time representatives, women in decision making etc), but also the difference in awareness and skills when compared to the officials. On top of this is the absence of elected representatives for three and a half years, during which the space was filled by the officials.

Most of the representatives would attend training on their responsibilities and duties if provided. The areas they wanted training in are listed below in order of preference. Most of them are aware of their skill deficit in actual governance, which assumes importance after they have won the elections. (Till then only their vote mobilisation skills matter).

Topic	Preference
General administration of a village	98
Developing a village development plan (VPDP)	77
Financial system	57
Power and duties of a panchayat president	45
Schemes and procedures	24
Engagement with government departments, officials, corporate management	8
Village school committee/School Management Committee/SHGs	5
Reopening of schools, safety of children and teacher preparedness	1
Other training	1

The responses in the section above on access to justice and institutions reveals that they did not have a clear understanding of their rights and duties, even when these were of personal, family, and community benefit. Even for schemes that would benefit them (for instance enrollment in the labour welfare board) and their close family, their knowledge was sketchy.

6.2 Communication infrastructure available

123 panchayat presidents have an android mobile device with internet connection. 11 panchayat presidents have a mobile phone without internet connection.

a) What, according to the panchayat presidents, was the community experience during the pandemic?

The newly-elected representatives have had to face the mammoth challenge of managing the pandemic within months of taking office. The telephonic interviews show that local governments have been actively involved in tackling pandemic-related issues. In the initial phase, the panchayat presidents were involved in handling the following tasks.

- Creating awareness
- Disinfecting and sanitising of the Village Panchayats
- Ensuring lockdown protocols
- Ensuring delivery of essential services
- Tracking and tracing cases

In addition, some panchayat presidents also distributed masks and personal protective equipment, using their own funds. Traditional methods of sanitisation using neem water and turmeric and providing herbal infusions, such as Kabasura Kudineer, to boost immunity have been tried. During the pandemic, the Government provided additional ration through the PDS and direct cash transfer of ₹1,000 per household with ration card. But the amount was not sufficient enough. They suffered greatly due to lack of funds and lockdown restrictions. For the newly elected, the pandemic placed an additional burden. Proper planning in the local government is essential to deal with such disasters.

b) How did local government fare in responding to the needs of the community during the pandemic?

Everything such as meeting the demands and basic needs of the people was hampered by the lockdown. The MGNREGA programme did not take place in many places. Welfare projects such as providing

subsidized housing, road and drinking water facilities have all been put on hold. Most of the panchayat leaders said they had taken preventive measures with their own money.

c) What is the capacity of the panchayat presidents, and is it sufficient or what are the gaps?

The study identified several capacity deficits in local government. The presidents themselves identified the key areas where they needed more skills and information - and they indicate that the skill building needs to start with the very basics of what their role, functions, and authority are. It is only after this gap is filled that a more nuanced managerial capacity building can be attempted.

d) Are the institutional mechanisms robust enough to respond to a similar extreme event?

The present structure of the village panchayats is not strong enough to face such calamities. It is slightly difficult to tackle the similar event in the upcoming days.

e) If not what are the gaps, and how can they be remedied?

Under these circumstances, there is a clear need to provide adequate infrastructure to Gram Panchayats in terms of buildings and other infrastructure like computers and related facilities to communicate with higher authorities, and proper capacity building of panchayat president and members of a gram panchayat through developing their inner resources by removing negativity from their attitudes, inculcating sense of ownership of community and public assets and developing proper reading materials and training module. In addition, the Panchayats must function independently. For this purpose, they must have clearly defined functions, adequate funds to carry out their functions and adequate functionaries to attend to the assigned tasks to them. This is a minimum level to be honoured.

Goal 16. Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels.

Target 16.2: End abuse, exploitation, trafficking and all forms of violence against and torture of children

Indicator 16.2.1: Proportion of children aged 1–17 years who experienced any physical punishment and/or psychological aggression by caregivers in the past month

Due to the inability to continue schooling during the lockdown, child marriage and reported child abuse (to childline services) increased. Since there was no school during the lockdown, this is evidence of punishment and aggression by caregivers. Some of this could be due to girls resisting getting married, but the panchayat presidents deny it though there is evidence that the number of child marriages has increased. Another reason is the rather unique situation of being home all the time during the lockdown and mothers needing to supervise the online classes of their children.

The pandemic and the mitigation measures taken have increased the risk of children to violence, especially those who were already vulnerable before the pandemic. They have also reduced the capacity of essential services to effectively prevent and respond to violence, and threaten to undermine the progress for children promised in the 2030 Agenda for Sustainable Development. Children urgently need access to sustainably financed social protection systems linked to properly resourced child-protection services. The allocation of adequate budgets and the strengthening of services for the well-being of children

and their protection from all forms of violence must be recognized as an investment that will be key to the success of the pandemic recovery

Target 16.6: Develop effective, accountable and transparent institutions at all levels

One of the challenges in making local government transparent to any degree is tight budgets and a burden on limited resources. Budgetary systems in the third tier of government are lax and removed from public scrutiny, encouraging corrupt practices. Financial reporting is the process of producing consistent data as well as statements that disclose an organisation's financial status to stakeholders. In the case of governments, citizens constitute the most pertinent stakeholders. The quality of democracy and its evaluation depend a great deal on the reliability, regularity and consistency of the information placed in the public domain.

Target 16.7: Ensure responsive, inclusive, participatory and representative decision-making at all levels

The elections to local self-government was delayed by over three and a half years - thereby defeating this goal in its entirety, though there was appropriate recognition for women in local government in the last election when a 50% quota was set aside for women. However there are various interference in their functioning. In most places the power is in the hands of men. Only nominally are the women elected representatives. In administrative activities they act on the instructions of the husband and parents. Women lag far behind in decision-making power in local government.

Indicator 16.7.1: Proportions of positions in national and local institutions, including (a) the legislatures; (b) the public service; and

(c) the judiciary, compared to national distributions, by sex, age, persons with disabilities and population groups

The quota for women in local self-government was increased to 50%, and there are about 5% who won in the open seats also - thus it can be said that women are the majority of elected representatives in local self-government. This shows that we are moving towards a path of progress in women empowerment. However, actual power is wielded by their male kin. None of the respondents are people with disabilities (PwD). There is a quota for PwDs in local government and in public service (4%), but none in the judiciary.

Indicator 16.7.2: Proportion of population who believe decision-making is inclusive and responsive, by sex, age, disability and population group

Many women panchayat presidents expressed the opinion that they are free from any intervention and they are able to function independently. Only one reported that gender was an obstacle in decision making. During the telephonic interview it was clear that in many cases, men answered some questions and also women were hesitant to talk in the presence of their husband so the statement is contradictory to the reality

Target 16.9: By 2030, provide legal identity for all, including birth registration

Indicator 16.9.1: Proportion of children under 5 years of age whose births have been registered with a civil authority, by age

All panchayat presidents reported that there was 100% birth registration in their villages.

Target 16.3: Promote the rule of law at the national and international levels and ensure equal access to justice for all.

Indicator 16.3.1: Proportion of victims of violence in the previous 12 months who reported their victimization to competent authorities or other officially recognized conflict resolution mechanisms

Victimisation and discrimination is felt most by socially excluded communities, some of whom are classified as scheduled castes and scheduled tribes. They were let down by constitutional functionaries during the pandemic. Though the law (Tamil Nadu Panchayat Act) mandates elections every five years, elections to local government were conducted after a gap of three and a half years - and that too only on court orders, leaving out urban areas and one third of the districts. This clearly shows that the rule of law is absent in the practice of even constitutional functionaries. Since the elections were not held, the presidents from the scheduled communities were not appointed to the Sub Divisional Vigilance and Monitoring Committee under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act - thereby leaving a gap in the access to justice. Even now - a year after the elections were conducted, these posts have not been filled and no action is taken against officials for not doing so. This shows systemic discrimination, impunity, and the absense of the rule of law.

Not conducting the elections also means that the women lose out, since it is the woman representative who is the chairperson of the powerful village development committee. The government of Tamil Nadu preferred to forego the central funds for local government - and deny the village communities their rightful entitlements - rather than conduct elections. This has disparate impact, and is much more detrimental to the development of the socially excluded communities, women, and children.

a) **Local government elections must be held on time**. Timely elections, and grama sabha meetings are vital. Cancelling them at the whims and fancies leads to long-term degrading of their vitality. The gap of three and a half years - almost an entire term - in conducting elections has severely reduced the capacity of the elected representatives to deal with governance issues at the village level. In some districts, it has not been held as yet, and it looks like it will not be held for an entire term. A constitutional amendment to make elections to local government at fixed intervals, with fixed roles and responsibilities, and mandatory devolution of power and resources is necessary.

b) **Local government needs to be empowered a lot more**. The first responder role of the local government needs to be recognised and strengthened. Most government mechanisms in the village are managed, controlled, and accountable to far away bureaucrats. This needs to change to make the accountability to the grama panchayat more robust. Once the roles are consequential, it will also draw better talent to the elected positions.