



**B.A. PART-III
SEMESTER-V**

**PUBLIC ADMINISTRATION
PAPER-I**

UNIT - 1

**Department of Distance Education
Punjabi University, Patiala**

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LESSON NOs. :

- 1.1 : Local Government : Meaning, Significance & Evolution since 1882
- 1.2 : Role of Deputy Commissioner in Local Administration
- 1.3 : Rural Government and Administration :
Features of 73rd Amendment
- 1.4 : Gram Sabha
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**Note : Students can download the syllabus from
department's website www.dccpbi.com**

LESSON NO. 1.1

**LOCAL GOVERNMENT - MEANING, SIGNIFICANCE &
EVOLUTION SINCE 1882**

Local Government is independent form of government at the grass-root level. Local government has its deep roots in Indian history e.g. local government institutions play an important role in the life of citizens particularly in a democratic set up. These are not only the primary units and learning grounds but also provide the basic and minimum essentialities and amenities. In recent times, the role of local government has undergone tremendous change due to phenomenal increase in the functions of the state on account of industrialization and transformation of state into a welfare state.

It is a complex process to establish proper government machinery for local governance i.e. defining its functions, powers, composition, resources, personnel etc. In recent years, efforts are being made to grapple these problems under 73rd & 74th amendment of Indian Constitution to infuse dynamism into their working.

G. Montagu Harris defines local government as government by the people themselves through freely elected representatives. A more appropriate definition of local government has been given by **K. Venkatarangaiya**. To him, "Local Government is the administration of a locality-a village, a city or any other area smaller than the state-by a body representing the local inhabitants, possessing a fairly large amount of autonomy, raising atleast a part of its revenue through local taxation and spending its income on services which are regarded as local and, therefore, distinct from State and Central services." **According to B.K. Gokhale**, "Local self government is the government of a specified locality by the local people through the representatives elected by them." **Professor W.A. Robson**, opines that local government may be said to involve the conception of a territorial, non-sovereign community possessing the legal right and the necessary organisation to regulate its own affairs. This in turn presupposes the existence of local authority with power to act independently of external control as well as the participation of the local community in the administration of its own affairs. The study of various definitions of local government given above reveals that

local government is a combination of various aspects and there is no single definition which includes all of them. These aspects are : a local body, local inhabitants electing and ultimately controlling that body, autonomy of that body in the sense of freedom from the control of higher authorities within atleast a limited sphere, a recognition of the distinction between local and non-local services, and local taxation. In other words, a local government institution has many attributes. Apart from possessing a fixed territory and a population, it possesses a governmental organisation which is responsible and responsive to the needs and wishes of the local community. However, it is not sovereign and is subordinate to the superior authorities of the country. Its powers and jurisdiction are limited and it functions within the limits laid down in the law of the state government. Within such jurisdiction, it has complete autonomy. G.M Harris defining the term Local Self-government states it as a "government by local bodies, freely elected, while subject to the supremacy of the national government; is endowed in some respect, power, discretion and responsibility, which it can exercise without control over its decisions by the higher authority. The extent of power, discretion and responsibility which the local bodies possess is a matter of degree, which varies considerably in the various countries."

An analysis of above mentioned definitions of local government reflects that there are two aspects of local government : (a) the relation of the local bodies to the Central/States governments; (b) their relation to the community, which should be determined by the following principles :

- (i) It is desirable to have the smallest possible unit that can perform a particular task efficiently so as to bring local government as nearer as possible to the people
- (ii) If a unit is so large that members of council cannot regularly attend its meetings, local government will tend to lose its representative character;
- (iii) If possible the unit should be based on natural local loyalties, though this principle will often have to be sacrificed to efficiency or alternatively we will have to abandon the idea of progress.

Thus, the essential characteristics of a local government are : (i) its Statutory status; (ii) its power to raise finance by taxation in the area under its jurisdiction; (iii) participation of local community in decision making in specified subjects and their administration; (iv) the freedom to act independently of central control; and lastly its general purpose, in contrast to single-purpose character.

CHARACTERISTICS OF LOCAL GOVERNMENT

The above discussion regarding meaning and concept of local government makes it clear that there are certain characteristics on which the system of local government is based. Some of its important characteristics are as follows :

- 1. Local Area :** A local government unit, as far as its jurisdiction is concerned, has a well defined area which is fixed by the concerned state government. This area can be termed as a city, a town or a village. The territorial limits of a local body unit are fixed by the state government subject to changes from time to time through legislation.
- 2. Local Authority :** The administration of a particular locality is run by an authority or body of persons who are elected directly by the people residing in that particular area. That authority which includes the elected representatives of the people are responsible for management of local affairs in that area.
- 3. Civic amenities for local inhabitants :** The primary objective of local government is to provide certain civic amenities to the people at their door-steps. The provision of these civic amenities ensures the healthy living of local community. These services are specifically meant for those inhabitants who are living in that restricted area for which the local government unit has been created. It has been rightly pointed out that all those amenities which make living better, physically, economically, socially and culturally should be assigned to the local inhabitants.
- 4. Local Finance :** In order to perform its functions effectively, it is necessary that every local government unit is provided with adequate finances. The services provided to the local inhabitants are largely financed out of finances raised locally. The local inhabitants are required to pay taxes imposed by the concerned local authority. The Central and state government also render them financial aid through a system of grants-in-aid and permission to raise loans to enable them to perform the tasks assigned to them.
- 5. Local Autonomy :** Local autonomy means the freedom of the local government to decide and act in the sphere of activities and functions allotted to them by the statutes under which they are created. Among other things, it implies the legal right of the inhabitants of a local area to choose their representatives to govern the locality concerned, according to the laws framed by the local council, and to adopt the budget. It is however, to be understood that the authorities which have been given the responsibility to run the local government are neither sovereign nor self-created entities and they will have to depend upon the higher levels of government for their creation, rank,

powers and functions.

6. Local participation : The success or failure of developmental plans at the local level depends upon the active participation of local people for whom these plans are made. It is the local government which provides an opportunity to the local people to participate in administration. If the goals of development have to be achieved, people's participation is a pre-requisite for it.

7. Local Leadership : The people who come under the purview of local government especially those living in rural areas, are generally illiterate, inexperienced non-professional and unaware about the functioning of local bodies. Strong leadership, therefore, needs to be provided to those people. This leadership is provided to the people from the local area in the shape of elected representatives and elected office-bearers of the elected councils in regard to the policies and programmes of the government.

8. Local Accountability : Local government units which are created to provide civic amenities to the people are accountable to the local people. The residents of a local area keep a watch on local authorities to ensure effective performance of their functions. If a local body becomes inefficient and is not in a position to provide satisfactory services to the people, it faces severe criticism of local residents.

9. Local Development : Local government is concerned with the overall development of the people living within its area. Every activity of local government is therefore aimed at development.

Evolution since 1882 : Governor-General, Lord Ripon, known also as the father of local self-government in India, thought that the local government was "an instrument of popular and political education" and resolved to make it a self-governing body. The resolution made by Lord Ripon was treated as guidelines for the local government. The principles contained in the resolution were as follows :

1. Elected non-governmental members and chairman.
2. Indirect state control over the local bodies.
3. Adequate financial resources to carry out the functions. Along with local revenue, suitable grants from the provincial budget.
4. The local government personnel operating under the control of the local bodies.
5. Resolution of 1882 should be interpreted according to the local conditions prevailing in the province.

The Viceroys who succeeded Lord Ripon were not interested in the above principles and did not have liberal attitude. The report of 1909 of Royal

Commission upon decentralization recommended certain principles which marks a significant change in the history of local government. According to the report :-

1. Village should be a basic unit of local government. Every urban area should have a Municipality and every village a panchayat.
2. A large elective majority in the local bodies.
3. Election of Municipal President with the District Collector as the President of the district local board.
4. Authority in the determination of taxes and preparing budgets and also governmental help by means of grants.
5. Control over the employees by the local bodies.
6. Outside control must be in the form of advice, audit and suggestions.
7. Governmental sanction for lease or sale of municipal properties and governmental control over raising of local loans.
8. Responsibility of Municipality for primary education.

Nothing was accomplished until 1918. In 1918, a resolution issued by the Government of India contained the following :-

1. Revival of Panchayats.
2. Presence of large elective majority.
3. Extension of the local government's franchise.
4. Elected, not nominated, President, who is the member of the public.
5. Freedom in the preparation of budget, imposition of taxes and sanction of works.

The outbreak of war in 1914-18, made it necessary for the British government to seek the support of the people of India. To attain this, the Britishers associated Indians in every branch of administration. The Government of India Act, 1919, introduced the dyarchy system of government. Subjects like local government, agriculture, co-operation, etc. were transferred to the control of popularly elected ministers. There were a series of Amending Acts on local governments during this period. The practice of having a civil servant as the President of the municipal bodies disappeared. The executive direction passed into the hands of elected members of the public. Along with the measures of democratization of local government there occurred a gradual but definite decline in the efficiency of the administration of local affairs.

With the enforcement (even in part) of the Government of India Act of 1935, the dyarchy system of government at the provincial level was replaced by provincial autonomy. The national movement for Independence was hotting

up. Therefore, when provincial autonomy was achieved, the system of local government ceased to be an experiment and became a part and parcel of self-government of the entire country.

The Independence of India (1947) gave a new impetus to local government. The popular national and state governments gave a different atmosphere for the functioning of local government. The entire system of local government was restructured with the advent of the Constitution.

Present day : The Constitution of India placed local government in the state list of functions and has affirmed. "The State shall take steps to organise village panchayats to endow them to function as units of self-government". Three-tier system of government came into force as a result of the report of the team for the Study of the Community Projects and National Extension Service (1957) with :

1. Zila Parishad at district level,
2. Panchayat samiti at block level, and
3. Panchayat at village level.

The development of urban local government was comparatively slower than the rural local governments. In the Third Five-Year Plan (1961-66) steps were taken for the development of urban local government.

There were many committees set up, both by the state and the centre, to review the problems of local governments. The committees of the Central Government were:

1. Local Finance Enquiry Committee, 1951.
2. Committee on the Training of Municipal Employees, 1963.
3. Committee of Ministers of Augmentation of Financial Resources of Urban Local Bodies, 1963.
4. Rural-Urban Relationship Committee, 1966.
5. Committee on the Service Conditions of Municipal Employees, 1968.

Another important development was the bifurcation of rural and urban local governments. The departments of community development and panchayati raj have been set up to deal with rural government and departments of local self-governments in the states, with urban local government. The local government falls within the jurisdiction of the states. But the practice and pattern of local government varies from state to state.

Significance of Local Government

A democratic form of government must be sustained by a system of vigorous local self governing institutions. Local government institutions provide an

opportunity to the people to participate freely and actively in the government which they formulate for their respective areas. These are necessary to encourage and foster initiative, independence, and enterprise on the part of the people. Our first Prime Minister, Pt. Jawaharlal Nehru, while inaugurating the first Local Self-Government Ministers' Conference in 1948, had said that "Local Self Government is and must be the basis of any true system of democracy. We have got rather into the habit of thinking democracy at the top and not so much below. Democracy at the top may not be a success unless you build on its foundation from below." "The local assemblies of citizens", says De Tocqueville, "add to the strength of free nations." "town meetings are to liberty what primary schools are to science; they bring it within the people's reach, they teach men how to use and how to enjoy it. A nation may establish a free government, but without municipal institutions it cannot have the spirit of liberty." Lord Bryce regards local government as the best school of democracy and the best guarantee of its success. W.A. Robson opines "Democracy on the national scale can function in a healthy manner only if it is supported and nourished by democratic local government." Emphasizing the importance of local self-government, Prof. Laski says "Local Self-government offers the best opportunity to the people to bring local knowledge, interest and enthusiasm to bear on the solution of their problems.

The importance of local government has also been expressed by T. Appa Rao. To him, "The local government fulfils all the domestic needs of civilised community. It also creates among the citizens personal interest in their common affairs and throws the field open for their constructive and creative activities. It also serves as an expression of political consciousness and as a means of political education and renders the citizens fit for their civic duties and responsibilities, by enabling them to participate in public affairs. It also generates in people an aesthetic sense that makes them beautiful and adorn the land they inhabit. It provides the best opportunity to men and women to bring their local knowledge and enthusiasm to bear on the solution of their own peculiar problems."

The significance of local government may be discussed in details as follows :

(i) Instrument of political and popular education: Lord Ripon's Resolution of 1882 emphasized the need of political and popular education through local government. "It is not primarily with a view to improve administration that this measure is put forward and supported. It is chiefly designed as an instrument of political and popular education." Highlighting the importance of local government as an educational institution, Prof. Laski says, "the institution of local government is educative in perhaps a higher

degree atleast contingently, than any other part of government. And it must be remembered that there is no other way of bringing the mass of citizens into intimate contact with persons responsible for decisions." Local government is a system which ensures effective participation of citizens in administration and makes them realise about their responsibilities towards the society.

(ii) School of Democracy : The success of national democracy largely depends upon the success of democracy at the grass-root level. The proposition that self-governing localities are the citadels and schools of democracy, has been stressed by an advisory committee of the Commission on Inter-governmental Relations (U.S.A)

"Local Governments are to total government what basic tissues are to human body. Without them, government would have no vitality. The countries, cities, towns, villages, and boroughs serve as training schools for the leaders of government, and in the affairs of local government are tried those who aspire to state and national offices.

Symbolising democracy by local government, G.D.H. Cole points out : "Democracy is nothing unless it means, in the last resort, letting the people have their own way, not only in the mass, by means of an aggregate vote in a nation-wide scale, but also in their lesser groups and societies of which the greater societies are made up, and through which it is made articulate in such a way that the less clamorous voices can be heard." Pandit Jawaharlal Nehru underlying the importance of local self-government in free democratic India had remarked "Local Self Government is and must be the basis of any true system of democracy." W.A. Robson had also endorsed the above observation by opining, "Democracy on the national scale can function in a healthy manner only if it is supported and nourished by democratic local government.

(iii) Training Ground for Emerging Leaders :- Local government is also an invaluable training ground for emerging leaders, who after acquiring experience in the part of politics and government at the local level rise as such to the state and national level. In our country local governments have produced many leaders of national eminence and stature like Ferozeshah Mehta, Motilal Nehru, Jawaharlal Nehru, Subhash Chander Bose, Vallabh Bhai Patel, Lala Lajpat Rai, etc. who were shining examples of sober and healthy local politics and restored to these local institutions, the authority and dignity they deserved. Lord Bryce has remarked, "It is enough to observe that the countries in which democratic government has most attracted the interest of the people and drawn from their ranks have been Switzerland and the United States, especially those northern and western states in which rural local government has been most developed. These examples justify the

maxim that the best school of democracy and the best guarantee for its success, is the practice of local self government.

(iv) Solution of local problems in effective manner :- All the problems are not supposed to be solved by the central and state governments. In fact, there are some problems which occur at the local level and need to be solved locally in accordance with local needs, atmosphere, environment and wishes of the people. To be acquainted with all these things, the government shall have to step down to the local level in order to solve local problems in an effective manner. According to H.J. Laski, "We cannot realise the full benefits of democratic government, unless we begin by the admission that all problems are not central problems, and that the results of problems in their incidence require decision at the place, and by the persons, where and by whom the incidence is most deeply felt."

(v) Provision of civic amenities :- Local bodies perform multifarious functions to provide various civic amenities to the people. The functions performed by these bodies, such as garbage collection, cleaning of streets, drainage, water supply, fire service, health service, etc. though appear to be minor, routine and unimportant chores, are, infact, of considerable importance for a healthy and comfortable civic life. We tend to miss their significance except in the event of a breakdown which results in the entire dislocation of social and economic life of the community. According to J.H. Warren, "If these services were suddenly to cease, we would relapse into chaos."

(vi) Economical management of local services :- The performance of not only local government, but that of the government at every level largely depends upon the availability of finances at its disposal. Most of the functions of local government are financed by locally raised funds in the shape of taxes levied by them. Local governments make the people conscious about financial management. People try to manage their own affairs most economically, because they know that it is their money which is spent on local services. The central and state governments are not in a position to provide adequate finances to the local bodies to enable them to discharge their obligations. Therefore, it becomes necessary for the local people to be more vigilant and conscious to make services more economical and to avoid wastage.

(vii) Reduction in the burden of Central Government :- A large number of functions are performed by local government which otherwise would have been performed by the central/state government. Thus, local government not only provides certain essential services to the people, but also reduces the burden of central/state government as well. If the central/state government is over-loaded with work, it becomes incompetent, incapable, and inefficient

to perform its duties. Therefore, local government is necessary for the development of initiative and interest of local masses in government and responsibility. Local government is an invaluable socio-political laboratory for trying and testing on a small scale, various new proposals for government organisation and socio-economic policies. It is a preserver of local colour in the national life.

(viii) Efficient and Effective management of local affairs :- Local government being concerned generally with the welfare of the people deals mainly with those functions which contribute to socio-economic development of the country. It being more conversant and concerned with the local problems as compared to the government in the capital, can manage the local affairs more efficiently and effectively.

(ix) Channel of Communication between the State Government and the Community :- Local government serves as a channel of communication between state government and the community. The demands made by the local community are on the one hand transmitted to the state government, the creator of local government, and on the other hand, people living in far-flung areas come to know about the government policies and programmes through local bodies. Thus, local government ensures close relationship between the people and the higher level of governments through this device of communication.

(x) Check against Bureaucracy :- The control of bureaucracy over the community increases in the absence of a strong local government system. A centralised system of administration, even though democratic, results in control of the community by bureaucracy. The rigid behaviour of bureaucrats largely affects the people's initiative and their confidence in the government. The transmission of powers from bureaucrats to the democratically formed local government has positively checked the influence of bureaucracy. A. Venkatarao has rightly remarked. "One of the virtues of local government is the easy intimacy and ready access to local government officials."

(xi) Mitigation of the evils of party system :- Political parties have always influenced the democracy not only at the state and national level, but at the local level as well, because it is not possible for democracy to function without the political parties. Local government in Urban areas in England has been operating on party lines. But we in India advocate the avoidance of participation of political parties in local bodies as they bring in the management of local

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1. S.S. Khera, District Administration, Bombay, Asia Publishing House, 1964, p. 21. Also see Shriram Maheswari, Indian Administration, New Delhi, Orient Longman, 1984, p. 458.

affairs, the evils usually attributed to them such as factionalism, groupism, favouritism and nepotism. The role of political parties as such is therefore not encouraged in local governments and thus they are expected to remain immune from the evils of party system.

The significance of local governments has all the more increased with the advent of independence. They are expected not only to provide for the basic civic amenities for the safety and convenience of the citizens but also mobilise local support and public cooperation for implementation of various programmes of welfare. It has been progressively realised that local government has to be definitely recognised as an organ for promoting grass-roots democracy and providing not only services for the welfare of the local people but also for carrying out the task of development and planning.

ROLE OF DEPUTY COMMISSIONER

During the British period the scope of district administration was limited. It's main purpose was to maintain law and order, collection of revenue and serve the British interest. No attention used to be paid towards the functions of social-welfare and the district administration was used to thwart any effort made for the achievement of independence. Later on under the pressure of national movement the British Government had to change its attitude which consequently led to change in the functions of the district administration. After independence the concept of welfare state had great effect on the nature and objectives of administration. The unlimited responsibilities of the Government enlarged the scope and functions of the district administration and it has taken the form of welfare administration by shedding its character of police administration. At present the main purposes of district administration, are as follows :-

2.1 Introduction :-

The states are divided into different units of administration known as district and the responsibility of running the administration of this region is vested in the district administration. The district is the basic unit of administration. It has been rightly remarked: The basic territorial unit of administration in India is the district, and the district administration is the total management of public affairs within this unit.¹.

It is at this level that the common man comes into direct contact with the administration to get his difficulties removed and problems solved. The difference between good and bad administration is consequently made and felt at this level. While adoption of welfare state as the ultimate end, the significance of district administration is tremendously increased as it is the main unit of administration. It through which all the development programmes and plans are implemented. It will not be wrong to say that the success and failure of administration of the country depends on the efficiency and capability of district administration. A district is headed by Deputy Commissioner who is responsible for district administration. A district has also the administration for various departments of the State Government the functionaries like Superintendent Police, District Agriculture Officer, District Medical Officer, District Education Officer and many others are also located at the district

headquarters, whose jurisdiction extends to the district and with whose assistance the Deputy Commissioner runs the district administration. As a Deputy Commissioner he is responsible for district administration.

2.2 Evolution of District Administration :-

District as a basic unit of field administration has been in existence through the ages. It has not changed substantially from the times of Manu, Manusmirithi describes village as a basic unit. About 1000 villages were grouped together as a district and were placed in the charge of an officer. Significantly, even today many districts in India approximately consist of about the same number of villages. The territorial structure of administration of the country can however be traced to the Mauryan era. About 2500 year ago, the Mauryans created an administrative structure for better administration. The system consisted of revenue villages called 'gramas' a group of district. During gupta period similar administrative units existed wherein the empire was divided into desas, district, division respectively. The head of the district administration had both revenue as well as police functions and is a similar pattern of district administration based on delegation of authority. The British inherited the Mughal administration. During the period of East India company several experiments were made in the field of administration. By 1781, the district again became the unit of administration under the district collector as head of the district. Thus, the present day district administration has historical roots. Independence and adoption of welfare state necessitated a complete reorientation of the concept of district administration. The main stress has been on development administration. The introduction of Panchayat by was a radical change in the district administration. Different states have adopted different patterns. In some states, like Maharashtra and Gujarat district level bodies i.e. zila parishads were made strong. Elsewhere in Andhra and Rajasthan it was constituted as a supervisory and coordinating body.

2.3 Role of District Administration in the District :-

1. To maintain Law and Order :- The maintenance of law and order has been the traditional function of district administration and it has been provided with large number of powers to maintain peace and protect the life and property of the people. The district administration can take disciplined action against the anti-social element and those who break the law. The Deputy Commissioner is assisted by police force headed by the superintendent of police for this purpose. The Deputy Commissioner can take several measures for this purpose and if need be, he can use force too.

2. To Administer Justice :- District administration is also responsible

for the administration of justice. At district level civil and criminal courts work under the control of the District and Session Judge who with the help of judicial officer administer justice.

3. Administration of Development Programmes :- The adoption of economic planning as a means to establish welfare state has increased the functions of the district administration to a great extent. The function of the district administration is no more only to maintain law and order but to participate in the economic and social uplift. It is responsible for the implementation of all this development programmes like community development programme. Integrated Rural Development Programmes, Five Years Plan etc. It makes efforts for the spread of education and health services.

4. Public Welfare Functions :- In addition to the development functions the district administration has been vested with the responsibility to implement the welfare programmes. It is responsible for providing services like health communication, transportation. It participates in agricultural and industrial development by providing necessary financial technical and literary help to the need people. For this purpose several departments have been set up at the district levels headed by their respective district officer who work under the supervision of the Deputy Commissioner.

5. Revenue and Land Administration :- District administration is the primary unit of revenue and land administration. It is responsible for the collection of the different kinds of taxes like land revenue, entertainment, excise etc. Whereas Deputy Commissioner is responsible for collection of these taxes and acts as a collector he is also responsible to run the land administration and land reforms. He with the help of other functionaries of revenue department settles the disputes regarding land and implements the programmes of land reforms. He maintains the land record, land reform, consolidation of land and protection of Government property.

6. Functions Regarding Elections :- Indian Administration is based upon the principles of democratic decentralisation consequently parliament at the centre, state legislative of state level and local bodies like Municipal Committees and Panchayat Raj institutions at Local level have been/set up. As all these institution are popular institutions, it becomes the responsibility of the district administration to make responsibility of the district administration to make arrangements for the election bodies. The Deputy Commissioner is the district returning officer and with the help of other officers, subordinate to him conducts the different functions of elections and maintains law and order during this period.

7. Functions regarding Census :- Census is held generally after every ten year. As there is no other agency to conduct it, it becomes the responsibility of the district administration to do the needful. District administration through its functionaries when need be reports to the State Government. The Deputy Commissioner acts as the chief census officer at the district level appoint several officials for this purpose. He gets the census report prepared and submit the same to the State Government.

8. Control over necessities of life :- In the modern age when the state has taken the responsibility to serve the people in all walks of life there arises a need to regulate procurement and distribution of necessities of life so it may reach every needy person and he is saved from exploitation. They Deputy Commissioner with the help of District Food and Supplies controller regulate the supply and distribution of necessities of life and takes disciplinary action against those who stand in its way. He issues licences of different kinds pertaining to distribution of Food production, Keroseneoil, Cement, Coal etc. He can impart punishment to those indulging in adultration and black marketing.

In addition to all these items district administration is responsible for several other functions like administration and reforms of Jails, issue of weapon licences, registration and control of transport and communication, protection of V.I.Ps., implementation of reforms in different kinds etc.

2.4 Administrative Organisation :-

District administration has dual organisation both horizontal and vertical. Horizontally as already intimated the district is also the unit of administration for various departments of the state government. The headquarter of district officer of each department is located at the district level and all the officers of various department work under the supervision of Deputy Commissioner. The Deputy Commissioner also acts as their co-ordinator.

The district administration has been divided geographically into various level to the sub-division, Tehsil, Village. Each level is headed by an officer who with the help of other officers, subordinate to him, runs the administration of that area. The organisation and functions of administrative organisation of the district administration can be discussed as follows :-

Deputy Commissioner :-

Deputy commissioner is the pivot of district administration. He may be called by different names like District collector, District officer etc. in different states but his main functions are the same every where. His primary duty is to maintain law and order in the district as he represents the basic unit of

orderly civilized life. He has been vested with immense powers for this purpose and is assisted by different kinds of functionaries. Secondly, he is responsible for the collection of land revenue and other taxes and revenue administration. In the beginning this was his principal function and some people trace the origin of this office, in the modern sense, from the revenue collection as it is said that the office of the collector was created during the period of East India Company when the company got the right of collection of revenue from the Mughal Emperor. Thirdly, he is concerned with the development administration and is responsible for the direction and implementation of development programmes and plans particularly when economic planning has been adopted as the means for socio-economic uplift of the people and the country. In this field he acts as the main coordinating agency among the various departments working in the field of development. Fourthly, he acts as a link between the citizens and administration. He is responsible for the protection of the rights of the people. He acts as a link between the citizen and administration protecting one against the possible harassment by another.²

Fifthly, he acts as a District Returning and Census Officer. Sixthly being the leader of the district administration, he exercise complete control over different departments working at the district level. For this purpose he is expected to develop friendly relations with government personnel operating in the district. Towards these ends the Deputy Commissioner undertakes regular tours in his district, visiting even far-flung villages, meetings people and understanding, and even solving their problems and, above all seeing the programmes of the Government are being efficiently carried out.³

In the modern times there has been a vast change particularly after the independence, in his position and responsibilities and now he is expected to face unremitting challenges. It has been rightly observed.⁴

“While his responsibilities have increased, he today, operates with distinctly reduced status and prestige, ranks among others, to the emergence of a network of district level functionaries who no longer regard him as an unquestionably superior authority.....he has been responding to these challenges so as to confirm the resilience and vitality of this institution.

Other Functionaries of District Administration :-

As already mentioned a district is also the unit of administration for various

2. Shri Ram Maheshwari, Indian Administration, New Delhi, Orient Longman, 1984 p. 464.
3. Ibid., p. 465.
4. Ibid., p. 465.

other departments of the state government. Most of the state departments are represented at the district level by their own officers. These officers, technically were under the control of their respective departments but for day to day administration they work under the Deputy Commissioner. The number of departments represented at district level vary from state to state but main departments can be described as follows :-

Department	Head of the Department at District Level
1. Revenue and General Administration	Deputy Commissioner/Collector
2. Police	Superintendent of Police (S.P.)
3. Medical	Civil Surgeon
4. Education	District Education Officer
5. Agriculture	District Agriculture Officer
6. Judicial	District Judge
7. Industry	District Industries Officer
8. Forest	District Forest Officer
9. Public Health	Health Officer
10. Cooperation	Assistant Registrar of Cooperative Societies.
11. Veterinary	District Veterinary Officer
12. Public Relation	Public Relations Officer

The functions of main functionaries are as follows :-

Superintendent of Police :- He is the chief of the Police administration of the district level. A person from India Police Services is appointed at this post. His main function is to maintain law and order in the district. He works according to the direction of the Deputy Commissioner and he is made subordinate to the Deputy Commissioner who writes his confidential report. For department purposes he works under the Deputy Inspector General of Police. He is assisted by Deputy Superintendent Police, Inspectors, Sub-inspectors etc.

District and Session Judge :- He is chief of judiciary at the district level and helps the Deputy Commissioner in the maintenance of Law and Order. But he is in no case under the Deputy Commissioner as he is directly under the State High Court. He has original and appellate power. He listens appeals against decision made by the lower courts at the district level. He has dual

position. When he listens the civil cases, he is called District Judge and when he deals with criminal cases he is called District Session Judge. He has the power to give capital punishment but it requires the approval of the High Court.

Civil Surgeon :- He is the chief of District Medical and Health Department. In some states he is called the Chief Medical Officer. He is assisted by Deputy Chief Medical Officer and several medical officers-doctors. His main function is to take measure for the preventing of contagious diseases, maintenance of health services, their planning and he assist the district administration in cases of emergency. He acts as head of health administration and all the hospitals, dispensaries and health centres work under his supervision and control.

District Education Officer :- He is the head of district education department and is responsible for school administration. His main function is to supervise and control the school education. He works under the control of Circle Education Officer and is assisted by Deputy District Education Officers. In some states school education has been further divided into secondary, middle and primary education. In such cases separate official machinery has been set for each system.

District Agriculture Officer :- He is the head of District Agriculture Department. His main function is to work for the development of agriculture in the district. He also deals with agriculture research in the district and controls the Model Farms setup for this purpose. He is also responsible to some extent, for the distribution of good, seed and fertilizers among the agriculturists and guides them in the process of farming.

Executive Engineer :- He acts as head of the Public Works Department of District administration. His main function is to build and maintain Government buildings, roads, bridges, etc. in the district. He is assisted by several sub-divisional officers and section officers.

Vertical Organisation :-

The Deputy Commissioner is the head of district administration and for making the administration smooth and close to the people it has been organised in a hierarchical manner and the Deputy Commissioner is assisted by a well knit hierarchy of officials. The organisation of the district administration in this respect can be illustrated as follows :-

Deputy Commissioner	1	(District)
Sub-division Officer	1	(Sub-division-a group of Tehsils)

Tehsildar	1	(Tehsil)
Naib Tehsildar	1	(Parts of Tehsil)
Qanungo	1	(Revenue civils)
Patwari		(Group of villages)

Sub-division (Revenue Division) :- The district geographically divided into a number of administrative units known as sub-divisions in U.P. Punjab and Haryana; Revenue division in Tamil Nadu and Prant in Maharastra. The sub-division is headed by an officer known as sub-divisional officer (SDO) who like the Deputy Commissioner is also known as sub-divisional magistrate. In Tamil Nadu he is called Revenue Divisional Officer, in Maharastra is called Praul Officer or Deputy Collector or Assistant Collector. This unit helps in the decentralization of authority and serves as a training centre for the new recruits to Indian Administrative Service. A new I.A.S. officer or member of state civil service is appointed at this post. Like the Deputy Commissioner, the S.D.O. is the head of sub-division and he performs similar functions at this level of administration. He acts as revenue collector, sub-divisional magistrate and sub-divisional officer and the like. He is expected to perform the same functions of sub-division level as are performed by the Deputy Commissioner at the district level. Like Deputy Commissioner he sheaks with the voice of the Government in his own sub-division. He acts as a knit between the District Collector and the Tehsildar in revenue matters, the district magistrate and the station officer (police) in matters relating to law and order. Generally all the departments of district administration are represented at this level.

Tehsil :-

The sub-division is comprises of one or two Tehsils. A tehsil in fact is a revenue or land administrative unit. It is called Taluk in Tamil Nadu and Taluka in Maharastra. It serves as the basic unit for the purposes of general administration, treasury, land revenue land records and other kinds of work relating to administration. The Tehsil is headed by an officer of state civil service known as Tehsildar. He is too principal official in the district administration in whom lies the responsibility for the collection of revenue and revenue administration. He acts as the sub-treasury officer and accepts payments on behalf of the government. He recommends remissions and other concession to the Deputy Commissioner at the time of distress or natural calamity. Tehsildar is assisted by a number of officials like a Tehsildar, Kannugos and Patwaries. These officials assist him in running the revenue administration.

Pargana :-

The next lower unit in revenue administration is known as Pargana. It is called Pragana in U.P. circle in Maharashtra and Firha in Tamil Nadu.

This unit of administration is headed by an officer called Qanungo in U.P., Punjab, Haryana etc. Circle inspector in Maharashtra and revenue inspector in Tamil Nadu. He is in charge of revenue administration and land records of every village within his area. He is assisted by Patwaris in his area.

Village :-

The lowest unit of administration, both for administrative and fiscal purposes in all the states, is the village. It is administered by village Panchayat who is responsible for its administration and development. On the establishment side Numbardar, chowkidar and Patwari form official machinery. Numbardar and Patwari are responsible for the collection of land revenue and land administration whereas chowkidar is responsible for watch and ward. He acts as a link between the district administration and village administration. With the introduction of Panchayati Raj the main responsibility of village administration has been vested in the village Panchayat. For development purpose the village level worker helps and assists the village Panchayat and the people.

2.5 Importance of District Administration :-

The district is an important geographical unit where the people come into direct contact with the apparatus of public administration. Though, the actual pattern of administration varies from state to state there is a large measure of uniformity to the district administration one finds a large number of state level agencies functioning in the district undertaking a variety of functions. These functions can be categorised into nine broad headings, namely, law and order, revenue, agricultural production, welfare, emergencies and natural calamities and residuary functions.

The institution of Deputy Commissioner created more than 200 years ago, is one of the most significant institutions transmitted by the colonial rulers to independent India's public administration system. He is the highest functionary of the district administration in the country. He is also described as "The Kingpin of administration", "The key stone of the arch of district administration", "The Area specialist", "and more recently in more benevolent terms as "friend, philosopher and guide", "advisor, educator and helper" the fulcrum of grass root democracy the main spring of development and so on.

Evolution of the Office of Deputy Commissioner :-

During the Gupta period as the Vishavapati the district officer used to be

known who was responsible for administrating the state business and collection of taxes and revenues in the district.⁵

In order to maintain law and order the Vishvapati commanded a small military force.⁶

There are traces in parts of India both of the ancient districts and of the officers who presided over them. They were called 'SIRDASMUKH' (Chief Head of a District).

Under the Delhi Sultanat, the provinces were divided into SHIQS. Each SHIQ was placed under SHIQDAR. Shershah gave a new system by dividing the empire into SARKARS and Sarhas into PARGANAS. To each paragana he appointed an Amir responsible for the general adminsitration, or 'Shiqdar' his assistat, who supervised collection or revenue. Each 'sarkar' or revenue district was placed under a Chief Shiqdar and Chief Shiqdar and a Chief Munsif whose duty was to protect the cultivators against the opression.⁷

During the Mughal period through the collection of revenue was the responsibility of an officer called Amil or Amalgauzar who also enjoyed a certain degree of judicial authority relating to law and order but the head of the district was 'Faujdar', a military officer under direct supervision Subedar (governor). For pressing of the peace of the country, the immediate authority was the Faujdar who was the representative of the Fizam and to him people looked for justice and protection. Under the later Mughals the Faujdar were also vested with revenue functions.⁸

In the modern form the office of the district officer originated during the period of East India Company when it after acquiring the right of Dewani appointed collectors of rent and Revenue at the district level in the provinces of Bengal. The collectors also added as magistrates of Police and held courts to try patty offences and cases of revenue disputes. Later on when the East India Company also acquired the right of Nizamat (administration), the collectors were given the responsibility of administrating justice and maintenance of law and order. After that several other powers were vested in the Collector who ultimately became the keystone of British administration and came to be known as the master of district administration. Since then

5. Shri Ram Maheshwari, Indian Administration, New Delhi, Orient Longman, 1974, p. 473.

6. Ibid, p. 474.

7. Ibid., p. 11

8. R. Bastak, the History of North Eastern India, Calcutta, 1934, p. 55.

though situation has undergone a far reaching change yet the district collector commonly known as Deputy Commissioner holds the key position in district administration and upon him depends the success and failure of whole administration. During the British period Deputy Commissioner used to act as the representative of the imperial government and main functions were to collect revenue, maintain law and order and safeguard the British interest by suppressing popular uprisings of popular freedom movement. After independence his position, functions have undergone a significant change and he in place of ruler of the people has become the servant of the people. He performs multifarious functions and is responsible for the socio-economic uplift of people and the district. He is main functionary upon whom lies the responsibility of all round development of the district.⁹

Collector and District Administration :-

District administration is headed by district collector, who is also called as the deputy commissioner. Even since the creation of the post in 1772, the district collector continues to be the administrative head of the district administration. Though created as an agent of the British Government to establish its regemony throughout the length and breadth of the country he now plays a significant role both in development and regulatory areas. Basically, he was three major functions, namely revenue, magisterial and development. Though, in recent years several controversies have arisen with regard to his role in the maintenance of law and order and also as regards the relations between him and superintendent of police, law and order continues to be one of his important functions.

Appointment :-

Before independence, persons belonging to Indian Civil Service (I.C.S.) used to be appointed as Deputy Commissioner. Since I.C.S. has been replaced by Indian Administrative Service (I.A.S.) after independence the incumbents belonging to I.A.S. cadre are appointed as Deputy Commissioner. As the I.A.S. consists of two kinds officers¹⁰ i.e. (1) direct recruits and (2) of promotees from State Civil Services, the two sub groups constitute the two natural sources from which the Deputy Commissioner are drawn.¹¹

The persons drawn from I.A.S. (i.e. through I.A.S. competition) are generally of young age, and usually in their thirties while the persons appointed by promotion from State Civil Services to I.A.S. belong to a higher age group.

9. Ibid.

10. Shri Ram Maheshwari.

11. Shri Ram Maheshwari of p. 463.

Sometimes persons who are not members of Indian Administrative Service may be appointed as Deputy Commissioners. Such officers shall belong to State Civil Service but are likely to be soon promoted to the I.A.S. As the persons appointed as Deputy Commissioner through direct recruitment (i.e. I.A.S.) belong to younger age groups, in some states preference is given to persons belonging to the category of promotees from State Civil Services. The main arguments are advocated in favour of this system¹² are :-

1. A direct recruit is generally not believed to be very effective as a District Collector for because of his lack of sufficient administrative experience.
2. As other district level functionaries are normally middle aged officials, they are reluctant to submit to the superior authority of young collector.
3. Probabally, to promote I.A.S. Officer is more simple as a District Collector, for a direct recruit being of youthful idealism are not amenable to the pressure of political bosses while the promotees do not generally have traditions of independence nor they have idealism they can be easily prevailed upon.
4. Direct recruits generally prefer to lead a sheltered life and do not want to be involved in all sorts of controversies prevalent in the field.

Several argument can be given in favour of direct recruitment. Despite this controversy the appointment are made both by direct recruitment and by promoting persons from State services.

Functions of Deputy Commissioner :-

The Deputy Commissioner being the pivot of district administration performs multiarious function is different capacities. His main functions can be discussed as follows :-

1. As District Magistrate :- The Deputy Commissioner is Chief Executive Officer of the district administration and in this capacity his Principle duty is as has always been to maintain law and order in the district. For this purpose he acts as District Magistrate. Though judiciary has been separated from executive, the maintenance of law and order is his main responsibility and with this object he can take any measure at any part of the district where he feels that there is danger to peace. To avoid violence and breach of peace he can enforce section 144, disallow procession, public meetings and assembly of the people. He keeps watch over the activities of political parties political leader and such other persons who can prove to be menace to peace and trainquality. He can take any measure to control the anti social element

12. Ibid.

under the provision of Press Act i.e. impose restrictions on the justification of news papers, magazine and other literature. He settles the matters pertaining to citizenship and makes recommendations regarding the sanctioning of passports and visas.

He controls and supervises the subordinate magistrates and orders magistrial postings during festivals and other public functions. He disposes of all petitions and miscellaneous general complaints received from government and other agencies or organisation. He submits annual report to the Government regarding crimes in the district and maintains crime registers for the same. He makes inspections of jails and disposes case of undertrial prisoners. He grants superior class to the prisoners and allow release of prisoners on parole. He also sanctions premature release of prisoners. He deals with mercy petitions from prisoners.

As the head of criminal administration in the district he exercises direct control over the activities of the Police. He can issue directions to the police for the maintenance of law and order. In some states where the recommendations of ARC Commission have been accepted Deputy Commissioner writes the confidential report of the District Superintendents of Police. He is responsible for the grant and cancellation of many types of licences.

He is responsible for supervision and control over local bodies. He issues certificates of domicile, scheduled and backward classes, guardianship of a political sufferer etc.

2. As a Collector :- The office of the Deputy Commissioner originated from the need of profit and fair collection of land revenue and other taxes and is shall continues to be most important function of the Deputy Commissioner. In the capacity of District Collector he is responsible for the collection of land revenue and other taxes imposed pertaining to land and agriculture, and other government dues. In fact this function is Performed with the help of several subordinate officers who on behalf of the District collector collect different kinds of taxes and revenues and deposit the same in the Government Treasury. He is assisted by several functionaries like Patwari, Kanugo, Tehsildar and several other officers for this purpose and make decisions in regard to problems and disputes arising relevant to land revenue administration.

He distributes and recovers taccavt and other loans granted by the government. At the time of natural calamities he makes assessment of the losses and recommendation of relief. He can recommend for the non recovery of land

revenue and other dues from the suffering people. He deals with all matters of land record and makes decisions regarding disputes pertaining to land and revenue administration. He exercises complete control over the employees serving in land and revenue administration and if need be can take disciplinary action against them. He sanctions land revenue assignments. He collects and furnishes multifarious agrarian statistics regarding rainfall crops etc. and submits reports relating to same to the state government. He is responsible for the land acquisition work and gets the rate of compensation decided. He is also responsible for the payment of Zamindari problem compensation and rehabilitation grant. He acts as a custodian of public property and make arrangements for the protection and maintenance of government property. He acts as the Registrar of land and conducts registration of sale and purchase deeds of the land. This work is done by his subordinate officers like Tehsildars. He manages the Government Estates :-

He enforces Stamp act and is responsible for the sale of stamp papers and stamps.

As Ex-officio Deputy Director of consolidation of holdings, hears appeals for the orders of the lower authorities.

He controls the sale of intoxicants and issues licences pertaining to the sale of wine and other intoxicants.

3. As District Officer :- In this capacity he acts as the chief executive officer of the district administration. He acts as the chief representative of the government and all the departments of district administration work under his supervision and control. He can order for postings and transfers of different kinds of officers posted in the district. He is responsible for posting, transfer and sanctioning of leave to the Naib Tehsildars & Tehsildars. He acts as controlling, drawing and disbursing officer of the district staff and submit annual budget estimates of the district. He deals with the pension cases of district staff. He is incharge of the Treasury and acts as District Stamps Officer. He is also responsible for the verification of the State Government in matters of general administration in the district, and looks after the interest of the Government in General. He is responsible for proper implementation of Government orders and ensures that grievances against the administration in the district are properly and effectively deal with. He makes arrangements to train junior officers in officials procedures, administration work as well as in personal conduct and behaviour.

He acts as Chairman of various Institutions or Associations to the District Red Cross Society, St. John Ambulance Society, District Welfare Organisation,

Family Planning Committee etc. and is a members of bodies of Regional Transport Authority, Road Ways Advisory Committee etc.

He coordinates the working of different departments of the District level and presides over bodies like District Planning Committee, District Implementation Committee etc.

He issues tentative tour programme of Ministers and V.I.P.s. visiting the district and makes security and other arrangements during their stay. He compiles and submits to the government annual administrative report of the district. He supervises the proper conductive of Civil suits in which states areas are a party and makes the appointment of district government counsels and panel of lawyers.

He makes enquiries relating to the issues of certificates to homopaths and correspondence regarding registration and enrolment.

He countersigns the grant-in-aid bills of various education Institutions. He is responsible for the sale of excise shops.

4. As a Returning Officer :- The Deputy Commissioner acts as a Chief Returning Officer in the district and in this capacity is responsible for making all arrangements for the conduct of election of Parliament, State Legislature and local institutions. He coordinates the working of special organisations working in the field of election.

5. As a District Census Officer :- The Deputy Commissioner also acts as district census officer. In this capacity, he is responsible for holding census in the district after every ten years. For this purposes he makes the appointment of several functionaries and makes arrangement for their training.

6. As a Development Officer :- The adoption of economic planning has further increases the responsibilities of the Deputy Commissioner. The development plans decentralise administration and separation of judiciary from executive has further made a significant effect on his position. The Deputy Commissioner is responsible for the implementation of five year and other Development plans at the district level. In some states a separate officer is responsible for development functions. In Tamil Nadu, Maharashtra and Gujrat a provision has been made for the appointment of separate officer to assist the Deputy Commissioner for this purpose. In Gujrat and Maharashtra in order to provide relief to the Deputy Commissioner from development functions a separate District Development Officer is appointed. In Tamil Nadu though the development function is performed by the Deputy Commissioner but a provision has been made for the appointment of separate District Revenue Officer who assist the Deputy Commissioner if revenue and land

administration. As a district development officer he is expected to perform the following functions :-

1. He looks after the development of the district and with the help of other district functionaries implement the development programmes and schemes in the district.
2. He informs the Government regarding the needs and problems of the district and assists the making of the development schemes and programmes.
3. He coordinates the working of several departments, organisations and agencies working in the field of development.
4. He helps and guides the panchayati Raj institutions in the implementation of their development programmes.
5. He disburses and makes allocations of all the grants sanctioned by the State government, for public programmes.
6. He is responsible for the implementation of five year plans and helps various organisation in this field.

Functions Regarding Panchayati Raj (Role of Deputy Commissioner in Local Government) :-

With the introduction of Panchayati Raj, the whole concept of administration has Undergone a phenomenal change. It has set a way towards decentralisation under this system the responsibility of rural administration and development which had been vested in the heads of the District Officers, now is vested in the popularly elected bodies at the village, block and district level. But it has not decreased the responsibilities of the Deputy Commissioner rather on the other hand his duties have increased. He is expected to play a significant role in making the Panchayati Raj a success and for this purpose he has to play an important role. The Deputy Commissioner exercises following powers in relation to Panchayati Raj Institution.

- (i) He can cancel or suspend resolutions passed by Panchayati Raj Institution. In Andhra Pradesh this power lies with the Divisional Commissioner. In some states, he enjoys the power to suspend or remove the members of Panchayati Raj Institution. For example in Mysore the Deputy Commissioner has the power to dismiss the members of Panchayati Raj Institutions. In Rajasthan he can remove them.
- (ii) Deputy Commissioner also enjoys the power of dissolution of Panchayati Raj Institutions. In fact, this power lies with the State Government who exercise it through the Deputy Commissioner.
- (iii) In some states he acts as ex-officio members of the Zila Parishad

while in some others he acts as its Chairman. For example in Andhra Pradesh, Punjab, Assam, Gujrat, Orissa and Rajasthan he acts as the ex-officio member of Zila Parishad. He can participate in the discussion in the meetings without the right to vote. In Mysore and Tamil Nadu he acts as the Chairman of the District Development Council. In Madhya Pradesh, U.P., Bihar, Maharashtra and East Bengal he does enjoy the privilege of being member of Zila Parishad. In Bihar & U.P. however, he can attend the meeting of Zila Parishad.

(iv) He can issue directions to the Panchayati Raj Institutions in regard to the implementation of development plans and programmes. He can take appropriate steps to encourage Panchayati Raj Institutions in the development of agriculture and animal husbandry etc. He can suspend any resolution passed by these Institutions which in his opinion if extended likely to cause danger to human life, wealth or safety is likely to lead to a riot or unrest. He can suspend a resolution by making a report in writing and he sends that report to the government.¹³

He can also bring to the notice of the government the persistent default or abuse of power and the Government may suspend Panchayat Samiti or Zila Parishad and during the period it remains suspended its functions are performed by the Deputy Commissioner or any other officer on his behalf.¹⁴

Because of the supervisory powers and prestige to the Deputy Commissioner in the district he can guide the deliberations and discussions of the Zila Parishad along with right lines.¹⁵

But this does not mean that the Deputy Commissioner has complete control over the working of Panchayati Raj Institutions and these bodies are completely at his mercy and work as subordinate institutions. In fact, these powers have been given to the deputy Commissioner to safeguard the interest of the bodies from Political exploitation and maladministration. As these Institutions are sometimes swayed by the political interest and the political parties by using them as a mean to gain or retain power there is direction to some agency to put a check upon these designs of the politicians, who do not hesitate to fulfil their own interest even at the cost of public welfare and local interest. The main agency which commands as a watch dog to safeguard the interest of the public at large is the Deputy Commissioner who being non-political and dedicated to the service of the people can guide the destiny of the Panchayati Raj bodies by acting as their friend, Philosopher and guide. With this object he has been empowered with both preventive and informative power pertaining

13. The Punjab Panchayati Samiti and Zila Parishad Act, 1961, Section 102 (3).

14. Ibid, Section 104.

15. S.K. Sharma, Col. p. 178.

to Panchayati Raj Institutions.

It has been rightly observed that The Power and functions of the Deputy Commissioner though vary from state to state but there is unanimity in granting to him certain powers under special circumstances. On the negative side, he has been given vast powers in Andhra Pradesh, Assam, Bihar, Gujrat, Tamil Nadu, Mysore and Rajasthan of suspending resolution of Zila Parishad or Panchayati Samiti if there is threat to human life and suffering to the people. On the positive side, he is empowered to direct execution of any work immediately required for the safety of the general public or in the public interest or for implementation of development programmes.¹⁶

In addition to these functions, the Deputy Commissioner performs several functions. In fact, his functions have undergone a great change after independence. Before independence his main role was to maintain law and order and safeguard the interest of the British. After independence the adoption of welfare state as the ultimate end has made the government responsible for the social and economic development. With this object several plans and programmes have been made, their implementation depends on the performance of Deputy Commissioner, these programmes are to be implemented at the district level. For agricultural and industrial development the Deputy Commissioners make arrangements for the procurement and distribution of goods, seeds fertilizers, regulate the sale of agricultural production, help in the selling of industries and make efforts for the improvement of means of communication.

Since no programme can be a success without the active cooperation of the people, the Deputy Commissioner is expected to maintain cordial relations with the people. He has to seek the confidence of the people by telling them the policies of the Government and by conveying to the government the reactions of the people regarding the policies of the Government. Thus the Deputy Commissioner has to act as a Good Public Relations Officer. In addition to this, he has to maintain good relations with the political bosses and is expected to act as their guide when need be.

Administrative Support :-

The Deputy Commissioner is assisted in his duties by a number of officers at various levels. These officers look after the revenue, law and order and developmental functions. Deputy Commissioner exercises control over the field officers through visits, inspections and review meetings. Through these meetings he monitors the programme Implementation and provides guidance to the field officers. His inspection and review not only give a bird's eye view

to the collector but also enable the field officers to classify their doubts about policies and priorities from the D.C. During his visits to the villages, he hears people's complaints about the problem of drinking water, water for irrigation, poor housing bad roads, shortage of essential commodities and inputs for agricultural operations. D.C. can assess the problem affecting the district and take the initiative to overcome them. This gives the D.C. a clear understanding about the local problems apart from providing a personal touch to the administrative system. An important role of the D.C. is to bring about coordination between different departments in the district. He acts as a catalyst for development. As highest functionary in the district, the government looks towards him for providing the needed guidance and direction to these officers.

The Lakhiana Experiment :-

The collector's office is designated as the collectorate, "Historically as we have seen, the collector is associated with revenue and regulatory administration with the change in the nature of administration after independence, the bureaucracy has assumed a new role as change agents. It is in this context, the need for reform at the district level both structural and attitudinal is being perceived. It is this perception of the need for administrative efficiency and also responsiveness to the community that led Anil Kumar Lakhiana, a district collector to undertake an exercise to reform district administration. This exercise was done in the collector rate of Ahmad Nagar in Satara district of Maharashtra.

The basic premises of reform were :-

- (i) Regulation of clerk and public work contact ;
- (ii) Demystification of office procedure and accessibility of documents both to the staff and public and ;
- (iii) Better working conditions and creation of working environment.

Some of the changes brought about in the district administration included, regulation of visitors to the collectorate, designing the office as per task sequence, making available documents to those who handle them. Preparation of desk manuals, weeding out documents which had outlived their usefulness, provision of dust proof and fire fighting equipment, motivation and training etc. This experiment revolved around the assumption that attitudinal changes in the administrator can result in effective administration. The Lakhiana experiment is a pointer that structural changes coupled with attitudinal changes and the will to adopt reforms can bring efficiency in district administration.

Various Problems being faced by District Collector :-

(i) Increasingly important functionary in district administration both in the regulating and development functions, he has an important role to play. In the performance of his functions, he faces a number of problems and constraints which inhibit his work. Problems like frequent transfers, increasing workload, political pressures, crisis situation and individual orientation of collector are a few civil servants need to have a tenure which is long enough to understand the environment, establish constructive relationship and to implement the development programmes.

(ii) Political interference and pressure is another area contruding the work of the collectors. Such pressures are generally brought to restrain the district administration in cases of land acquisition by the government or using judicial support for their followers or issue of gun licences or permits for scarce commodities like sugar etc. If the D.C. accepts the request they are accused of partisanship and if they resist the pressure they are accused of being insensitive to the requests of the people's representative. Quite often, resistance to pressure leads to politicisation of issues. This may even lead to the transfer of the collector. This has an adverse effect on the performance of the collector as an agent of change.

(iii) Collector's work is frequently interpreted by the visiting dignitaries like, Ministers to the district protocol requires that collector must receive and be available to have discussions with the visiting dignitaries. Thus, protocol duty is another area which effects the collector's work to some extent.

(iv) Crisis administration is another important and a necessary function of the collector. The crisis may include communal disturbance, floods and famines, dacoity and terrorism and accidents. Such crisis erupts suddenly demanding collectors's immediate intervention.

Finally, the collectors' who are committed to change in development process, choose their own area, preferences for concentrated work, some officers faces their attention on welfare of weaker sections. Others on health, and some spend on agriculture and others on development. This also constraints their role and performance in general.

Evaluation & Position of the Deputy Commissioner :- From the multifarious functions of the Deputy Commissioner it becomes obvious that he has complete control over all aspects of district administration. After independence the adoption of democratic set up has made his position more responsible as before independence he had to work keeping in view the interest of the British Master. After independence the position completely changed. He is no more the Mai-Bap

of the people nor master of administration rather he is the servant of the public and has to perform his duties keeping in view the interest of the people at large. He is expected to exercise his authority with great restraint keeping in view the objectives and the policies laid down by the Government. He is responsible for the implementation of economic plans and programmes of social reforms. But while doing this he is expected to seek the cooperation of the political leaders, political parties and the public at large. He cannot afford to behave like an autocrat rather as a friend and guide. Being the head of district administration he coordinates the work of various functionaries at the district administration he coordinates the work of various functionaries at the district level and when need be as a common link between the district administration and the State Government. Thus peace, tranquility, development, social uplift and progress in the district depends on the efficiency and dedication of the Deputy Commissioner. Since the responsibilities of the Deputy Commissioner have been multi-dimensional it is essential that man with integrity, dedication and devotion and hard work should be appointed at this post who by making concert efforts and putting hard work may make the district administration success. Thus in the end it can be said that the success of the district administration depends on the efficiency and ability of Deputy Commissioner and it will not be wrong to say that the district administration revolves around the Deputy Commissioner and is the inner wheel of district administration.

Key words :-

Appellate jurisdiction : authority to hear and decide appeals from the decision of lower court.

Suggested Readings

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**RURAL GOVERNMENT AND ADMINISTRATION
FEATURES OF 73rd AMENDMENT**

Objectives :

After studying this lesson, you will be able to :

- Understand the concept and significance of rural local government;
- Trace out the origin and growth of panchayati raj;
- Identify the problems the panchayati raj institutions face;
- List out the major features of 73rd Amendment Act.

Structure :

- 1.3.1 Introduction
- 1.3.2 Rural Local Government-Basic Concepts
- 1.3.3 Evolution and Growth
- 1.3.4 Need for Constitutional Status
- 1.3.5 73rd Amendment Act
- 1.3.6 Evaluation and Working
- 1.3.7 Summary
- 1.3.8 References

1.3.1 Introduction

India is known to be a land of villages. Despite fast urbanizing during the last five decades, more than two third population of India still lives in villages. The huge population spread over a vast area requires a number of local services, which are not possible for the remote state and union governments to provide effectively. The widespread committees are required to manage their own local affairs, tackle day to day problems and tap local resources. For this a well developed system of local government is required. The panchayats in rural India are known as the vital institutions since

ancient period. These institutions continue to exist till India's independence and got a defined legal status, delegated responsibilities and were entrusted with the significant task of administering rural development. Recently the Panchayati Raj Institutions got a big boost through the Constitutional Amendments in their favour and got added responsibilities to manage the development. This makes it significant to study the growth of panchayati raj set up, recent changes and its working.

1.3.2 Rural Local Government-Basic Concepts

No government structure big or small is complete without some form of local institutions. The system of local government is found in every nation as a part of its government or constitutional structure.

Literally, local government means the administration of a locality. In other words, local government is the government of a specified locality by local people through the representatives elected by them. When we find such a government in a rural area it can be referred as a rural local government. Rural local government is thus a form of local government other than the municipal or urban government. As per another definition, rural local government is that part of a nation or state government which deals mainly with matters concerning a particular rural area and its inhabitants.

Some essential features of rural local government are:

- i) local area- a village or group of villages;
- ii) local inhabitants- villagers;
- iii) local authority- a panchayat, a board or a samiti;
- iv) local autonomy- freedom of working in certain areas;
- v) local finances- its own resources base;

Thus a rural local government like its counterpart municipal government operates within a defined jurisdiction or area, defined functions or responsibilities and powers, generally democratically formed with independent share of resources.

1.3.3 Evolution and Growth of Rural Local Government

India has a glorious tradition of village panchayats which have been in existence since time immemorial. Today what we have as a rural local government is a much changed version. Over the centuries particularly after the independence and during the recent times Panchayati Raj Institutions have experienced various phases. Here we will briefly discuss the growth of these institutions before and after independence.

1.3.3.1 Growth Before British Period

We can find the mention of village panchayats in Vedas and other ancient writings. In ancient India each village had its own panchayat. During the period between 600 BC and 600 AD there was recorded historical evidence about fairly extensive rural local government especially in the times Mauryas and Guptas. The kind of village administration during the Maurya can be known from kautilya's Arthashastra. The smallest village had 100 families while the largest included 500. The boundaries of the villages were demarcated by hills, forests, tanks, bundhs, ditches and trees. For police administration ten villages formed a 'Samgrahana', 200 villages formed a 'Kharvatika', 400 villages constituted a 'Dronamukha' and 800 a 'Mahagrama'. The names of the village officers were as follows: The headman was known as 'Adhyaksha', the accountant as 'Samkyaka', veterinary doctor as 'Anikashta', village courtier as 'Jamgh Karika' and physician as 'Chikitsaha'. The responsibilities of the Adhyaksha were defined very clearly and were comprehensive and varied.

Above the Adhyaksha, there was Gopa who was incharge of a number of villages ranging from five to twenty. He was in charge of land records and census data. He was to maintain up-to-date data with regard to land use, orchards and land under commercial crops. Further Gopa maintained records relating to temples, irrigation works and rest houses. He was the Registrar of land sales. It was also Gopa who was intended to maintain records of gold and other minerals, cesses, revenue fines and labour obligations. He was entrusted with the responsibility of settling the boundary disputes between villages.

The rural local government between 600 AD and 1200 AD was not prosperous as the period was said to be a period of political struggle for supremacy. Still the local government system during this period was quite wide spread and was better as compared to that the British period.

During the Mughal Period, local government continued to function without governmental interference. The Muslim government did not bother about village administration except when there was revolt by the villagers against the Muslim authority. During the Mughal empire in India, there used to be Kotwal to look after the administration of town. Abdul Fazl in his Ain-i-Akbari refers to such officers (Kotwal) who were playing very important role in local administration.

During the Maratha period, local government was functioning rather

effectively. Dr. Sen says, "The village communities enjoyed real self-government within the empire. If the village officers were not elected by the villagers, neither were they appointed by the Government and although they had to obey the orders of the Government, the very nature of their communities put them under the moral influence of public opinion, as they were paid directly by the villagers".

These village communities were severely damaged at vital points after the fall of Mughal Empire. However, their strength depended upon their revenue status and social structure. Their vitality was most marked where the villages happened to be bhaichara villages which are social units within a tribe or caste in which the people claimed blood relations with one another, cultivated the land, shared its products and met revenue demands collectively. The bhaichara villagers settled their disputes themselves, appointed revenue demands and joined together for the purpose of public works and protection of the village. It was this kind of village administration that tempted Sir Charles Metcalfe to say, "The village communities are little republics, having nearly every thing they want within themselves and almost independent of any foreign relations. They seem to last where nothing else lasts. Dynasty after dynasty tumbles down, revolution succeeds to revolution, Hindu, Pathan, Mughal, Maratha, Sikh, English are masters in turn, but the village remains the same".

1.3.3.2 Growth During British Period

Except a few half hearted efforts to set up a few municipalities in larger cities. there was no serious effort to set up or strengthen the system-of-rural local government till 1882. It was Lord Ripon who, for the first time realized the true importance of local government institutions, made an attempt to develop them on true democratic lines. The resolution that his administration passed in 1882 can be rightly described as the 'Magna Carta' of Local Self-Government in India. This resolution said, "It is not primarily with a view to make improvement in administration that this measure is put forward and supported. It is chiefly designed as an instrument of political and popular education".

Lord Ripon, the then Governor General of India had a genuine desire to establish local self-government in India. The main features of his resolution, particularly relating to rural local government are :

1. Like Municipal Boards for towns and cities, a network of Rural Boards be established throughout the country. The unit for the Local Board

- was to be the sub-division to talika, or "Tehsil". The area of the Rural Board was to be small so that local knowledge and local interest on the part of the members of the Boards could be secured.
2. Local bodies were required to have non-official majority and the official element was not to exceed one third of the whole.
 3. The system of elections, with variations according to local needs, was to be introduced. However the members were to be elected for two years.
 4. The Boards should have sufficient resources. They should be entrusted not merely with the expenditure of local sources of allotted funds, but also with the management of revenue. In short, they should be allowed to give shape to their own budgets.
 5. The rural boards in a district may be headed by district boards, so that the whole area may be coordinated.

All the recommendations of Lord Ripon were ground breaking and sincere towards establishing a system of local self-government in rural and urban areas. However, the implementation of these recommendations was only half-hearted. No sincere efforts were made to make the scheme a success. In 1909, the Royal Commission on Decentralization made certain recommendations to establish panchayats in villages and strengthening of Rural Boards besides improvement in urban local government. It includes :

1. So far as villages were concerned a panchayat was to be reestablished in every village. Every panchayat was required to elect its own sarpanch. Member of the panchayats and sarpanch were required to work for the betterment of the villages. The functions of panchayat were clearly defined and they included sanitation, control over the management of primary schools, construction and maintenance of public works etc. They were to get special grants from provincial government. The panchayats were to be supervised by District Officers.
2. Already existing Rural Boards to be strengthened, so that they might be able to fulfill the objectives of the local self-government. Their powers and functions were clearly defined. For example, they could establish primary schools, and open dispensaries in the rural areas. Their financial position was also strengthened. They were to be given special grants by provincial governments. One half of the income of the concerned. District Boards was to be give to the Rural Boards in the

district.

However, these recommendations were not much different from Lord Ripon's resolution. Nothing practical came out of it. Similarly the resolution of 1918, recommended towards strengthening of village panchayats throughout the country.

During and after the diarchy (1919) and provincial autonomy under Government of India Act, 1935, some progress was made towards the growth of urban local government, but no headway was made in the area of rural local government.

1.3.3.3 Growth After the Independence

In 1974, India achieved independence. The field of self-government now acquired a new significance. Our constitution-makers were aware of the problems relating to local self-government and they included in the Constitution certain provisions relating to the development of local self-government.

Article 40 of the Indian Constitution relates to Directive Principles of State Policy. It provided for the setting up of village panchayats and entrusting them with such powers as were essential to their successful working as units of self-government. Our leaders have always been proclaiming that the democracy in the real sense can be established only on the deep foundations of local self-governing institutions.

In 1952, a comprehensive programme towards rural upliftment was started- the Community Development Programme covering agriculture, rural industries education, health, housing, cooperation etc. It was intended to bring about a change in the mental outlook of the people and instill in them the spirit to strive for better living conditions through self-help and cooperation. Accepting the recommendations of Grow More Food Committee (1952), the Community Development Programme was supplemented by National Extension Service. The Community Development Blocks were created under it and a team of extension officers headed by BDO was posted there. These officers were experts in various fields and were expected to provide technical help to the people towards their development. The programme worked well in the beginning, but lost its initial momentum and involvement of people. However, this failure of CDP later on proved to be the major ground to set up panchayati raj system in India.

1.3.3.4 Balwantrai Mehta Committee and After

The next state in the evolution of rural government was marked by the

Balwantrai Mehta Committee, originally known as the committee on Plan Projects. The Committee was set up by the Central Government to study the question of economy and efficiency and to suggest the other measures for the re-organization of the Community Development Programme. The Committee submitted its report in 1958. The Committee made the following observations; "So long as we do not discover or create a representative and democratic institution which will supply the local interest, supervision and care necessary to ensure that expenditure of money upon local objects confirms with the needs and wishes of the locality, invest it with adequate power and assign to it appropriate finances, we will never be able to evoke local interest and excite local initiative in the field of development. The Committee observed that the Community Development and National Extension Service Programme had failed to evoke popular initiative, that local bodies at a level higher than the panchayats had evinced but little enthusiasm in the community Development Programmes and that even the panchayats had not come into the field of community development in any significant way. The Committee recommended decentralization of responsibility and power to levels below the state and "devolution of power to a body which, when created..... will have the entire charge of all development work within its jurisdiction." It suggested that the government should reserve to itself the functions of guidance, supervision and higher planning and also should provide extra funds if necessary.

The Committee envisaged a three-tier system of rural local government, i.e. Gram Panchayat at village level; Panchayat Samiti at the block level and the Zila Parishad at the District level. Democratic decentralization was the name given to this system. Subsequently this was renamed as Panchayati Raj, a name synonymous with the term rural local self-government in India.

The National Development Council, while endorsing the report of the Committee, suggested that each state should so evolve its panchayati raj structure as would be suited to the peculiar conditions prevalent in the state. The report was sent to the Central Council of Local Self-Government which recommended the following formula for the operation of the three-tier system. "While the broad patterns and the fundamentals may be uniform, there should not be any rigidity in the pattern. In fact, a the country is so large and Panchayati raj (Democratic decentralization) is so complex a subject with far reaching consequences that there is the fullest scope of trying out various patterns and alternatives; what is more important

is the genuine transfer of power to the people. If this is ensured, form and pattern may necessarily vary according to the conditions prevailing in the various states. The broad principles of the three-tier system of rural local government were as follows :

1. The rural local government must be a three-tier structure of self-government.
2. It consists of three units namely gram panchayats at the village level, panchayat samitis at the block level and Zila Parishad at the district level. All these three should be organically inter-connected.
3. Adequate financial resources should be made available to discharge their responsibilities efficiently and effectively.
4. There should be genuine transfer of power and responsibility to these units.
5. All rural community development programmes should be implemented through these bodies.
6. The three-tier system should be developed in such a way as to facilitate further devolution/dispersal of power and responsibility in future.

The recommendations of Mehta Committee were accepted by the National Development Council in January, 1959. The above mentioned principles were accepted by all the states. Following these recommendations several states came forward and a process of new legislation was undertaken by them.

The first to create the three-tier structure of Panchayati Raj were the States of Rajasthan and Andhra Pradesh followed by other States. In Punjab, the Panchayati Raj was introduced in 1961. However, in 1962 due to Chinese aggression the Community Development Programme introduced under the newly created Panchayati Raj Institutions suffered considerably. The Panchayati Raj institutions in various states started receding and Panchayati Raj elections were deferred from time to time. In some states either the Zila Parishads or the Panchayat Samitis were abolished. During emergency introduced by Mrs. Gandhi, the bureaucracy become powerful and consequently, the Panchayati Raj Institutions become ineffective.

However, it was in 1977, when Janata Government came on the national scene. The party was committed to restore democracy at all levels and decided to revitalize and reactivate these institutions. Soon after the

inceptions of Janata Government, a committee on Panchayati Raj Institutions was set under Asoka Mehta. The committee in its report pointed out that on account of span, spatial scatter and the complexities of the development activities, as also significant changes in the strategies, the context of Institution building in the rural India has undergone a change since the submission of the Report of Balwant Rai Mehta Study Team in 1957. The Committee was to the view that the institutional, structural and functional contours of Panchayati Raj have to be in conformity not only with the accelerating pace of development but also with its strategies and policies. In this connection the Committee gave a large number of recommendations. It is unfortunate to point out that in spite of its wide publicity by the Government and efforts made by a committee to suggest a two tier system, the major recommendations were rejected in the conference of the Chief Ministers with the change of government at the national level, the report of Asoka Mehta Committee became dead document. But some of the states, like Karnatka and Andhra were greatly influenced by the recommendations of Asoka Mehta and innovated changes were introduced in Panchayati Raj Institutions.

In 1984, the Planning Commission set up a committee popularly known as G.V.K. Rao Committee. The Committee suggested for improving the representative character of Panchayati Raj Institutions and stressed the need for enhancing the capability of the representatives of the people. Similarly, during 1986-87 the government of India set up I.M. Singhvi Committee to review the functioning of Panchayati Raj Institutions. The committee recommended to involve Panchayati Raj Institutions in planning and implementation of rural-development programmes and was strongly of the view to make the panchayats more viable and effective. The Sarkaria Commission (1988) too observed that most of the local self government bodies were not functioning efficiently and effectively and stressed the need for uniformity of law in the states.

1.3.4 Need for Constitutional Status

As noted above in view of some provisions pertaining to village panchayats in the Constitution, and the recommendations made by Balwant Rai Committee appointed by the Central Government the three tiered System of Panchayati Raj was created to ensure participation of general masses at every level of administrative system. It is rather unfortunate that Panchayati Raj System set up with great jubilation could not work

effectively. A number of Committees/study teams were set up by the Central Government as well as by several State Governments. Similarly, various scholars also came forward and gave a long list of reasons for this failure. The major reasons given for the failure of Panchayati Raj Institutions were inadequate powers and resources, irregular elections and meetings, negative state control, political and public apathy, neglect of weaker sections and women and above all, the lack of constitutional status.

Thus, over the years, there developed a feeling amongst the people and scholars that these institutions of grass root democracy have not acquired the legal, administrative and political stature due to them. A few reforms made by the states have not been sufficient in the absence of constitutional status of Panchayati Raj Institutions and Urban Local Bodies.

In recent years, the Union Government did try to provide due status to Local Government institutions in the country. In 1989, the Rajiv Gandhi Government introduced 64th Constitutional Amendment Bill which was subsequently dropped. However, Congress Government headed by Narasimha Rao got the 73rd and 74th Constitutional Amendment Acts, 1992 passed by the Parliament. In the Constitution Part IX and schedules XI and XII have been Inserted to contain certain provisions for Panchayati Raj bodies and urban local bodies respectively.

1.1.3.5 Main Features/Important Provisions of 73rd Constitutional Amendment Act, 1992

- (i) An institution of Gram Sabha consisting of all registered voters has been provided. The Act empowers the State Government to provide for powers and functions statutorily.
- (ii) To establish the Panchayat system at village, sub-district and district levels. Seats in the panchayat bodies at each level are to be filled by direct election or there may be ex-officio members at intermediate and district levels.
- (iii) Seats have been reserved for Scheduled Castes and Scheduled Tribes in proportion to their population. one-third of these reserved seats are meant for women.
- (iv) One-third of the total seats have been reserved for women which include seats reserved for SC/ST women.
- (v) Seats on similar basis have also been reserved in regard to chairmanship at each level.

- (vi) Reservation has been made for backward classes too.
- (vii) Term of the Panchayats has been fixed as five years, elections are to be held within six months of any dissolution.
- (vii) minimum age of members of Panchayat has been fixed at 21.
- (xi) Powers and functions are to be assigned by the state legislature of the Panchayati Raj bodies which may include preparation of plans for economic development and social justice as well as their implementation.
- (x) Panchayats are to be empowered by the State Legislature to impose taxes, fees and duties and also entitled to a share in State Government taxes and grants-in-aids.
- (xi) A fund is to be constituted for crediting all moneys received and for withdrawal of such moneys there from, by or on behalf of the Panchayats.
- (xii) A finance Commission to review financial position of the Panchayats is to be constituted every five years by the State Government: it is to make recommendations to improve the financial position.
- (xiii) A State Election Commission is to be appointed by the Governor to supervise, direct and control Panchayat elections.
- (xiv) The Act also puts a bar to interference by courts in electoral matters of Panchayats.

In view of the Constitutional Amendment Act, all the State Governments have amended their Acts and fresh legislations have been enacted. For instance, in Punjab, the Punjab Panchayati Raj Act of 1994 has come into force replacing the previous Act.

The process of handing over powers directly to the people has started. For instance all the State Government have set up State Election Commissions and State Finance Commissions. Similarly, reservations for women and backward classes have been made besides SC/STs. Nearly all the state legislations now provide for a three tier system with direct elections at all levels. Similarly, Gram Sabha - the villagers body was found its legitimate place in the Act. In most of the states the village Panchayat is the implementing authority, Panchayat Samiti the monitoring body and Zila Parishad is entrusted with the task of formulating plans.

1.3.6 Evaluation and Working

The implementation of the fresh legislations provides a long delayed impetus to the process of decentralization. This political step is historic as it would made major structural changes in order to restore rightful place of local bodies as democratic units in the present system of governance. This would also give decision-making powers to the people at the grass-root level. The local bodies would be endowed with such power as might be necessary to enable them to work as institutions of self-government and also devolve powers and responsibilities upon them by the State Legislatures for preparation of plans and implementation of development schemes. To add more, regular elections should made those elected to the local bodies more sensitive to local opinion. Protection against arbitrary action by the State Government should help the local bodies take a more independent view of the requirements of their constituents. And an improvement in the financial position of these bodies should enable them to directly meet local requirements.

Whereas, the Central Act has a number of plus points, it has minus points too. The Act has not clearly defined the role of political parties. No where it mentions that political parties can enter into election arena in their formal capacity. Similarly, it is completely silent over the relationship between Panchayati Raj institutions and local level bureaucracy. Besides this, the experience of decentralization in several states suggests that the effective transfer of power throws up problems of its own.

The recent Constitutional Amendment Acts have also been regarded as 'toothless' by certain sections. Decentralization without restructuring power may mean empowering the local elite rather than the local people. When we have a very feudal power structure, decentralization results in less power to the the local people. unless the "balance of forces" in the rural areas were changed, the Panchayati Raj features would be minimized by the rural rich. Decentralization has to be accompanied by a major reform of the power structure. No doubt, there are a few imperfections in the enactment but the present writer is sincerely of the view that these enactments should be seen as the starting point of a learning process that can happen only gradually and with experience over a period of time.

1.3.7 Summary and Conclusion:

An effective rural local government is of utmost importance keeping in View the two third population of India living in villages. This real attempt

to set up a system of rural local government was made on the recommendations of Mehta Committee in late 50's. After the initial enthusiasm died down and a number of maladies gripping the panchayati raj system the central government found the solution in the form of Constitutional 73rd Amendment. It is hoped that in due course real democracy will enshrine at the grassroots level and people will get real power to fight corruption, and to fight and finish power brokers and middlemen.

1.3.8 References

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Self Test Questions

1. Since which time panchayats have been in existence in India ?
2. Which resolution during the British period said to be an important landmark towards the development of local government?
3. On the basis of which Committee the three tier Panchayati Raj System was established in India ?
4. In which year the three tier Panchayati Raj System was adopted in Punjab?
5. Name any other two committees which made recommendations towards the strengthening of Panchayati Raj System.

Answers

1. Since Ancient period.
2. Lord Ripon's Resolution, 1882
3. Balwantrai Mehta Committee
4. 1960
5. Asoka Mehta Committee. GVK Rao Committee, Sanghvi Committee.

GRAM SABHA

Structure

- 1.4.0 Objectives
- 1.4.1 Introduction
- 1.4.2 Composition and Basic Features
- 1.4.3 Functions of Gram Sabha
- 1.4.4 Role of Gram Sabha
- 1.4.5 Revival and Reforms
- 1.4.6 Summary
- 1.4.7 References and Further Readings
- 1.4.8 Key Words
- 1.4.9 Answers to the Self Check Exercise

1.4.0 Objectives

After you go through this lesson you will be able to:

- Appreciate the significance of Gram Sabha
- Identify its basic features
- List its functions
- Describe the problems and reasons for its ineffectiveness.

1.4.1 Introduction

While tracing the development of local government in India we have noted earlier that development of rural local government in India has been more revolutionary as compared to urban local government. The setting up of three tier panchayati raj set up on the basis of the recommendations of Balwant Rai Mehta was a historical step. It was observed that the old community spirit cannot be revived and the participation of people in the Community Development and other

programms cannot be ensured unless some institutional arrangement is made. The panchayati raj institutions were set up at village, block and district levels. At the same time in a few states it was recommended that a body or assembly of villagers must be there in the shape of Gram Sabha. In this lesson we shall discuss the basic nature and functions of Gram Sabha along with its role and problems.

1.4.2 Composition and Basic Features

1.4.2.1 Composition :

Gram Sabha is generally referred to as an assembly of village residents. In another words, it consists of all those men and women who reside in the village and who have completed 18 years of age. To provide a legal and constitutional status, panchayat law says that gram sabha would consist of all those residents of the village whose names appear in the electoral rolls of the area concerned. It does not, therefore, possess any fixed strength or form.

1.4.2.2 Area and Jurisdiction :

Area of a Gram Sabha is demarcated by the Government and generally contains a village or a group of villages with a declared minimum population. The Jurisdiction over which Gram Sabha may act/control is co-terminus with a revenue village. However, in Assam, Gujarat, Maharashtra, West Bengal, Punjab, Rajasthan and Utter Pradesh number of villages may be grouped together to constitute the Gram Sabha. We often find that the size of the Gram Sabha varies from state to state. Generally, the size of the gram sabha ranges between 250 and 5,000 with an average of about, 3,000. In Punjab, as per 1994 Act the minimum size is 200, in Haryana it is now 500.

1.4.2.3 Meetings and Quorum :

Gram Sabha is statutorily required to meet at least twice in a year once in summer (Hari) and once in winter (Swani). In addition to its two regular sessions, it can also hold any number of meetings. It is, infact, desired that the Gram Sabha should meet as frequently as it can, so that the mass of the village population is actively involved in the decision-making process of their locality. It meets only once in the states of Jammu and Kashmir and Orissa. There are certain states which have made provisions that additional meetings of the Sabha shall be called if prescribed proportion of the members of the Sabha ask for the same e.g. in Haryana and Punjab prescribed population is not less

than 1/5 of the total membership. It may also be noted that membership of the Gram Sabha, unlike that of any other statutory body, does not entail upon its members any obligation regarding their attendance or participation in its deliberations. It depends upon the sweet will of the members whether or not to attend its sessions.

It is the Sarpanch who is responsible to call the meetings of Gram Sabha. As per Punjab Panchayat Raj Act, in the event of his failing to hold two consecutive general meetings of the Gram Sabha, the Sarpanch shall automatically cease to hold office, from the last day of the month in which, the second meeting was to be held, and BDO shall immediately intimate the happening of such cessation to the District Development and Panchayat Officer. If a general or extraordinary meeting is not called the BDO shall call such a meeting.

The quorum for any meeting of the Gram Sabha is one-fifth of the total number of its members. However, in case of an adjourned meeting the quorum shall be one tenth. The Secretary to the Gram Panchayat (known as Panchayat Secretary in Punjab) and the Gram Sewak shall attend every meeting and in addition to that the Gram Panchayat may call any village functionary serving in Gram Sabha area to attend such a meeting and give advice in respect of any matter coming up before it.

1.4.2.4 Term :

As such there is no fixed term of a gram sabha. It exists till there are adult members or the voters exist in the village. Thus it is never dissolved, though its executive committee the gram panchayat holds the office for a term of five years.

1.4.2.5 The Executive Committee :

As pointed above, there is an executive committee of gram sabha which is the gram panchayat of the sabha area. The gram sabha elects the panchayat members. The Chairman of the Gram Sabha is also elected from amongst its members. He is known as Sarpanch in Punjab, Haryana, Himachal Pradesh, Jammu & Kashmir, Rajasthan, Gujarat, M.P., Maharashtra and Andhra Pradesh. He is called President in Assam, Tamil Nadu and Kerala. In Uttar Pradesh he enjoys the title of Pradhan .

1.4.2.6 Legal Status :

Before the passage of 73rd Constitutional Amendment Act the Gram

Sabha was not a statutory body in all the states. For instance, it was not statutory body in Karnataka, Kerala and Tamil Nadu. Now after the latest amendments in the Constitution, most of the states have passed their fresh Panchayati Raj legislations that also include the Gram Sabha as a statutory (compulsory under law) body. With this it has all the features of legal personality i.e. a body corporate, capacity to sue and be sued, power to enter into contracts, power to acquire, hold or sell any of its movable or immovable property.

1.4.3 Functions of Gram Sabha

Untill the passage of 73rd Amendment Act, Gram Sabha in most of the states was not performing any substantial or meaningful functions. With fresh Panchayati Raj Acts specific functions have been assigned to Gram Sabha. These are;

1. Electing the Panchayat Members :

As noted above the primary function of Gram Sabha is to elect its executive members i.e. panches and the Sarpanch. It is elected for a period of five years. As regards the mode of election, in some States, it is elected on a collective basis, i.e. the whole village forms one multimember constituency. In certain States the whole village is delimited into small, single member constituencies, called wards, and Gram Sabha members residing in each, ward, elect the person to the Gram Panchayat. The election always takes place by means of the secret ballot.

2. To Hold Meetings :

Practically the most important function of a Gram Sabha is to hold its meetings which should be at least twice a year- one in summer and other in winter. The purpose of convening the meeting of the Gram Sabha is to involve the entire village community with the day-to-day affairs of the locality. If everything is left at the discretion of the Gram Panchayat, the village community at large would feel ignored and a sense of involvement or belongingness would not be inculcated in them. They would be labouring under the impression, and very rightly, that they were still being treated as dumb-driven cattle and were not at all taken into confidence by the Panches in any vital affair of the village. It was therefore, desired by the fathers of the Panchayati Raj that whenever any important decision pertaining to the village community is to be taken, the Gram Panchayat should at once convene a meeting

of the Gram Sabha and discuss the whole issue in that public meeting. When all issues are thus publicly discussed and decided, the village people will feel involved and interested in them.

3. To Approve the Budget and Plans :

Another important function of Gram Sabha is to consider and approve the annual budget as passed by the Gram Panchayat. The budget is generally taken up for discussion during its winter (Sawani) meeting. Alongwith the budget, the progress report of the previous year may also be taken up. Apart from the budget the plans prepared by the Gram Panchayat are also taken up by the Gram Sabha and it may accept or reject the same.

4. Approval of Policies :

One of the basic functions of the Gram Sabha is to discuss the policies of its executive committee. The Sarpanch, as noted earlier is to convene for the meetings of Gram Sabha and fix the date time and venue for the same. He is expected to invite all the members of Sabha along with the Panches and village functionaries, such as panchayat secretary, gram sewak, nambardar, patwari, etc. The major policies are introduced and it is expected that all these are debated in a free and frank a atmosphere. Members of Gram Sabha are free to appreciate or criticize the policies, plans and actions of Gram Panchayat and may extend their suggestions.

5. To take up Local Issues :

As a grass root democratic institution, the Gram Sabha is a people's body in real sense or an institution of direct democracy. In every village there are a number of local issues which need to be taken up for the discussion at some level. For that matter this village assembly is the best one. This body has also been given right to listen to the individual grievances of the villagers against the state appointed village officials such as Patwari, the chowkidar, constable, etc. If the consensus of the meeting is that some high headedness has done to the person concerned, the Sarpanch may be asked to send the report against the officials to his immediate superior, may be to the Deputy Commissioner also. The superior officials concerned would then be under an obligation to look into the matter and take some action if the alleged wrong has been established.

6. To Move No Confidence Motion :

The Gram Sabha has also right to air people grievances against the Gram Panchayat. If required, the Gram Sabha has also got the right to move no confidence motion against the members of the Gram Panchayat. Some of the laws make the prior permission of the director of Panchayats obligatory before any such motion is moved in the Gram Sabha. This has been done presumably to bring in a greater degree of stability in the village politics .

Under the Punjab Panchayati Raj Act, 1994, the Gram Sabha has been authorized to perform the following functions:

- (a) to approve annual budget and plan of development programme and review annual statement of accounts and annual progress report;
- (b) to render assistance in the implementation of development scheme pertaining to the village;
- (c) to identify beneficiaries for the implementation of development schemes pertaining to the village;

Provided that in case the Gram Sabha fails to identify the beneficiaries within a reasonable time, and Gram Panchayat shall identify the beneficiaries;

- (d) to mobilize voluntary labour and contribution in kind or cash or both for the community welfare programmes;
- (e) to promote programme of adult education and family welfare within the village;
- (f) to promote unity and harmony among all sections of society in the village;
- (g) to seek clarifications from the Sarpanch and Panches of the Gram Panchayat about any particular activity, scheme, income and expenditure;
- (h) "to perform such other functions as may be prescribed; and
- (i) to elect from amongst its members a Gram Panchayat for the Gram Sabha area consisting of a Sarpanch and five to thirteen (5-13) Panches, depending upon the population of the sabha area.

In H.P., too the powers and functions as signed to Gram Sabha are similar to those in Punjab. However, the Haryana Panchayati Raj Act adds a few more:

- the Gram Sabha is to consider and scrutinize the existing schemes and all kinds of activities of Panchayats and completed works;
- It is to maintain a complete register for all development works undertaken by Gram Panchayat or by other government departments, specifying the costs, date of completion of work, name of assets, etc.
- It is to locate the places of schemes and other works;
- It is to consider audit reports and their compliances.

Check your Progress

Self-Assessment Questions :

1. Try to list the basic features of Gram Sabha.
2. Give any four basic functions of Gram Sabha.

Ans :

1.4.4 Role of Gram Sabha

1.4.4.1 Expected Role

As noted earlier, the institution of Gram Sabha is a symbol of direct democracy in India. It is at the base of the Panchayati Raj set up thus supporting the whole of rural democracy. We can see the true working of democracy during its meetings. It is a forum for people's participation in government programmes and in the working and controlling of panchayat institutions. It is thus an institution where the people can influence the policy making, the policy implementations in some or the other way. This is the institution where the political leaders of all the levels seek popular support through their policies and actions. It is here at the grass root level that the popular enthusiasm can be geared up to support civic, social developmental tasks. Gram Sabha is thus expected to play a role towards strengthening of democracy, better civic works, better economic development, better communication, vertical and horizontal, better social harmony and better control over the working of Panchayati Raj Institutions and village level functionaries.

1.4.4.2 Actual Role :

Above we have noted the expected role and significance of the institution of Gram Sabha. But there is a wide gap between the expected role and actual performance of Gram Sabha. Until the recent constitutional Amendment Acts, Gram Sabha was a statutory body only in a few states. In other states it was not mandatory to hold meetings of Gram Sabha. Thus there was not a countrywide culture of holding the meetings of villagers. Even in the states where it was a statutory body, meetings were either rarely convened or were poorly attended. Similarly there were other problems such as interference of political parties, dominance of landlords, neglect of weaker sections, dominance of village functionaries/bureaucracy, people's apathy, negligible participation by women, dominance of Sarpanch and Panches, and so on.

Considering the significance of this institution of grass-root democracy and due, to pressures from various sections, the central government in early 1990's decided to introduce a place of respect to the local bodies in the Constitution as well as to the institution of Gram Sabha. After these amendments Gram Sabha is statutorily constituted in almost all the states. All the Panchayati Raj Acts in the states make it compulsory to hold the meetings of Gram Sabha. However, even after these reforms there is not much change in the scene. Meetings are actually not held but shown only in the records. Infact most of the people are not aware of the statutory requirements. They are not told of the reality by the panchayat members or by the village level functionaries. Even when the meetings are held these are poorly attended and are dominated by certain groups, sarpanch and his associates or by the village functionaries. Even when certain decisions are taken, these are never put to record due to vested interests of the dominating groups- if these do not suit to their likings. Despite the system of reservation of seats for women and SC/ST members, the participation or even the attendance by these sections is very poor. Thus the proceedings of the meetings of this village assembly are always dominated by a few handfuls of people.

1.4.4.3 Reasons for Poor Working:

Have we have noted the role of Gram Sabha- its expected role and actual role alongwith that we have also noted some of the factors

affecting their role and working. In particular the following reasons may be attributed to poor working of this institutions of prime importance:

- Illiteracy and Backwardness;
- Traditional dominance of big landlords
- Castism and groupism;
- Political interference;
- Insufficient powers assigned to Gram Sabha;
- Poor working of the system of Panchayati Raj;
- Lack of faith in Gram Sabha;
- General apathy of people;
- Lack of political and bureaucratic will to strengthen any such people's institution.

1.4.5 Revival and Reforms :

Way back in early 1960s a committee was constituted by the Central Government to bring about certain reforms and improvements in the working of Gram Sabha. The Committee was headed by R. R. Diwakar. He pointed out that; "It is necessary to bring the gram sabha into the picture and to provide gradual strength to the institution. This talk of bringing the gram sabha to an effective position in the village community could be best achieved, by strengthening the institution of the panchayat which is the executive committee of the village assembly and also the administrative organ".

Some of the major recommendations made by Diwakar Committee were:

1. The Gram Sabha should be recognized as a statutory body.
2. The meetings of the Sabha should be held more frequently i.e. atleast once in each quarter.
3. For the first as well as the adjourned meetings gram sabha should have a quorum of 10 percent.
4. Decisions should be reached through arriving at consensus or through voting and 2/3rd majority.
5. Gram Sabha should be strengthened by giving various powers to it.
6. In order to activate the Gram Sabha, the meeting should be held

- by rotation in each of the constituent village.
7. Women should be encouraged to attend and participate in the meetings of Gram Sabha.
 8. In order to secure participation of women (a) two women members should be co-opted on the village Panchayat, and (b) the issues concerning women folk of the villages may be discussed in a Mehila Meeting proceeding the Gram Sabha meeting so that the women members could put forward their views in a more effective manner.
 9. Gram Sabha should be fully associated with the implementation of village production plans.

The recommendations made by the Diwakar Committee were quite significant and were very well supported by number of scholars and others who were having interest in rural democracy. However, a few, such as G.P. Jain disagreed with the report and pointed out that the report of the committee gives advisory status to gram sabha which is very unhealthy for the growth of such as institution. The gram sabha has a significant role to play in the system of Panchayati Raj. It is the only appropriate body to approve the activities and execution of the panchayat policies. Thus it should be developed into an active and progressive organ of rural government.

The Third Five Year Plan also emphasized that "while developing institutions at the higher level, the efforts of the people have to be mobilized and there is the largest scope for securing community action. But on the part of the gram sabha and the village panchayat, the approach of unanimity or near unanimity should be encouraged so that various activities are undertaken with the general consent and goodwill of community.

Ever since the setting up of three tier Panchayati Raj institutions there was a repeated voice from various quarters to strengthen the institution of Gram Sabha. Infact one of the reasons for the failure has been the total ineffectiveness of the Gram Sabha. Therefore it was argued that in order to strengthen the system of three tier Panchdyati Raj, there should be revival of this institution of grass-root democracy. If there would be regular meetings of gram sabha, it was argued, there would be more interest of people and thus participation in the affairs of panchayats. From time to time a number

committees at national and state levels supported the voice towards the revival of gram sabha. It was finally in 1992 that the constitutional Amendments were effected and the institution of Gram Sabha got the constitutional status. The long-standing demand of making it a statutory body was met when the State Governments included the Gram Sabha in their Panchayati Raj Acts.

1.4.6 Let us Sum Up

In the whole set up of Panchayati Raj the institution of Gram Sabha is quite significant. Infact it should act as a base for the Panchayati Raj set up because it is the only institution where the direct democracy or direct participation of all the adult members is possible. However, over the years this institution was most neglected which contributed to the crash of whole of rural local government set up. Demands and pressures for its revival have led to the constitutional recognition of Gram Sabha. The State legislation has made it statutorily compulsory to hold at least two meetings of this people's body. Still there are a number of problems which come in the way of its working and which need more attention of those in power.

Check Your Progress -II

Self Assessment Questions

1. How many times a Gram Sabha is expected to meet in a year.
2. List any four major hurdles in the way of effective working of Gram Sabha.

Ans :

1.4.7 References and further readings

1. The Punjab Panchayati Raj Act, 1994.
2. The Haryana Panchayati Raj Act, 1994.
3. Report of the Study Team on the position of Gram Sabha in Panchayati Raj Movement, 1963.
4. B.S.Khanna, Panchayati Raj in India- Rural Local Self Government, Deep & Deep, New Delhi, 1994,
5. Sahib Singh & Swinder Singh, Local Government in India, New Academic, Jalandhar, 2000.

1.4.8 Key Words

Adjourned	-	Temporary stoppage, postpone.
Apathy	-	Disinterest, Lack of Interest
BDO	-	Block Development and Panchayat Officer who is also the executive officer of Panchayat Samiti.
Cessation	-	Ceasing, closure, stoppage
Inculcate	-	Infuse, instill.
Jurisdiction	-	Area of Action, Limits
Quorum	-	Minimum number of attendance required to carry on the proceedings in a meeting.
Statutory	-	Required under the Act of Legislature.

Self Check Exercise

Answer the following questions :

1. Discuss the basic features, functions and role of Gram Sabha. Briefly explain the reasons for its failure and how do you think these can be removed.

1.4.9 Answers to Self-Check Exercise :

(Please do not copy your answer from the lesson unit.)

Read the study material thoroughly and carefully, memorize it and then try to write your answer giving brief introduction then answer the main questions and also write conclusion, if possible.

GRAM PANCHAYAT**Objectives**

After going through the lesson you'll be able to:

- I. Understand the significance of the institution of gram panchayat;
- II. Compare the size and structure of panchayats in various states;
- III. List the functions and financial resources of gram panchayat;
- IV. Learn the concept and significance of the grassroots institution of gram sabha.

Structure

- 1.5.1 Introduction
- 1.5.2 Meaning and Nomenclature
- 1.5.3 Gram Sabha
- 1.5.4 Organizational Pattern of Gram Panchayat
- 1.5.5 Powers and Functions of Gram Panchayat
- 1.5.6 Source of income
- 1.5.7 Control and Supervision
- 1.5.8 Working of Gram Panchayats
- 1.5.9 Summary
- 1.5.10 References

1.5.1 Introduction

No government structure, whatever its character, can be complete without some form of local institutions. The system of local government is found in every nation as a part of its government and constitutional structure, irrespective of its dominant political philosophy and the form of national government. Even in a highly centralized system of government, there has to be some measure of decentralization as no central government can have direct contact with the problems of local area and deal effectively

with the daily routine of local administration. India being predominantly a country of villages needed a system of local government for urban as well as for rural areas. Infact India has a long tradition of village panchayats since the ancient period. The panchayats were formally established by most of the state governments in India after independence. Gram panchayat became the lowest tier of the panchayati raj set up and got the constitutional base after the recent constitutional amendments. These grassroot institutions now have regained their traditional glory and are now expected to perform more significant role towards rural upliftment and people's empowerment.

1.5.2 Meaning and Nomenclature

The term village panchayat is interchangeably used for the area as well as for the authority thereof. A village panchayat is established at the village level, but every village may not have a separate panchayat. Only the larger sized villages have separate independent panchayat whereas the tiny scattered hamlets may be grouped together to form composite panchayats.

If we want to understand the literal meaning of the word 'Panchayat' then we break it into parts - Panch and Ayat. The word Panch in Sanskrit stands for number five which is considered to be sacrosanct in Indian mythology. The word <Panch> represents the Parmeshwar. And the word *Ayatndm* in Sanskrit means place or house. Thus, Panchayat means house of panches to settle the disputes.

According to The Panchayati Raj Act, 1994, a 'Panchayat' means a gram panchayat, panchayat samiti and zila parishad. A 'gram panchayat' is distinguished as an institution of local self-government for a Gram Sabha area constituted under the Act. This necessitates us to understand the concept of gram sabha before moving further.

The nomenclature of gram panchayat in various states also suggests that it is the executive committee of the gram sabha. It is called 'gram panchayat' in Punjab, Haryana, MP, Orissa, West Bengal and Bihar, 'gaon panchayat' in UP, Gujrat and Assam and the panchayat in Rajsthan, Tamil Nadu and Andhra Pradesh.

1.5.3 Gram Sabha

1.5.3.1 The base or ground on which the panchayat institutions stand and from where they acquire their power and strength is the Gram Sabha. Gram Sabha as the term indicates is the 'sabha' or the assemble of the whole 'gram' i.e. the village. This body lies at the base of three-tier

structure of Panchayat Raj, though Balwant Rai Mehta Team never considered whether there was also need for a body consisting of all residents of the village. So the Gram Sabha is a later development barring two states - Uttar Pradesh and Bihar where it has been functioning since 1947. At present, it has come to occupy the place of primary body in the structure of Panchayati Raj as well as in the democratic set-up of the nation. All the states which have introduced the Panchayati Raj have provided for a Gram Sabha.

1.5.3.2 Composition :

'Gram Sabha as the term itself indicate is the 'Sabha' or the assembly of the whole 'gram', i.e. the village. In other words, it consists of all those men and women who reside in the village and who have completed 18 years of age. To provide a legal and constitutional status Panchayat law says that gram sabha would consist of all those residents of the village whose names appear in the electoral rolls of the area concerned. It does not, therefore, possess any fixed strength or form. In Orissa, Bihar and Rajasthan adult residents in the village are its members. Areas of the Gram Sabha is demarcated by the Government and generally contains a village or a group of villages with a statutory minimum population. For example, in Punjab a population of two hundred (200) is the minimum.

1.5.3.3 Meetings :

Gram Sabha is a permanent body in the sense that it is never dissolved enblock, though its executive committee- the Gram Panchayat-holds office for certain stipulated period which generally varies between three and five years. It is statutorily required to meet atleast twice a year- once in summer (Hari) and once in winter (Swani). In addition to its two regular sessions, it can also hold any number of meetings. It is, infact,desired that the Gram Sabha should meet as frequently as it can, so that the mass of the village population is actively involved in the decision-making process of their locality.

1.5.3.4 Functions of Gram Sabha :

Being a simple gathering of all the village adults, it has not been given much powers. In brief it is required to perform the following functions :

- i) To elect the Executive Committee (Panches and Sarpanch)
- ii) To hold its meetings (minimum twice a year)

- iii) To conduct debate and discussions on important matters concerning the village, villages and panchayat.
- iv) To give ear to local problems.
- v) To consider and pass the annual budget of gram panchayat.
- vi) To review the progress of gram panchayat.
- vii) To draw plans for village development, welfare etc.

Over the years this important institution at the grass-root level has been working very poorly wherever it was recognized by the respective state government. Over the years a number of scholars, experts and committees had favoured to strengthen this significant institution of democratic decentralization, but no step was taken till the recent constitutional amendments.

The 73rd constitutional amendment Act provides for the "setting up of Gram Sabha statutorily at the grass root level". It is a long awaited step and which the states have followed by amending their respective panchayati raj Acts and have now provided for the setting up of this grass root institution. We can now hope for the better functioning of this institution, improvement in Panchayati Raj System and strengthening of democracy.

1.5.4 Organisational pattern (of Gram Panchayat)

The composition and functions of the various tiers of Panchayati Raj in various states do not conform to one single, uniform pattern. Each state has worked out for itself a separate pattern. Accordingly variations also occur with regard to the structural and functional norms of the gram panchayats.

1.5.4.1 Size/Composition

A gram panchayat is established in a single village, but in case the size of the village is too small to justify the establishment of a separate gram panchayat then a few geographically contiguous villagers are grouped together and one composite gram panchayat is established there. The average size of the population of panchayat is perhaps the lowest in Punjab (200 according to the latest amendment in the law) and the largest in Kerala (10,000). The strength of the gram panchayat members, popularly called 'panches', too varies from State to State. Till now in Punjab and Haryana, it ranged between 5 and 13 whereas in Uttar Pradesh between seven and fifteen. Under the 1994 Act, in Punjab now it is 5 to 13 and in Haryana it is 6 to 20.

1.5.4.2 Elections

The election of the gram panchayat are conducted in accordance with established democratic norms. As a consequent of 73rd amendment majority of the state government have appointed State Election Commission for conducting free and fair elections of the local bodies. The State Election Commissioner is appointed by the State Governor on the recommendations of the Council of Ministers headed by the Chief Minister for a period of six years. Various Committees including the Asoka Mehta Committee (1978), the 73rd constitution amendment and Punjab Panchayati Raj Act 1994, all have advocated for the participation of political parties in the Gram Panchayat elections.

1.5.4.3 Reservation of Seats

Prior to 73rd Amendment every State made a provision for the co-option of one or two members of the scheduled castes, scheduled tribes and women, depending upon the strength of these communities in the overall population of village. This practice helped towards the involvement of the weaker sections into political process. These co-opted members enjoyed all these powers and privileges as were available to the primary members. However, after the passage of recent Acts there is a provision of reservation of seats for SC / STs in proportion to their population in the area and also the reservation for Women which is 1/3 of the total seats.

1.5.4.4 Term

The Gram Panchayat is elected now (after the amendment) for a period of five years. Earlier, in Assam, Maharashtra and West Bengal, its term was four years, whereas in Orissa and Rajasthan it was three years. It may be added that the panchayat elections were seldom held on the due date and very often panchayats outlived their normal term. This tendency of the State Governments to repeatedly postpone the panchayat elections become a point of serious criticism all over the country. Term of the gram panchayat can be extended, it can also, at the same time, be cut out short either by the Gram Sabha by means of a vote of non-confidence against the panches or by the State Government by superseding the Gram Panchayat. According to 73rd amendment, if gram panchayat has been superseded the elections will be held within six months.

1.5.4.5 Sarpanch and his Functions

A gram panchayat, as note earlier, is constituted of panches and a Sarpanch. A Sarpanch is the Chairman of gram panchayat with specified

duties and functions as given in the panchayati raj Act. As per the Act, the Sarpanch shall:

- (a) be responsible for convening the meetings of the gram sabha and preside over its meetings;
- (b) be responsible for convening the meetings of the gram panchayat and shall preside over its meetings;
- (c) be responsible for maintenance of the records of the gram panchayat;
- (d) has the general responsibility for the financial and executive administration of the gram panchayat;
- (e) exercise control over the staff of the gram panchayat;
- (f) exercise such other powers and perform such other duties as the Gram Panchayat may, by general or special, resolution, direct or as the State Government may by rules made in this behalf.

1.5.4.6 Meetings

Normally, the gram panchayat meets once a month. But it, if so desires can meet more often. Its meetings are convened by the sarpanch who after setting the date with his secretary and other members whom he may like to take into confidence issue the notice of the meeting and serve the same to all the panches fairly ahead to the date of the meeting, as required under the law. The panches can also requisition a meeting, if they so like, for that, they are required to fulfill certain conditions regarding the minimum number of signatures required under the law.

The meetings of the gram panchayat are open to public, unless the members themselves decide by means of a resolution to hold the meeting in a camera. These are presided over by the sarpanch and in his absence, either by the 'up-sarpanch' (if there is any) or by anyone of the panches whom his colleagues wish to take the chair. Though all decisions are required to be taken by a majority decision, efforts are invariably made to evolve out a consensus of opinion among all the members. It is only in rare cases that issues are decided by a majority vote.

Besides the sarpanch and the panches, the panchayat secretary is also present in panchayat meetings. Since in most of the States, the panchayat secretary holds a part-time assignment he does not play any role either in the meeting or outside the meeting. While the gram panchayat is in session the secretary takes down the minutes of the meeting and also guides the members regarding the rules of business and any other legal complication

that they may face. In addition to these duties, he is also supposed to help the sarpanch in the assessment and collection to taxes.

1.5.4.7 Standing Committees

The Panchayati Raj Act of Punjab provides for the constitution of three Standing Committees of gram panchayat :

- i) Production Committee;
- ii) Social Justice Committee; and
- iii) Amenities Committee.

Each Committee is comprised of 3 to 5 members. The Sarpanch is exofficio member and Chairman of all these Standing Committees. The Social Justice Committee consists of at least one member who is a woman and one member belonging to the Scheduled Castes of Backward Classes.

- (i) the Productions Committee performs functions relating to agriculture production, animal husbandry and rural industries and poverty alleviation programmes;
- (ii) the Social Justice Committee performs function relating to :
 - (a) promotion of education, economic, social, cultural and other interests of, the Schedule Castes/STs, and Backward Classes and other weaker sections;
 - (b) protection of such castes and classes from social injustice and any form of exploitation;
 - (c) welfare of women and children;
- (iii) The Amenities Committee perform functions in respect to education, public health, public works and other functions of the Gram Panchayat.

1.5.5 Powers and Functions of Gram Panchayat

Gram Panchayat has always been the basic unit of local self government in India. It has been described as the final channel of communication, organ of implementation and above all as agent of modernization. Another dimension of its activities is its judicial functions. The actual functions allotted to panchayats may be discussed under the following heads:

1.5.5.1 Civic Functions

To provide the civic amenities in the village under its jurisdiction is the primary responsibility of a panchayat. In this category a gram panchayat has the responsibility to construct pucca drains, pave all the village paths

and streets and make a provision for their daily cleaning so that dirt and dust do not accumulate there and pose a health hazard to the people. It must also, side by side, take care of the public health by both preventive and curative measures. By way of prevention, it can enforce the building by laws so that the villagers no longer live in dark and dingy houses. Another important protective measure is to make arrangement for the piped supply of the drinking water. The gram panchayat may also contribute towards maintaining a supervisory control over primary health centres and schools. It can also help towards lighting of public places at night, setting up children parks, libraries, play grounds, cattle ponds, cremation grounds, naming of streets and soon.

1.5.5.2 Developmental Functions

The planning commission in the early 1950s observed that unless a village agency could assume the responsibility and initiative for developing the resources of the villages, it would be difficult to make a marked impression on rural life. With this objective in view, the gram panchayats are involved in a number of developmental and economic activities. As a development agency, for it the most field it agriculture. The Gram Panchayat takes all those steps that are essential for the development agriculture. Important among them are: eradication of weeds, reclamation of cultivable land, spreading the latest know how, popularizing and procuring good variety of seeds and fertilizers, managing agricultural finance, etc. In the field of animal husbandry, it opens veterinary dispensaries and helps to eradicate a number of communicable diseases of the animals. On the cultural side, it organizes farmer's club, *mahila mandals*, and encourages the community celebration of festivals. It also organizes self-help programmes and the village voluntary force. It takes steps to construct village paths and link roads.

1.5.5.3 Welfare Functions

Besides being a development agency, a gram panchayat is involved in a number of welfare functions such as aid to handicapped persons. It also looks after the welfare of children, women, youth, and backward sections. Whenever there arise emergency in the jurisdiction of a gram panchayat, it becomes the duty of this body to provide emergency relief. The gram panchayat also establishes libraries and reading rooms.

1.5.5.4 Judicial Functions

Gram panchayat also acts as the small cause court of the village. Most of

the States have established special Nyaya Panchayats, whereas in some, the ordinary gram panchayats have been vested with judicial powers. In Punjab and Haryana the latter practice is followed. They have however, made a provision. Under which some of the gram panchayats can be conferred more judicial powers. The jurisdiction of the gram panchayat extends to both civil and criminal cases. In Punjab, its civil jurisdiction extends to all disputes and may sentence the accused to a fine not exceeding Rs. 200/- or double the value of the damage or loss, whichever is greater. However the maximum fine a gram panchayat may impose cannot be more than Rs. 1000/-. Decisions of a panchayat are subject to appeal or revision by any other court or authority.

1.5.5.5 Legislative Functions

A gram panchayat may, from time to time, make bye-laws consistent with the Act and the rules made there under generally for carrying out all or any of the purposes of the Act. It may also pass other resolutions and may amend its earlier resolutions.

1.5.5.6 Economic and Financial Functions

This category of functions include the management of certain economic adventures, such as shops, lands, ponds, markets, etc. so as to generate resources for panchayat. Besides this, a number of financial functions are also performed such as taxation, fee collection, budget making and maintaining of Gram Fund.

1.5.5.7 Administrative and Miscellaneous Functions

A number of administrative functions are also performed by the panchayats which include, to enquire and make report about misconduct of petty officials such as peon, bailiff, constable, chowkidar, patwari, vaccinator, etc.; Sarpanch and panchayat members may also inspect certain works going on in panchayat area; it has also the power of removal of encroachments and nuisance.

1.5.6 Sources of Income :

Gram panchayats derive their income from four principle sources, (a) taxes and fees; (b) income from its own property; (c) grants-in-aid; (d) Share from Taxes. We may discuss them as under.

(a) Taxes and Fees : Gram Panchayats have everywhere been vested with taxation powers. In Punjab and Haryana, they are competent to levy taxes on houses, transfer of property, sale and purchase of animals,

professionals, and the toll tax. In addition, it is also authorized to levy fee on such services as lighting, scavenging, water supply, slaughtering of animals, and also the carts, bicycles, 'melas' etc.

Taxation is a very important and lucrative source of income, but it has been widely observed that the gram panchayats do not levy all the taxes and wherever they levy, they do not make efforts to collect them. The result is that this source remains, by and large, quite unhelpful.

(b) Income from its own property :

Gram Panchayats also possess some property of their own which fetches to them some income. In Punjab, the common land of the villages had long ago been transferred to the gram panchayats. Some of the gram panchayats have taken pains to develop it, with the result that today they get a handsome income from it. Some of the gram panchayats have also constructed shops, houses, bus stands, fishing tanks and ponds for the animals. They also earn something from these newly created assets. Again the gram panchayats, by and large, have not shown that degree of enthusiasm of sincerity to tap these sources.

(c) Grants-in-Aid :

The most important source and the one which provide them total reliance, is the grants-in-aid from the government. Each gram panchayat gets a variety of grants, like community development grant. This grant is given under the community development programme and on a matching basis in the sense that an equal amount of money is also contributed by the recipient gram panchayat. This grant is available for all types of projects. Some states have also instituted the system of equalization grants. According to this provision, every gram panchayat must spend a minimum of rupees two per head of the village population every year and the State Government would contribute as much amount to the gram panchayat as fall short of the total amount thus required after reckoning the income of the gram panchayat from all sources.

(d) Share from Taxes :

Everywhere the gram panchayats are given a certain percentage of shares in the land revenue that is collected from the village. This share ranges upto 100 per cent (in case of Kerala). It is 10 per cent in Punjab and Haryana and 30 per cent in Karnataka.

(e) Miscellaneous Sources :

Gram Panchayat also receives its income from a number of miscellaneous

sources, important among which are the donation and contribution from private individuals and public trusts and non-statutory bodies loans from banks, and other financing institutions, and also from the government under, what is called the revenue earning scheme.

1.5.7 Control and Supervision

The institutions of Panchayati Raj, enjoying only delegated authority, must necessarily be guided and supervised from above. The Balwant Rai Mehta team was of the view that the state control over these institutions should be minimum and it should be of the nature of guidance and direction only. The types of control over these institutions can be classified as: Legislative, Administrative and Financial.

1.5.7.1 Legislative Control

It is the State Government that decides by means of a legislative act the nature and types of panchayats that will be established in the State. It also decides their composition, functions, and powers. When these basic decisions are taken and the law to this effect is duly passed, the State Government demarcates the panchayat areas. If, later on any amendment in the law is to be effected, again it is done by the State Government.

1.5.7.2 Financial Control

Gram Panchayats are heavily dependent upon the state government for its finances. All types of grants come from the state treasury and they bring with them a number of financial strings. Each panchayat is supposed to maintain a proper account of all incomes and expenditure. It must also prepare a budget and get it approved by the government. Afterwards all its accounts are thoroughly audited by the State examiner of local fund and also by the deputy commissioner and the sub-divisional officer.

1.5.7.3 Administrative Control

The state government exercises administrative control and supervision over gram panchayats in various ways. This includes: decision on and conduct of panchayat elections through State Election Commission, issuing of directions, asking of various reports, resolutions, taking action against defaulting panches/ sarpanches, even their suspension or removal, periodic inspection of panchayats through DC or other officials, checking of records, implementation of various schemes through panchayats including rural development programmes: health, education or agricultural programmes: and so on.

1.5.8 Working of Gram Panchayats - A Critical Analysis

As noted in the beginning we in India always had a tradition of village panchayats. The system got formalized after the passing of panchayat related Acts by various state governments. Balwant Rai Mehta Committee assigned important role of Gram Panchayats in the three tier Panchayati Raj set up. It was expected to mobilize people's participation in the schemes of rural development and other government programmes. However due to a number of reasons the institution of gram panchayat has not been a success. There were various social, political financial and administrative hurdles in the way of its working. Politicians and bureaucrats were never interested to see the smooth functioning or flourishing of gram panchayats. Elections were not regular and there was negative control by higher authorities besides paucity of funds with panchayats. Groupism, local politics, social disintegration, economic disparities made the position from bad to worse. Illiteracy and lack of training were always a big problem. After the repeated suggestions by various experts and committees and union government made the necessary Constitutional Amendments so as to strengthen these grass root institutions of democratic decentralization. As a result all the state governments had to pass fresh legislations which led to refreshing of panchayats with added powers, functions and finances, with a boost to socially weaker sections of society and women by the way of reservation of seats. With a little more effort by the state governments and interest by local communities, gram panchayats may bring about a sea change in the rural scene.

1.5.9 Summary

The gram panchayats have a crucial role to play in the socio-economic development of the rural India. Till recently, there was not much attention by the government. However with the recent amendments in Acts, a fair deal was expected for as well from the Panchayats. But in reality the Panchayati Raj system still suffers from several handicaps like bureaucratic and political interference, superseding of these bodies by government, dominance of local MLAs/MPs in the functioning of the Panchayati Raj bodies, inadequate finances, lack of clear cut demarcation of functions between the various tiers of Panchayati Raj, etc. It is hoped that this institution will be able to play an important role in strengthening the system of democratic decentralization provided the State/Central Government will give them a free hand to exercise their functions in the most judicious manner.

1.5.10 References

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Self Test Questions

1. Since when the panchayats are in existence in India ?
2. Under which Acts gram panchayats in Punjab were governed earlier and now ?
3. Composition of a gram panchayat in Punjab.
4. What is the uniform term of panchayats throughout India?
5. Types of functions performed by Gram Panchayats.

Answers

1. Since Ancient Times.
2. Punjab Gram Panchayat Act 1952 and Punjab Panchayati Raj Act, 1994.
3. A Sarpanch and panches (5-13)
4. Five years
5. Civic functions, developmental welfare. Economic and Financial Administrative Functions.

PANCHAYAT SAMITI**Objectives**

After going through the lesson, you will be able to :

- Classify the various tiers of panchayati raj.
- Understand the relative significance of panchayat samiti and other bodies.
- Compare the composition of a panchayat samiti in Punjab with that of neighbouring states.
- List the functions and role of panchayat samiti.

Structure

- 1.6.1 Introduction
- 1.6.2 Basic Features
- 1.6.3 Composition of Panchayat Samiti
- 1.6.4 Office Bearers
- 1.6.5 Functions and Role of Panchayat Samiti
- 1.6.6 Financial Resources
- 1.6.7 BDO and Extension Officers
- 1.6.8 Summary
- 6.9 References

1.6.1 Introduction

As noted in the previous lesson India has a long tradition of panchayats. However the institution of panchayat samiti is a post-independence development. It was the Community Development Programme (1952) which led to the creation of Community Development Blocks and later, on the recommendation of Balwant Rai Mehta Committee report most state governments decided to adopt the three-tier panchayati raj set up. Panchayat

Samiti is the middle one and a significant tier of the panchayati raj set up. The Mehta Committee Report claimed the Samiti as single representative and vigorous democratic institution to undertake all the development activities in the rural areas. It is the intermediate, pivotal and innovative unit/ tier in the Panchayati Raj system of local government. Generally it is more important and powerful body than either the village panchayat or the zila parishad. The body exists at the block level in all the states barring Gujarat, Maharashtra and Karnataka where it is found at taluka level, laying between the block and district.

1.6.2 Basic Features

Every institution has its own peculiar features. Some of the basic features of panchayat samiti are discussed here, briefly :

Nomenclature :

Like the panchayat, the Panchayat Samiti is variously known. It is known as *Anchalik panchayat* in Assam, *Anchalik parishad* in West Bengal, the *janpada panchayat* in Madhya Pradesh, *panchayat union council* in Tamil Nadu, *taluk development board* in Karnataka, the *Kshetra Samiti* in Uttar Pradesh and it is known as *panchayat samiti* in Punjab, Haryana, Andhra Pradesh Bihar, Orissa, Rajsathan and Maharashtra. In Arunachal Pradesh it is known as, *Anchal Samiti*.

Size :

The area of Panchayat Samiti varies from state to state. It may be recalled that the Mehta team suggested the establishment of the samiti at the level of community development-block, because the block was thought to be the most suitable unit in the sense that unlike the village, on the one hand, and district, on the other, it was neither too small nor too large. Thus, the area of Panchayat Samiti is mostly coterminous with a block consisting of about 80-100 villages per samiti.

In Punjab, Panchayat Samities were governed by the Punjab Panchayat Samiti and Zila parishads Act 1961 which has now been replaced by the Punjab Panchayati Raj Act, 1994. Under the Act, the government is authorized to constitute Panchayat Samitis either for every tehsil in a district or for every block in a district. Similar position prevails in Haryana. However, the government has preferred to create this body at the block level which coincides with the community development block.

Status :

Like the panchayats every Panchayat Samiti is a corporate body having perpetual succession and a common seal with power to acquire, hold and dispose of property. It can enter into contracts and is capable of suing and being sued by others. In some states, it has acquired a status of great dominance, dwarfing the zila parishad, on the one side, and the panchayat on the other.

Term :

The term of Panchayat Samiti in most of the states till 1992, varied from 3 to 5 years. For instance it was five years in Madhya Pradesh, Tamil Nadu, Uttar Pradesh and Punjab; four years in Gujarat, Orissa, West Bengal and Karnataka and three years in Bihar and Rajasthan. However, after latest Constitutional amendments, the term of all the Panchayat bodies including that of Panchayat Samiti has been fixed at five years. The reconstituted samiti, after the dissolution shall continue only for the remaining period out of five years.

Dissolution :

A Panchayat Samiti may be dissolved by the State Government, if in its opinion the Panchayat Samiti abuses its powers or is not competent to perform or makes persistent defaults in the performance of its duties or willfully disregards any instructions given or directions issued by the Zila Parishad or by the State Government.

Before dissolution an opportunity is given for the explanation and after dissolution all the members vacate their offices; all powers are assigned to a person appointed by state government and all property in possession of the samiti is held by the state government.

1.6.3 Composition of Panchayat Samiti

The composition of Panchayat Samiti is not similar in all the States. In fact, the major variants in this respect are between states which rely solely or heavily on ex-officio membership of sarpanches and those who have devised some system of election, say direct or indirect.

The Constitution Amendment Act, 1992 however, provides for some directly elected members at intermediate and district level, which has been adopted by the state governments by amending their respective Acts.

1.6.3.1 Position in Punjab, Haryana and Himachal Pradesh

The Punjab Panchayati Raj Act provides that every Panchayat Samiti shall

consist of :

- (a) Directly elected members
- (b) Representatives of Sarpanches.
- (c) MLAs.
- (d) MLC, if any.

Earlier, the Act provided for six to ten (6-10) directly elected members, at a ratio of one member for every fifteen thousand population or part thereof in the Panchayat Samiti area, It provides that up to 90,000 population there shall be six members and in a samiti area having a population of more than one lakh fifty thousand and maximum number shall be ten. Each member shall be elected from the territorial constituencies in the Samiti area- each to be having roughly equal population.

The second category of members provided earlier included, representatives of Sarpanchas directly elected by them from amongst the Sarpanchas of Gram Panchayats in the Samiti area, the number of this category of members depend upon the ratio (40:60) of the first and the second category of members, i.e., the ratio of representatives of Sarpanchas and that of directly elected members shall be sixty: forty.

Now there is no second category. All the members are now directly elected (15) plus the members given in the third category.

In the third category falls the member of Legislative Assembly of the State of Punjab, major portion of whose constituency falls in the Panchayat Samiti area, And lastly, it includes members of the legislative council of the state, if any, who are registered as electors within the Panchayat Samiti area.

The Haryana Panchayati Raj Act 1994 provides for the following composition of a Panchayat Samiti:

- (a) 10-30 directly elected members at the scale of one member for every four thousand population or part thereof, of Panchayat Samiti area having population upto 40000 (but minimum of 10 members) and one member for every five thousand population after that;
- (b) MLAs representing that particular constituency;
- (c) Sarpanches of the Gram Panchayat within the jurisdiction of the Panchayat Samiti, equal to $\frac{1}{5}$ of the directly elected members, out of (a) above

In Himachal Pradesh the new Act provides for the following composition.

- (a) 15 to 40 directly elected members at a rate of one member for every three thousand population;
- (b) MPs and MLAs representing the constituencies;
- (c) One-fifth of the Pradhans (Sarpanches) of Gram Panchayats in the Samiti area, by rotation for a prescribed period.

Comparing the composition of Panchayat Samiti in these three neighboring states one finds that though the broad pattern is the same but the number of directly elected members was far less in Punjab as compared to other states. This had become a subject of criticism and was even challenged in the court.

All categories of members have the right to vote in the meetings of the Panchayat Samiti except for election and removal of its Chairman or Vice-Chairman.

1.6.3.2. Association of MLA's & MPs

The membership of the MLA's & MP's in the Samiti and other tiers of Panchayati Raj institutions has been a subject of prolonged controversy. The Balwant Rai Mehta Team and the Sadiq Ali Team of Rajasthan favoured their association. However, the Naik Committee of Maharashtra and Bassapa Committee of Karnataka vehemently opposed the idea of associating them in Panchayati Raj bodies. It is interesting to point out that both, the advocates and opponents of the current practice have given sound arguments regarding legislators. But the solution to this issue seems to be a difficult exercise.

Those who plead for their association with the Panchayati Raj argue that these legislators can create a healthy impact on the standard of debates and functioning of these institutions. The Sadiq Ali Committee Report on Panchayat Raj institutions observed: "Since the members come from the decision making councils of higher echelon of the nation; they are, therefore, in a better position to build an effective and meaningful liaison between these institutions and that higher rungs of the government." It has been pointed out that their association increase the prestige of local bodies and makes for direct ventilation of local problems in state legislature and parliament.

The opponents of such an association of legislators opine that local problems should be left exclusively to the local leaders, who are in a better position to solve them. In fact, their presence would bring politics into play and

may thus ruin the democratic functioning of panchayat institutions.

1.6.3.3 Reservation of Seats

As in case of Gram Panchayats, a system of reservation of seats has been provided by the Panchayat Samiti in the following manner.

- (a) The number of seats to be reserved for the Scheduled Castes bears nearly the same proportion to the number of seats to be filled by direct election as the population of the SCs to the total population in Samiti area. Such seats may be allotted by rotation to different constituencies in a Panchayat Samiti.

Not less than 1/3 of the seats reserved are the SC women.

- (b) Not less than 1/3 of the total number of seats to be filled by direct election have been reserved for women including those for SC women. Such seats may be allotted by rotation to different constituencies.
- (c) One seat has been reserved for Backward classes in case the population of BCs is not less than 20% of the total population in the Samiti Area.

1.6.3.4 The Committees

Like at the panchayat level, the Panchayat Samiti too functions through Standing Committees dealing with specific subjects. The Punjab Act of 1994 provides for three Standing Committees, namely:

- i) General Committee
- ii) Finance, Audit and Planning Committee, and
- iii) Social Justice Committee

1.6.4 Office Bearers

The description of any institution is not complete without describing its major office bearers and their powers.

1.6.4.1 Chairman and Vice-Chairman

The Act authorize Deputy Commissioner concerned or an officer appointed by him to call the first meeting of the Panchayat Samiti to elect the Chairman and Vice-Chairman from amongst the elected members.

There is also a provision for the reservation for the office of Chairman and Vice-Chairman. The number of the offices reserved for the SCs in a district is to be in the same proportion as the SC population to the total population in the district. At least one-third of the total number of offices have been reserved for women.

The reservation is to be allotted by rotation

Allowances : The Chairman and Vice-Chairman of a Panchayat Samiti are entitled to allowances and every member is entitled to receive such sitting fee and other allowances as may be prescribed by the government.

1.6.4.2 Powers and Functions of Chairman

The Chairman of the Panchayat Samiti:

- (a) convenes and presides over and conducts meetings of the Panchayat Samiti;
- (b) performs all functions and duties and exercises all powers as entrusted by the state government;
- (c) exercises supervision and control over the Executive officer of the Panchayat Samiti for securing implementation of resolutions or decisions of Panchayat Samiti or its committees;
- (d) exercises overall supervision over the financial and executive administration of the Panchayat Samiti, places all questions connected therewith, and for this purpose may call for records of the Panchayat Samiti; and
- (e) has powers to accord sanction upto a total sum of Rs. 25000 in a year for the purpose of providing immediate relief to those who are affected by the natural calamities in the Panchayat Samiti area. This last power is a new addition under the Punjab Panchayati Raj Act 1994

Besides these the Chairman has been conferred with extraordinary power, to be used in case of emergency, to direct the execution of any work for the service or safety of the public and may direct and expenses incurred on such to be paid from Samiti Fund. In the absence of Chairman, the Vice Chairman and in the absence of both the Executive Officer may exercise such powers.

1.6.4.3 Resignation or Removal of Chairman/Vice-Chairman

The Chairman or Vice-Chairman may resign from office any time by writing to the State Government. The Chairman or Vice-Chairman may be removed from the office if a resolution of non-confidence passed by a 2/3rd majority of the total elected members of the Panchayat Samiti at a meeting specially convened for the purpose. In case of the failure of no-confidence motion no such fresh motion can be brought within a period of two years.

The state Government may suspend or remove any member who in the

opinion of the Government has been guilty of misconduct in the discharge of his duties. Such a removed member may be disqualified for the reelection for a period of five years.

1.6.5 Functions and Role of Panchayat Samiti

Panchayat Samiti, the middle tier in the existing structure of democratic decentralization is called the nodal point around which most of the activities of the Panchayat Raj revolve. It came out as the most remarkable achievement of Community Development Programme. As compared to panchayats, there exist large variations between the states in the case of allocation of functions to Panchayat Samitis. Its architects assigned central role to it in the Panchayati Raj set up and even in the states having not assigned such role, the Panchayat Samiti has many important functions to perform. The functions of Panchayat Samiti may be classified in the following broad categories; developmental functions, administrative functions; legislative functions; agency functions, in relation to Panchayats and civic functions.

1.6.5.1 Developmental Functions

With the adoption of Panchayat Raj System, all the functions previously performed by community development blocks were transferred to Panchayat Samiti the unit of planning and development at the Block level. Developmental function are related to agriculture, animal husbandry, communication, cooperation, industries etc. In India, functions relating to health, education and social education are also sometimes included in development side. As far as rural development is concerned, these three sectors are considered quite significant. we may now take up individual sectors of development.

(a) Agriculture : Panchayat Samiti is responsible for doing everything necessary to set up agricultural production and in particular multiplication and distribution of improved seeds; distribution of fertilizers: popularization of improved techniques, methods and practices and improved implements; achieving self-sufficiency in green manure and composting of farmyard manure; encouraging fruit and vegetable cultivation; providing credit for agricultural purposes propagating and assisting in plant protection methods laying out demonstration plots and working out better methods of farm management ; bringing more acreage under irrigation; utilizing more power for agricultural purposes, growing of village forests and so on.

(b) Animal Husbandry and Fisheries : Development of animal

husbandry aims at augmenting the supply of nutritive food like milk, eggs, meat. etc. and helping the small and marginal farmers and other weak persons to diversify their economic activities. A Panchayat Samiti is expected to take up various activities in this regard.

(c) Cooperation : It includes promotion of cooperation by helping in the establishment and strengthening of service cooperatives, industrial, irrigation, farming and other cooperative societies.

(d) Communication : Establishment of communication network is an important, pre-requisite for development. This is, of immense importance for the uplift of rural India and particularly for the development of agriculture, industries, marketing, etc. Panchayat Samiti has the duty of construction, repair and maintenance of inter-village roads and culverts on such roads and other means of communication.

(e) Health and Rural Sanitation : The broad objectives of health programmes are to control and eradicate communicable diseases, to provide curative and preventive health services in rural areas through the establishment of a primary health care centre in each community development block. The primary responsibility in regard public health is that to state governments which have delegated this functions to local bodies including Panchayat Raj bodies.

(e) Social Education : It is aimed at imparting of citizenship training and thus to activate community action for a faster community development. Panchayat Samiti is responsible for the creation of new outlook among the people and making them self-reliant, hard working and responsive to community action and in particular: establishment of information, community and recreation centres: establishment of Youth Organization, Mahila mandals, Farmer's Clubs, Villager's Clubs and the like.

(g) Education : Education is the only means to change the deep rooted psychology of people and enlighten their minds which, in the long run facilitate the development efforts. Panchayat Samiti also plays an important role in the field of education in the Block by the way of construction and maintenance of schools, libraries, their regular inspection and establishment of scholarship etc., and implementation of Adult Literary programmes.

(h) Village and Small Industries : The small-scale and village industries sector cover a wide range of traditional and modern small-scale industries including handloom, powerloom, khadi, coir, sericulture

handicrafts and mechanized small-scale industries. These industries have potential to play a significant role in the rural economy which may ultimately contribute to the national economy.

(i) Miscellaneous Functions : Besides the above discussed activities, the Panchayat Samiti may undertake some other development functions of miscellaneous nature, such as distribution of certain items such as cement, seeds, fertilizers, sugar etc. : distribution of certain loans; collection of vital statistics; maintenance of rest houses, serais, gardens or undertake any other local works or measures likely to promote the health, comfort, convenience and interest of the public; organization and management of fairs, demonstrations, camps, encouragement of thrift through small saving and insurance, promotion of rural artisan and vocational training, establishment and maintenance of rural water supply schemes, prevention and control of water pollution, promotion of social and farm forestry and such other functions as may be entrusted by the State Government.

1.6.5.2 Administrative Functions :

The Panchayat Samiti also exercises some regulatory or administrative functions. These include: undertaking relief work or other measures in case of calamities; regulation of offensive and dangerous trade and practices; regulation of slaughter houses; inspection of weights and measures; town planning; regulation and control of vehicular traffic on roads other than motor traffic; registration of births, deaths and marriages; disposal of unclaimed dead bodies: and some other civic functions. Panchayat Samiti is also engaged in personnel administration in regard to the samiti servants and other government staff.

1.6.5.3 Legislative Functions

A Panchayat Samiti may, from time to time, make bye-laws on various matters, such as : the time and place of the meetings of the Panchayat Samiti and its committees : the manner in which the notice of the meetings and adjourned meetings shall be given; setting up of consultative committees. The bye-laws made by the Samiti are required to be notified in Government Gazette. The Samiti may fix some penalty for the disobedience of its orders or bye-laws, or it may lodge complaint to a court in this regard.

The Punjab Panchayat Raj Act 1994, provides that the breach of any by law shall be punishable with the fine which may extend to five hundred rupees extendable to five hundred rupees @Rs. 5/- per day for a continuing breach.

1.6.5.4 Agency Functions :

In a number of matters the Panchayat Samiti acts as an agent of government. The functions may be delegated by the state government or by the central government and the Panchayat Samiti is bound to perform such functions. Depending upon the nature and extent of such functions the Panchayat Samiti is paid by the government in respect of any extra cost of administration or other expenses incurred by it. A Samiti also acts as agent of the government for formulation and execution of Community Development Programme

1.6.5.5 Functions in Relation to Gram Panchayats

The Panchayat Samiti enjoys considerable supervisory and advisory powers over the gram panchayats falling within its jurisdiction. It exercises such supervision and control over the performance of all or any of the administrative functions of the gram panchayats and also renders such technical and financial assistance as may be required by the panchayats within area of the Panchayat Samiti for the implementation of development schemes which are beyond the powers of such panchayats to execute. The Samiti also inspects the reports and budget prepared by the gram panchayats.

1.6.6 Financial Resources

A panchayat samiti has the financial resources from taxes, fees and government grants. It may impose such taxes which the state legislature has power to impose (with previous sanction) by passing a resolution and publishing a notice defining the class of persons or description of property proposed to be taxed, the amount or rate of the tax to be imposed and the manner of assessment to be adopted. Government may also direct it to impose some tax. A Panchayat Samiti may also levy fees for the use of or benefits derived from: public hospitals, schools, markets and other public institutions, the supply, storage and preservation of water for drinking, bathing and agricultural purposes. Every Panchayat Samiti is also supposed to prepare an estimate of its income and expenditure (budget) for the next financial years. A summary of such budget is required to be published by every Panchayat Samiti. Apart from this, a Samiti may acquire, hold or sell any property in its name and may use the same for profitable ventures. It may also undertake any other permissible profitable activities.

1.6.7 BDO and Extension Officers

For the administration of Community Development programme, a team of

officials was appointed at the block level. These officials include a number of technical or extension officers headed by Block Development officer (BDO). These officers work under the supervision of their respective departments and also under the panchayat Samiti. Of late, however, a number of departments have withdrawn their officials from the samiti supervision. BDO and Social Education and Panchayat Officer (SEPO) are still the key officers at the samiti level.

BDO :

The block in most of the states is headed by an official called the Block Development Officer (B.D.O.). He is generalist administrator and his main role is to coordinate the activities of extension officers and of village level workers. He is captain of the administrative team at the block level. He has sometimes been described as "a miniature collector so far as the development administration of samiti levels concerned". His counterpart in Rajasthan is *Vikas Adhikar* in Uttar Pradesh *Khand Vikas Adhikari* and Tamil Nadu the Panchayat Union Commissioner. In Punjab, this official is designated as Block Development and Panchayat Officer (B.D.P.O.). The designation was changed in 1959 with the merger of Development Department with Panchayats.

The Block Development Officer is both the secretary and chief executive officer of the samiti. With the establishment of Panchayati Raj institutions, his role was envisaged as to : (i) provide the principal link between the block agency and the higher levels of administration to preserve the unity and team character of the block organization; (ii) perform the bulk of the administrative duties in the set-up of the samiti as its key functionary; and (iii) act as the principal exponent of the objectives and methods of community development and to ensure that all the members of the team understand and follow them.

1.6.8 Summary

The structural pattern of panchayat samiti and most of the functions discussed here are common in the states having adopted the Mehta Model. The states having a mixed pattern vary between themselves. In all these states, the intermediate level, whether at block or taluka, occupies the key position, but the variations are in regard to comparative position of the three tiers. In some states all the developmental and executive powers lie with the Panchayat Samiti or equivalent body. while in others, these functions are partly assigned to the Gram Panchayats, For example, in

Orissa and Karnataka, Panchayat Samiti is the key unit but at the same time, it is less involved in developmental activities as compared to other states and more concerned with civic and other functions. On the other hand in Maharashtra, where the Zila Parishad is the key unit of development and planning, Panchayat Samitis act as its sub-committees for it was expected that the development activities of Zila parishad would as far as possible be executed through the Block. With the passage of 73rd Amendment Act and subsequent amendments in their Acts by the States and with the inclusion of directly elected members, there is now more uniformity in regard to structure and functions of panchayat samitis with added powers. It is only the coming time which will tell us the performance of samitis.

1.6.9 References

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2. Sahib Singh and Swinder Singh, Local Government in India, New Academic, Jalandhar, 2002
3. Reports of Punjab Finance Commission, Government of Punjab.

Self Test Questions

1. At what level of administration a panchayat samiti is established?
2. At which level of three-tier panchayati raj set up a panchayati samiti is placed ?
3. Give the number of directly elected members of a samiti in Punjab.
4. Name the main standing committees of Panchayat Samiti.
5. Who are the main officials posted with Panchayat Samiti.
6. Try to list out the main functions of a Panchayat Samiti

Answers

1. Block level
2. Middle or intermediate
3. 15
4. General Committee; Finance, audit and planning committee; and Social Justice Committee.
5. BDO and SEPO
6. Answer the question after thoroughly reading the study material given under subheading-functions of Panchayat Samiti.

ZILA PARISHAD

Objectives

When you have studied this lesson you will be able to :

- Make a complete picture of three-tier set up of panchayati Raj
- Distinguish the functions and role of zila parishad;
- List out the sources of income of zila parishads;
- Identify its linkages with state government;
- Make a critical analysis of the working of parishads.

Structure

- 1.7.1 Introduction
- 1.7.2 Basic Features
- 1.7.3 Composition
- 1.7.4 Functions
- 1.7.5 Administrative Staff
- 1.7.6 Income and Expenditure
- 1.7.7 State Control over zila parishads
- 1.7.8 Zila Parishads- A critical evaluation
- 1.7.9 Summary and Conclusion
- 1.7.10 References

1.7.1 Introduction

Panchayati raj is a process of democratic decentralization with development functions. It is a representative and democratic institution system having adequate powers and financial resources. The purpose of panchayati raj is not only administration of local affairs, but also to

carry out the programmes for rural development invoking popular interest in the development tasks. As noted in the previous lessons the panchayati raj set up includes a three tier structure viz., Gram Panchayat at the village level, Panchayat Samiti at the block or intermediate level and Zila Parishad at the apex or district level. The lower two tiers and their working has already been discussed in earlier lessons. Here we'll take up the composition, functions and working of Zila Parishad.

1.7.1.2. Origin and Background

The institution of zila parishad is post-independence development, which came into being only with the establishment of the Panchayti Raj. But as a district level organization of the local self government, it has been in existence for a very long time. It was Lord Ripon's Government which organized the rural boards at the district level in early eighties of the 19th century. The District boards served their purpose eminently well in the early part of their life. But with the establishment of the village panchayats, and more particularly with their rise into greater prominence, the popularity and effectiveness of these institutions began to be widely questioned. In order to strengthen the panchayats, some state governments even abolished or suspended the district boards. Some of their existing powers and functions were transferred to village panchayats, leaving very little with district boards. There was confusion among state governments whether to retain or abolish the district boards. Planning. Commission was interested in the involvement of district administration towards the implementation of development programmes. The confusion on this and many other issues was going on when the Mehta Team was constituted. It submitted an excellent report which provided a nice, workable institutional framework of rural local government. It not only set the whole controversy at rest but also sought to democratize the district administration and there by make it an effective instrument of planning.

The Balwantrai Mehta report, after having been cleared by the Central government, was put into operation by a number of state governments. The government of the then State of Bombay did not like to accept the recommendations straightway. It wanted to study it once again in the light of local conditions prevailing in that region. The State of Bombay was reorganized into Maharashtra and Gujarat. The new governments then appointed their own committees. On the basis of their

recommendations the two states adopted a different pattern with strong zila parishad at the district level with direct elections and huge budget. While the panchayat samiti was made only a coordinating and liaison agency between gram panchayats and zila parishad. Whereas in most other states which followed the Mehta Model, made the panchayat samiti as the strongest tier and zila parishad a mere supervisory, advisory and coordinating body. However, over the years some of the state governments found the zila parishad as superfluous body, a few states even dissolved them and kept them in abeyance for long periods. Meanwhile, the Maharashtra pattern with strong zila parishad provide to the most successful one of all the variant patterns.

With the passage of 73rd amendment Act, panchayati raj institutions got the constitutional base and uniformity among the states. Zila parishad are now to be compulsorily established by all the states with added powers, directly elected members, more functions and better finances.

1.7.2 Basic Features

Like any other institution, a zila parishad too has its own peculiar features.

Nomenclature

This district level body is called by different names in different states. It is called zila parishad in Punjab, Haryana, H.P., Andhra Pradesh, Gujarat, Maharashtra, Rajasthan, Bihar, West Bengal. It is called 'district panchayat' in Tamil Nadu and Kerala, 'Mokhma Parishad' in Assam, 'Zila Panchayat' in Karnataka and Goa.

Size

As noted earlier, a zila parishad is a district level body and its jurisdiction or area is the total rural district i.e. all the villages falling in a district. As per Punjab Act, the jurisdiction of zila parishad covers the entire district excluding such portions of the district as are included in a municipality or cantonment area.

Legal Status

Every zila parishad is a body corporate having perpetual succession and a common seal, vested with the capacity of suing or being sued in its corporate name. It can acquire, hold or transfer property or enter into contracts by its name.

Tenure

The term of Zila Parishad is not a uniform 5 years in every state, earlier

the tenure of the Zila Parishad also varied from state to state like Panchayat Samiti. It was three years in Bihar, Orissa, Rajasthan and Punjab, four years in Gujarat, Assam, Mysore and West Bengal and 3 years in Maharashtra, Uttar Pradesh and Andhra Pradesh. Panchayat Samiti may at any time recall a member of the Samiti from Zila parishad by majority of the 5/ 8th of the total number of the Samiti Members. However, recall is not permissible before one year of the election of the member and once the sponsored recall motion fails, no further motion for recall can be put forward till the expiry of his term.

1.7.3 Composition

Membership of zila parishad has been designed in such a way so as to link it organically with the intermediate level (panchayat samiti) of Panchayati raj on the one hand and with the state legislature and union parliament on the other hand. The following broad categories of members are there in the Zila Parishad with some variations from state to state:

1. Representatives of Panchayat Samiti;
2. Directly elected members;
3. Members representing other institutions (such as municipalities, school boards, cooperatives, etc.)
4. Associate Members (MLA, MP, DC, ADC, etc.)

1.7.3.1 Position in Punjab

As noted earlier, the Constitutional 73rd Amendment Act provides for the elected units at all the three levels of Panchayati Raj. This has been adopted by the States in their respective Panchayati Raj Acts. Consequently, most of the states now have an elected and more powerful body at the district level. In Punjab, every Zila Parishad now consists of:

- (a) 10 to 25 members directly elected from territorial constituencies in the district, each constituency having a population of fifty thousand electing one member;
- (b) All Chairmen of panchayat samiti;
- (c) The elected MPs and MLAs representing a part or whole of the district;
- (d) The members of Rajya Sabha and state legislative council, if any, who are registered as electors within the district.

All members of a Zila Parishad have the right to vote in the meetings of zila parishad except in the election of its Chairnan and Vice-Chairman,

which is an exclusive right of (a) and (b) category of members.

In Haryana the Number of directly elected members range from 10 to 30.

1.7.3.2 Reservation of Seats

The seats are reserved for SCs depending on ratio of their population to the total population of that area. Not less than 1/3 of the total number of seats reserved for the SCs are reserved for SC women. Not less than 1/3 of the total number of directly elected seats is reserved for women, including the SC women. One seat is reserved for backward classes of their population are not less than 20% in the district. Reserved seats are allocated to different constituencies by rotation.

1.7.3.3 Presiding Authorities

Everywhere, Zila parishads are presided over by the chairman and in his absence by the vice-chairman. Both of them are elected by the Zila parishad from amongst its members. But Tamil Nadu and Karnataka States have made the district collector and the Deputy Commissioner respectively the president of their Zila Parishads.

The latest amendments provide for a system of reservation of 1/3 posts of chairman in a state for SC/STs and 1/3 for women by relation.

Functions of the chairman are supervisory in nature. He inspects the lower tiers of the Panchayati Raj system and writes report about the work of secretary and submits the same of the Zila Parishad. In Maharashtra the Zila parishad is an executive body. Its president, therefore, exercises administrative supervision over the chief executive officer in regard to the execution and implementation of the resolution of Zila Parishad.

1.7.3.4 Standing Committees

All the units of panchayati raj must establish committees in accordance with the provisions of the parent Act. As per Punjab Panchayati Raj Act, 1994 here are five standing committees of zila parishad. These are :

- i) General Committee;
- ii) Finance, Audit and Planning Committee;
- iii) Social Justice;
- iv) Agriculture and Industry Committee.

Each committee consists of upto five members including the Chairman, elected by the members from amongst the directly elected members. The Chairman is to be the Chairman of the first three committees while the

other two committees are to elect their respective chairman from amongst its members.

1.7.4 Functions of Zila Parishad

Functions assigned to Zila Parishad may be discussed under the heads given below :

1.7.4.1 Supervision over Panchayat Samitis :

In all the states, zila parishads are responsible to supervise the working of panchayat samitis. The samitis are required to submit to parishads copies of all resolutions adopted from time to time. The zila parishads are supposed to screen them, find out if the panchayat have not overstepped their rightful domain or have not misused powers or have not committed any irregularity. The zila parishad also examines and approves the budgets of the panchayats samitis. It can call for any information, statement or record from a panchayat samiti. It may issue direction to panchayat samitis for efficient performance of their functions. It may inform the district collector and divisional commissioner about irregularities, if any, committed by the panchayat samitis in the district.

1.7.4.2 Advisory Functions :

Apart from rendering advice to panchayat samitis, it advises the state government on all matters relating to development activities in the district. It advises the government on allocation of work to be made among panchayats and panchayat samitis in the district.

1.7.4.3 Coordinative Functions :

An important task of the zila parishad is to secure coordination between the panchayat samitis and between samitis and gram panchayats. It coordinates and consolidates the development plans prepared by panchayat samitis. It also coordinates the execution work of these plans and other schemes or projects which are common to two or more panchayat samitis.

1.7.4.4 Executive Functions :

Even in the states where panchayat samiti plays central role, the zila parishad may have some executive powers. In Andhra Pradesh, Uttar Pradesh and Punjab where samitis are stronger, zila parishads have also been associated with some developmental functions relating to agriculture, irrigation, education, communication etc.

1.7.4.5 Miscellaneous Functions :

Zila Parishads in certain states enjoys the power to make bye-laws, resolutions etc. and have even appellate powers. In the last case, it settles disputes between the panchayat samitis or between two gram panchayats or between a samiti and gram panchayat(s). It also exercises supervisory or administrative control over the gram panchayats.

With the revival of Panchayati Raj through the fresh legislations, zila parishads have been reconstituted in a number of states. In some states, this district level body has been strengthened with powers and responsibilities than before. In Haryana and Himachal Pradesh the fresh Acts assign only supervisory, coordinator and advisory role to zila parishad. The Punjab panchayati Raj Act, on the other hand, assigns developmental and executive role of zila parishad. It contains a long list of functions of zila parishads. It states: subject to such conditions as may be specified by the state government from time to time, the zila parishad shall perform the following functions, namely:

1. Agriculture :

Promotion of measures to increase agricultural production and to popularize the use of improved agricultural improvements and the adoption to improved agricultural practices; opening and maintenance of agricultural seed farms and commercial farms; establishment and maintenance of godwons; conducting agricultural fairs and exhibitions; training of farmers; land improvement and soil conservation.

2. Irrigation :

Ground water resources and watershed development, construction, renovation and maintenance of minor irrigation works and lift irrigation; development of ground water resources; installation of Community Pump Sets and water works; watershed development programmes.

3. Horticulture :

Rural parks and gardens; promotion of cultivation of fruits and vegetables; development of farms.

4. Statistics :

Publication of statistics and other information relating to activities of panchayat samiti and zila parishad; coordination and use of statistics and other information.

5. *Rural electrification including distribution of electricity.*

6. *Distribution of essential commodities.*

7. *Soil conservation :*

Soil Conservation measures; land reclamation and land development works.

8. *Marketing :*

Development regulated markets and marketing yards, grading and quality control of agricultural projects.

9. *Social Forestry :*

Organizing campaigns for tree planting and maintenance of trees:

10. *Animal Husbandry and Dairying :*

Establishment of veterinary hospitals and dispensaries; setting up of diagnostic and clinical laboratories; breeding farms for cows and pigs; poultry farms, dairy farms, duck farms and goats farms.

11. *Minor Forest Produce and Fuel and Fodder :*

Promotion of social and farm forestry, fuel plantation and fodder development; development wasteland.

12. *Fisheries :*

Fish seed production and distribution; development of pisciculture, inland fisheries; inland fisheries; fish curing and drying; organizing fish marketing cooperatives and welfare schemes for fishermen.

13. *Household and small scale industries including food processing.*

14. *Rural Roads :*

Construction and maintenance of hospitals, primary health centres and dispensaries; implementation of immunization and vaccination programmes; health education activities; family welfare activities; organizing health camps; measures against environment pollution.

15. *Health and Hygiene :*

Establishment and maintenance of hospitals, primary health centres and dispensaries; implementation of immunization and vaccination programmes; health education activities; family welfare activities; family welfare activities; organizing health camps measures against environment pollution.

16. *Rural Housing :*

Identification of houseless families; implementation of housing schemes; and popularizing low cost housing.

17. Education :

Promotion of educational activities including the establishment and maintenance of primary and secondary schools; planning of programme for adult education and library facilities.

18. Social Welfare and Welfare of Weaker Sections :

Welfare scheme and facilities for SCs and BCs including educational facilities, scholarships, grants for books, hostels, training in cottage and rural industries, marketing of goods produced by SCs/BCs organizing cooperation societies, and other welfare schemes for their uplift.

19. Poverty Alleviation Programmes :

Planning, supervision, monitoring and implementation of poverty alleviation programmes.

20. Social Refoml Activities :

Women's organization and welfare Children's organization and welfare; maintenance and social welfare institutions; encouraging community marriage and inter-case marriage; freeing and rehabilitating bonded labour; encouragement of sports and games and construction of rural staid.

21. *Verification of Weights and Measures in shopping establishments.*

22. Promotion of thrift and savings through small saving campaign and enlightened is against spurious money lending practices and rural indebtedness.

1.7.5 ADMINISTRATIVE STAFF

1.7.5.1 The Zila Parishad everywhere maintains a full fledged office of its own. Till now it was not a big affair, the reason being that the Zila Parishad had not many things to do. It did not enjoy any executive power; only supervisory and coordinating powers had been given to It was thus manned by a secretary who was either appointed by the Zila Parishad itself or was seconded by the State Government. He was thus not a very highly placed civil servant. In the new set up the Zila Parishad executive is now headed by the Chief Executive officer. Besides him, there is one tax inspector, an accountant, a head clerk and a few subordinate clerk's.

1.7.5.2 Chief Executive Officer

The official incharge of Zila parishad is Secretary or the Executive Officer. The states which have opted for Mehta (B.R.) model and have made Zile parishad as merely an advisory and supervisory body appointed secretary

as the executive head. In the states where Zila parishad is entrusted with development responsibilities like in Maharastra and Chief Executive Officer is the overall incharge. He is assisted by the Deputy Chief Officer is of Collector's rank and is generally as I.A.S. officer. With the 1994 amendments, the Act of Panchayati Raj has entrusted higher responsibilities to Zila parishad. Under the Punjab, Haryana and H.P. Panchayati Raj Acts of 1994 the official incharge is designated as Chief Executive Officer.

As per the Punjab Panchyati Raj Act, 1994 the Additional Deputy Commissioner (Development) in every district is to be ex-officio Chief Executive officer of the Zila Parishad of the district. The Act also provides for Deputy Chief Executive Officer of Zila Parishad who is not to be below the rank of District Development and Panchayat Officer.

Functions :

The Chief Executive Office (C.E.O) has many functions to perform:

- (a) he discharge the duties imposed upon him by or under this Act or the rules and regulations made there under;
- (b) carry out the policies and directions of Zila Parishad and to executive all the development plans;
- (c) to keep control over the officers and employees the Zila parishad subject to the general superintendence and control of the Chairman;
- (d) to drew and disburse money out of Zila Parishad and exercise such powers delegated to him by the Chairman;
- (e) to call for the papers and documents relating to the Zila Parishad;
- (f) the CEO, may takes necessary steps to recover any money due form and person as arrears of land revenue or any accounts;
- (g) C.E.O issue search warrants

1.7.6 Income and Expenditure

As has already been started, the Zila Parishads have been differently patterned in different states. Due to this wide variation in structure and functions there is also wide variations in the allocation of financial resources to Zila Parishad in different States, because this allocation depends very much on the role of the institution which it is expected to play.

1.7.6.1 Sources of Income

In Maharashtra, the Zila Parishads have been vested with executive powers. Its functional jurisdiction extends over all the development activities, with the exception of law and order, judiciary and higher education. To cope with these functions, the Zila Parishad has been given the various sources of income.

In Punjab, the Act provides for funds for a Zila Parishad in which the income from the following sources is pooled.

- (a) contributions and grants, if any, made by the Central Government or the State Government including such part of land revenue collected in the State as may be determined by the State Government;
- (b) contributions and grants, if any made by a Panchayat Samiti or any other local authority;
- (c) loans, if any, granted by Zila Parishad on security of its assets;
- (d) the proceeds of road cess and public works cess levied in the district;
- (e) all receipts on account of taxes, tolls, rates, cess, fees including local rates and fees leveled by the Zila Parishad;
- (f) all receipts in respect of any schools, hospitals, building, institutions or works, vested in constructed by or placed under the control and management of Zila Parishads;
- (g) all sums received as gift or contribution and all income from any trust or endowment made in favour of Zila Parishad;
- (h) Such fines or penalties imposed and realized under the provisions of this Act or of the bye-laws made there under,
- (i) all other sums received by or on behalf of the Zila Parishad.

Zila Parishads in Punjab get main income out of the share of local rates, which has diminished over the years from 40% in 1970-71 to 1.92% in 1991-92 while rest of the income is from one or the other contributions or grants. There was no power of taxation with the zila parishads till 1992 .

1.7.6.2 Expenditure Pattern

The major heads of expenditure of different types of models of Zila Parishads are (1) Management, (2) Community Development and Cooperation, (3) Education, (4) Forest, (5) Building and Communications, (6) Cattle Ponds, (7) Medical and Public Health, (8) Industry, (9) Agriculture, Animal Husbandry, (10) Minor Irrigation, (11) Fairs and

Exhibitions, (12) Social Welfare, (13) Miscellaneous.

All states do not follow the same pattern of expenditure in their states. There are wide divergence.

1.7.7 State Control over Zila Parishad

The panchayati raj institutions, enjoying a host of delegated authority, must necessarily be guided and supervised from above. They can certainly not be granted that authority as is given to the state government under the scheme of federalism. The Mehta team was of the opinion that the State Government should reduce the control over these institutions to the minimum possible and provide them only the necessary guidance and direction. Over the years, the state governments have been exercising excessive control over these bodies and even frequently resorting to dissolving of these institutions. After the 73rd amendment act such control and direction too has been regulated by the state governments through their fresh legislations. The state control over zila parishads can be classified into: legislative administrative and financial.

The legislative control is related to the creation of panchayati raj intuitions, defining their boundaries, delegation of powers, approval of resolutions etc.

The financial control which is quite effective relates to the sanctioning of grants-in-aid to zila parishads, auditing of their accounts, sanctioning of their budget, giving loans and authorizing of certain taxes.

The administrative control relates to issuing of directions and guidelines, conducting of inspections and enquiries, approval of schemes and plans, assignation of duties and functions, removal of defaulting members or office bearers and exercising quasi-judicial powers in case of disputes.

1.7.8 Zila Parishad- A Critical Evaluation

Immediately before Independence, there existed two institutions of rural local government, panchayats at the village level and the district board at the district level. After the transfer of powers, the new provincial governments took a number of steps to reshape the structure and functions of the panchayats with a view to make them as effective instrument of rural development. On the other hand the district boards did not receive any attention at all, largely because the new governments did not find in them much utility. In most of the states,

these were suspended and their administration was entrusted to the care of district officials, Madhya Pradesh abolished them altogether. In the meantime, the block came into existence as a nucleus of the community development programme. When the Mehta Team was called upon to look into the problems of the community development the key institution of development was to be located. As a result, the panchayat samiti was developed as the hub of the Panchayati Raj whereas the Zila Parishad which was established in place of the district board was assigned comparatively lesser role, i.e., of supervising and coordinating the activities of the gram panchayats and the panchayat samitis without enjoying the executive powers. Later the Naik Committee introduced an altogether different pattern in Maharashtra. It made the Zila Parishad as effective organization and relegated the panchayat samiti to a comparatively inferior position. The decades long functioning of these two different models fairly well established the case that there was hardly a need for a three tier system as one of three tiers- zila parishad in case of Punjab, Haryana, Rajsthan etc., and panchayat samiti in case of Maharashtra had outlived its utility. In this connection, the Santhanam Committee observed that in the states where zila parishads are only advisory bodies, state government did not pay proper heed to their advice and many a time their advice is not taken into account. Their existence is only in name and not in practice. People thus began to question openly the wisdom of retaining all the three tiers. Haryana took steps and abolished the zila parishad altogether and vested its power and authority in the state government. But later both the state government. Haryana and Punjab took the decision to re-establish them. Other states were still carrying on with the three tier structure without knowing what to do with the third tier which had become more or less superfluous.

With the latest amendments there is now no question of abolishing any tier. As noted earlier, a uniform three tier system has come up in almost all the states with zila parishad as a stronger body than before.

1.7.9 Summary

With the revival of panchayati raj set up after the 73rd Constitutional Amendment Act, zila parishad has been recognized as a significant unit of panchayati raj at the district level. The utility and effectiveness of zila parishad has already been proved earlier in the states of Maharashtra and

Gujarat. Now all the states including Punjab and Haryana have added directly elected members to zila parishads, more powers and functions, more finances, added responsibilities and thus more expectations. It is hoped that with the democratically elected bodies at all the three levels, with more powers, functions and resources and above all with better constitutional and legislative support the panchayati raj institutions shall be able to play effective role as the units of democratic decentralization.

1.7.10 References/Further Readings

1. Punjab Panchayati Raj Act: 1994, Chawla publications, Chandigarh, 2002.
2. Sahib Singh and Swinder Singh, Local Government in India, New Academic Publication co. Jalandhar, 2000.
3. G. Palanithurai (ed.), Dynamics of New Panchayati Raj System In India, Vol. I, II, III Concept Publishers, New Delhi, 2002.

Self Test Questions

1. Under which legislation zila parishads are established and governed in Punjab?
2. As per Punjab legislation what is the number of directly elected members to a zila parishad ?
3. Who is the head of the executive/administrative side of a zila parishad.
4. Broadly how would you classify the functions of zila parishad.
5. Name the standing committees of zila parishad in Punjab.

Answer

1. The Punjab Panchayati Raj Act, 1994.
2. 10 to 25.
3. Chief Executive Officer.
4. Development functions; Relation to Panchayati Samities; Advisory Supervisory Executive; and Miscellaneous.
5. General; Finance; Social Justice; Education and Health; and Agriculture and Industry Committee.