

Indian Polity Notes Part 12 in English

12] Local Self Government / Panchayats

- Lord Rippon is known as the Father of Indian Local Self Government.
- The very existence of Local Self Government is for the decentralisation of powers in terms of democratic perspective.
- Democratic decentralisation is considered to be an important mechanism for distribution of powers from federal government to local-self government.
- According to democratic governance, participation at all levels is an important aspect of political development.
- India with vast geographical area, a sense of political participation can be achieved through the establishment of local self government.
- Mahatma Gandhi referred devolution of political powers shall enhance democratic functioning at the local level.
- He called the Indian village as '**Little Republic**'. In this chapter both urban and rural local self governments are dealt with.

Some characteristics of rural and urban local governments are: -

- Local government possesses a well defined jurisdiction. It has a definite territory like village or district.
- Its aim is to solve the peculiar problems present in that area. Local government is governed by the locally elected representatives. They are accountable to the local electorate. The elected representatives administer the local affair without undue interference from the central or state governments.
- At the village level, there is direct participation of all adult population in the Gram sabha.
- The primary concern of the local government is to promote the interests of the local people.
- Local government has its own budget and financial resources.
- Local government enjoys complete autonomy. It is free to manage its affairs according to the rules laid down by the central and state governments. It has a definite sphere of activity.
- Local government enjoys the constitutional status and protection with compulsory existence and functioning.
- The constitution of India came into force on 26 January, 1950.
- In order to revive the ancient system of self-governance Article 40, of our constitution lays down that the state shall take steps to organise village panchayats and endow them with such powers and authority as may be necessary to enable them to function as units of self government.
- Accordingly the Balwantrai Mehta Committee was appointed in 1956. The committee submitted its report in 1957.
- The Balwantrai Mehta's Report is hailed as the Magna Carta of the Panchayat Raj system.

- In order to secure and ensure decentralised democracy Balwantraji Mehta recommended a three-tier system of rural local government consisting of the village **panchayat at the village level, the panchayat union at the block level and zila parishad (District panchayat) at the District level.**
- The Panchayat Raj was inaugurated on **October 2nd, 1959** by Pandit Jawaharlal Nehru. The states of Andhra Pradesh and Rajasthan were the first to introduce the panchayat raj institutions.
- Thus, the Panchayat Raj made its modest beginning in the country. A committee on Panchayat Raj institution under the chairmanship of **Ashoka Mehta was appointed by the government in 1977.**
- It was setup of inquire into the working of the Panchayat Raj institutions and to suggest measures to strengthen them. This committee submitted its report in 1978.
- If main recommendation was two-tier system of panchayat raj
- the district level and the village level. The reports of these committees gave importance to rural development through Panchayat Raj institutions.
- They insisted on the implementation of development plans. They did not seek to make the panchayats as institutions of self government.
- Further the Balwantraji and Asoka Mehta committees were not concerned about the future interests of the urban local governments.
- Keeping these things in view and in order to establish the real "Lok Sakthi" at the rural and urban local levels, the constitution 64th and 65th. Amendment Bills were introduced and passed in the Lok sabha in 1989.
- These bills were comprehensive. They sought to reorganise the grass-root institutions with uniform setups and necessary powers. Though passed by the Lok sabha, these bills were defeated for want of majority in the Rajya Sabha.
- The further attempts taken in this regard also failed. Under these circumstances, the rural and urban local governments, which were under the tight control of the state governments, could not function successfully.
- They had financial sufferings. Even elections to them were not held for years together. In order to rectify these defects the Constitutional (73rd and 74th Amendment) Acts were passed by the Parliament in 1992.

The Constitution (73rd and 74th Amendment) Acts 1992

- The 73rd and 74th amendments of the constitution were, enacted in December 1992. These amendments came into force with effect from 24th April 1993.
- They have constitutionalised the panchayats and municipal bodies. The 73rd and 74th Amendments have given the states legislative power to confer on the local bodies necessary powers and authority so that they can function as institutions of self government.
- They are entrusted with task of

- preparing plans for economic development and social justice
- implementation of the schemes for economic development and social justice
- in regard to the matters included in the 11th and 12th schedules.
- These schedules distribute powers between the state legislatures on the one hand and the panchayats and municipal bodies on the other.
- The 11th schedule under the 73rd Amendment contains **twenty nine items**.
- The panchayats have exclusive power on them.
- The 12th schedule has eighteen items for the urban local bodies. These imply their respective functions also.
- The 73rd constitution amendment provides a 'Gramsabha' in each village of panchayats at village, intermediate and district levels.
- The 74th Amendment also known as the "NagarPalika Act", provides for setting up of three types of municipal bodies.
- These are Nagar panchayats, Municipal council and Municipal corporations.
- A nagar panchayat is constituted for an area in transition from a rural area to an urban area. The municipal councils are set up for smaller urban areas and the municipal corporations for larger urban areas.

District Panchayat

- District Panchayat is the top-tier of the Panchayat Raj structure in Tamil Nadu.
- It is the body at the District level.
- It has jurisdiction over the entire district excluding such portions of the district as are included in a municipality or town panchayat or industrial township or under the authority of a municipal corporation or a cantonment.
- The District panchayat consists of the following: The directly elected members from the wards in the district panchayat. Each ward is constituted for about 50000 people of the district panchayat area. Only one member is directly elected from each ward. But one cannot be elected as member of more than one district.
- The members of the House of people and the members of the state legislature of the District panchayat area.
- The Member of the Council of States who is registered as elector within the district.
- The members under categories a, b and c can also take part in the proceedings and vote at the meeting of the District Panchayat.
- Seats are reserved for persons belonging to the scheduled castes and scheduled tribes in proportion to their strength with the total population of the district panchayat area.
- 1/3 seats are reserved for them are allotted by rotation to different wards in the district panchayat area. The age qualification for a voter is 18.
- It is 21 for a member to be directly elected to the district panchayat. But, the names must be in the concerned electoral rolls.

- Those who are under the employment of the central and state governments and the local bodies are not eligible for election as members or to hold any office in the district panchayat.
- The tenure of the district panchayat is five years. If it is dissolved earlier elections must be held within six months.
- Any person who is disqualified under law cannot be a voter or a member of the district panchayat.

Chairman and Vice-Chairman

- Every District Panchayat has a Chairman and a Vice Chairman.
- They are elected by the elected members from among themselves unless disqualified or removed from office, they remain in power for five years. An outgoing chairman or vice chairman is eligible for re-election of panchayat union.
- Functions of the Chairman The political executive of the District Panchayat is its chairman.
- As such he convenes and presides over the meetings of the district panchayat and conducts its proceedings.
- He inspects the working of the panchayat unions and panchayats and submits his report to the district panchayat.
- He writes his opinion on the working of the secretary to the district panchayat. This is appended with the confidential report written by district collector.
- He can delegate any of his functions to the vice-chairman. In case of emergency he can direct the execution of any work pertaining to the district panchayat.
- He has full access to all the records of the district panchayat. Thus the chairman of the district panchayat combines the role of a leader of a supervisor.
- He is the channel of communication between the district panchayat and the government.
- Powers and Functions of District Panchayat The powers and functions of the district panchayat have been laid down in the Acts passed by the state legislature, the district panchayat has a coordination and supervisory role to play.
- It performs the following functions It examines and approves the budgets of the panchayat union
- It issues directions to panchayat unions for efficient performance of their functions.
- It coordinates development plans prepared by the panchayat unions
- It advises the state government on all matters relating to the development activities in the district.
- It distributes funds, allocated by the state government, to the panchayat unions in the District.
- It collects statistics relating to the activities of the local authorities in the district.
- It advises the state government on allocation of work to be made among the panchayat.
- It regulates better relationship between the lower tiers.
- It exercises such other powers as may be conferred by the state government.

Standing Committees

- The District panchayat functions through standing committees. These standing committees have been constituted for the following subjects.
 1. Community development.
 2. Agriculture, Cooperation, irrigation and animal husbandry.
 3. Cottage, village and small scale industries.
 4. Education and social welfare.
 5. Finance and taxation.
 6. Public health.
- The Chairman and members of these committees are elected among themselves.
- Where the chairman of the District panchayat is a member of a committee he shall be its chairman.
- Sources of Income Generally speaking District Panchayat has the following sources of income to meet its executive functions.
 - Tax on profession and trade.
 - Tax on water and public entertainments.
 - Pilgrim tax.
 - Grants and loans from the state government.
 - Land revenue, establishment and deficit adjustment grants.
 - Plan and block grants.
 - License fee from butchers.
 - Fees on sale of goods or animals in the market.
 - Income from its property.
- For each District Panchayat (general) fund is constituted. The following items are paid into District Panchayat (General)
 - The amount transferred to the District Panchayat fund by appropriation from out of the consolidated fund of the state.
 - All grants, assignments, loans and contributions made by the government.
 - All rents from lands on other property of the district panchayat.
 - All interests, profits and other moneys accruing by gifts, grants or transfer from private individuals or institutions
 - All proceeds of land and other properties sold by the District panchayat.
 - All fees and penalties levied by or paid to the district panchayat.
 - The government shall provide a grant to every district panchayat fund to cover the expenses of establishment at such scale as determined it.

The Chief Executive Officers

- For each district panchayat a project officer is appointed by the government. The designation of this officer varies in different states.

- In Tamil Nadu this officer holds the rank of Joint Director of Rural Development. The method of recruitment, pay of allowances, disciplined conduct and conditions of service of the Chief Executive Officer
- The Chief Executive Officer exercises all the powers specially imposed upon him by the act of the state legislature.
- He must supervise and control the execution of all works of the district panchayat
- He has the right to attend the meetings of the district panchayat and its committees and move any resolution in them. But he has no right to vote.
- He has to carry out the resolutions of the district panchayat.
- He must furnish the periodical reports about the execution of the resolutions of the district panchayat and about the collection of taxes.

Panchayat Union

- The panchayat union forms the middle tier in the Panchayati Raj System. It is also called as intermediate tier and panchayat union council (Tamil Nadu).
- Size and Composition The area of panchayat union is generally constituted with the panchayat development block for purpose of National Extension Service Programme.
- A panchayat union council is constituted for each panchayat union. It consists of 112 villages.
- The administration of the panchayat union shall rest in the panchayat union council.

The Panchayat Union Council

- The directly elected members from the wards in the panchayat union, at the rate of one member for every 5000 population of the panchayat union area, only one member is elected from each ward.
- The members of the House of people (Lok Sabha) and the members of the state legislature, belonging to the panchayat union area.
- The numbers of the council of states who are registered as electors within the panchayat union.
- Such number of presidents of village panchayats not exceeding 1/5th of the total number of from among the presidents of the village panchayats in the panchayat union area.
- All the members mentioned above are entitled to take part in the proceedings of and vote at the meetings of, the panchayat union council.
- However no person can be elected as a member of more than one panchayat union council.
- Seats are reserved for persons belonging to the scheduled castes and the scheduled tribes in proportion to their strength with the total population of the panchayat union.
- 1/3 rd seats are reserved for women belonging to the scheduled castes/scheduled tribes from among the total number of seats reserved for the persons belonging to the schedule castes and scheduled tribes.

- Seats are also reserved for women in the panchayat union council.
- The number of seats reserved for them are allotted by rotation.

Chairman and Vice-Chairman

- The head of the panchayat union is named as Chairman in Tamil Nadu. He is directly elected by the people.
- There is also a Vice-chairman, they are elected from among the members of the Panchayat Union Council.
- Unless disqualified or removed from office, they hold office for five years. They are eligible, for re-election.
- The chairman may by an order in writing delegate any of his functions, which are not prohibited by the Panchayat Union Council to the Vice-Chairman.
- The Vice-Chairman can exercise the functions of the chairman when the office of the Chairman is vacant.
- If the offices of both Chairman and Vice-Chairman are vacant, the Revenue Divisional Officer shall be ex-officio member and chairman of the Panchayat Union Council.
- Power and Functions of the Chairman The Political executive of the Panchayat Union Council is Chairman.
- His Powers and functions are as follows.
- He presides over the meetings of the Panchayat Union and conducts its proceedings.
- He exercises control over the Block Development Officer and his staff regarding the implementation of the decisions and resolutions of the Panchayat Union and its Standing Committees.
- He encourages the panchayats and guides them in making plans and carrying out production programmes.
- He has full access to all the records of the Panchayat Union Council.
- All official correspondence between the Union Council and Government must be conducted only through the Chairman.
- He can issue orders for the immediate execution of any important work stating reasons for doing so.
- He is the ex-officio chairman of the Standing Committee if he happens to be its member.

Functions of the Panchayat Union

- The Panchayat Union plays a pivotal role in the Panchayati Raj System. It is the principal executive body to implement the community development programmes.
- It acts as an agent of the State Government in the performance of responsibilities which may be specifically assigned to it.
- Also the Panchayat Union exercises supervision and control over village panchayats within its jurisdiction.

- It also provides the necessary technical and financial assistance to them. Finally, it is generally empowered to scrutinise and sanction the budgets of the panchayats in its area.
- The functions of the Panchayat Union are two-fold. They relate to the provision of civic amenities and fulfillment of development programmes. With regard to the provision of civic amenities, the Panchayat Union has the following responsibilities.
- Construction and maintenance of roads within the jurisdiction of the union but other than purely gram panchayat roads.
- Supply of drinking water.
- Maintenance of drainage pipes.
- Establishment of primary health centers and maternity homes.
- Provision of medical and health services
- Provision of primary and basic schools and establishment of adult education centers.
- Assistance to village roads which serve as feeders.
- Establishment of libraries
- Establishment of youth organisations.

Standing Committees

- The Panchayat Union performs its functions by constituting Standing Committees.
- These committees are statutory bodies.
- There are five Standing Committees to deal with the following Functions.
- Finance and taxation
- Agricultural production, animal husbandry and minor irrigation.
- Education and social welfare, including women's welfare
- Public health and sanitation
- Communications and co-operation.
- The members of the Standing Committees are elected by the members of the Panchayat Union from among themselves.
- The President of the Panchayat Union is the Chairman of the Finance and Taxation Committee.
- These committees exercise those powers which are delegated to them by the Panchayat Union.
- The Block Development Officer functions as the Secretary of the Standing Committees.

Sources of Income:

- Normally Panchayat Union has the following sources of income
- Proceeds of taxes and fees which a Panchayat Union may levy.
- Share of local cess and land revenue received from the District Panchayat.
- Grants from the State Government
- Loans from the State Government

- Income from leases granted by the Panchayat Union to public ferries, fairs, etc.
- Ad hoc grants from or through the District Panchayat
- Donations and contributions
- Funds from schemes transferred by the Government to the Panchayat Union as an agency for execution.
- In addition to these, a Panchayat Union has many other sources of income.
- According to the Tamil Nadu Panchayats Act 1994 there shall be constituted for each Panchayat Union, a Panchayat Union (General) Fund and a Panchayat Union (Education) fund. The General Fund contains receipts from 27 items and the Education Fund from seven items as mentioned in the Act.
- Panchayat Unions in other states also have Panchayat Union Funds.
- Administrative Machinery In order to perform its functions the Panchayat, Union has an administrative machinery.
- It is headed by the Block Development Officer. There is one Extension Officer to assist the Block Development Officer.
- These development officers are the paid servants of the state Government.
- They are specialists in the respective fields like agriculture, animal husbandry, public health, etc, below them are the other staff.
- The Block Development Officer is an area or Circle administrator. He is designated as Commissioner in Panchayat Union Council.

The Block Development Officer functions as

- head of the office
- captain of the team of extension officers
- secretary of the Panchayat Union.
- As head of the office, the Block Development Officer looks after office work and day-to-day administration.
- He coordinates various technical functions in the block and implements several development programmes.
- He also conducts a number of enquiries. The Block Development Officer the secretary at the chief Executive Office of the panchayat union. He performs the following functions:
- He implements various resolutions of the panchayat union and its standing committees He supervises the panchayat in the block.
- He issues notices for the meetings of the panchayat union and its standing committees. He records and maintains the proceedings of those meetings.
- He participated in the deliberations of the union without any voting right.
- He draws and disburses money out of union funds.
- In case of fraud, embezzlement and theft of money, he reports to the president of the union and the District Collector.

Gram Sabha

- Gram sabha is the foundation of the Panchayat Raj. It is a general body. It has been recognised as a statutory and corporate body.
- It is composed of all the eligible voters of the village panchayat. The jurisdiction of a village panchayat may be confined to one or more villages with an average population of 500.
- Being a grass root organisation at the very lowest level it serves as the basic unit of direct democracy.
- Hence it is considered as a vital device of democratic control. The Gram sabha should hold at least three meetings in a financial year.
- The president of the village panchayat has the responsibility to convene the meetings of the Gram sabha.
- The functions of the gram sabha are as follows
- Grama Sabha reviews the progress of the works done by the panchayat.
- It draws plan for the development of the sabha area.
- It considers the annual statement of accounts and audit report of the panchayat.
- It considers the administrative report of the last year and the programme of work for the ensuing year.
- It approves the annual budget and development schemes of the village panchayat.
- The gram sabha is a sovereign body. Hence it can authorise the village panchayat to do certain things by itself.

Gram Sabha Meeting

- The village panchayat is the primary unit and the first of the Panchayat Raj system.
- It is constituted for each panchayat village which has a minimum population of 500.
- The minimum strength of the village panchayat will be five and maximum fifteen depending upon the population.
- The village panchayat is the executive committee of the gram sabha. Its members are directly elected by the gram sabha by secret ballot.
- The entire village is divided into wards and each ward elects one to three members.
- There is provision for one-third reservation of seats for scheduled castes, scheduled Tribes of women.
- The village panchayat is headed by a President. The President of the village panchayat is directly elected by the members of the Gram sabha.
- He can be removed from office on a resolution of no-confidence passed against him by a two-thirds Majority of the Gram sabha.
- There is also a Vice-President for each panchayat. All adult citizens of above 18 years old are entitled to vote.
- Those who have completed 21 years of age alone can be elected as members and President and Vice President of the panchayat.

- The duration of the village panchayat of the tenure of its members is 5 years.
- If the panchayat is dissolved earlier, elections must be held within six months.

Powers and functions of the President

- The President is the political executive of the village panchayat. He has the following powers and functions.
- He convenes the meetings of the gram sabha and the village panchayat
- He presides over the meetings of the panchayat He maintains the records of the panchayat.
- He exercises administrative control over the panchayat staff.
- He supervises the implementation of the resolutions passed by the panchayat.
- He is responsible for the proper execution of the decisions taken in the village panchayat

Functions of the Village Panchayat

- The village panchayat is entrusted with several welfare functions and developmental activities.
- Its fundamental responsibility is the preparation of plans and implementation of schemes for economic development and social Justice at the village level.
- The village panchayat must perform all such functions as are prescribed by the law of the State Government.
- These are classified into compulsory and optional functions. Compulsory Functions
- Development of agriculture.
- Promotion of cottage industries.
- Maintenance of public wells and tanks.
- Supply of drinking water.
- Provision for sanitation and drainage.
- Lighting of village streets and other public places.
- Maintenance of burial and cremation grounds.

Optional Functions

- Planting and nursing of trees on road sides
- Construction and maintenance of play grounds, libraries, reading rooms, parks etc.
- Reclamation of unhealthy localities.
- Managing the community centers.
- Relief to the poor and looking after public health.
- Establishment of crop godowns.
- Promotion of cooperative farming, family planning and animal husbandry.
- Regulation of pig rearing.
- Removal of untouchability.

Sources of Income

- Animal Tax.
- Building Tax.
- Fines on account of violation of panchayat laws.
- Fees paid for presenting legal case before the panchayat.
- Registration of animal fees for selling the animals in its area.
- Rent from village properties.
- Local trade tax.
- The receipts of the village panchayat are credited into the village panchayat fund.
- The money required for expenditure to carry out its various functions and to meet other obligations is released from this fund.
- There is an executive authority in each village panchayat.
- He is appointed by the state government. He carries out the resolutions of the village panchayat.
- He controls all the officers and servants of the village panchayat.
- By discharging his duties, he also looks after the day-to-day administration of the village panchayat under his Jurisdiction.

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