

STUDY ON PRESENT STATUS OF PANCHAYATI RAJ IN HARYANA

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INTRODUCTION

The Haryana Panchayati Raj Act, 1994 incorporated all the essential provisions of the 73rd Amendment Act. It has made the Gram Sabha a soul of Panchayati Raj System. It provides a platform for the direct participation of the people. It is mandatory to hold at least two Gram Sabha meetings annually, one between 15 May to 15 June and the second from 15 November to 15 December. Section 11(2) of the Act provides that if the Sarpanch fails to hold two general meetings on the dates fixed, he shall automatically cease to hold office from the date on which the second meeting was to be held.

Gram Panchayat

The success and effectiveness of functioning of Panchayati Raj System depend upon the soundness of the base level body. The Gram Panchayati is the executive body of the Gram Sabha. It is a representative and elective body consisting of directly elected members. The Sarpanch is elected by the Gram Sabha from among its voters by secret ballot and six to twenty Panches from wards in a Panchayat area. Seats are reserved for Schedule Castes and backward classes according to their population and one-third seats are reserved for women in each category. There is a provision under section 13 that the meeting of the Gram Panchayati shall be held at least twice a month at a public place. Every meeting of Gram Panchayati shall be presided over by the Sarpanch and in his absence the members present shall choose one from amongst themselves to preside over the meeting. Majority of Panches including Sarpanch, for the time being holding shall form a quorum. The decisions of Gram Panchayat shall be by majority.

Gram Panchayat have been assigned variety of functions under section 21 of the Act, which include general functions, agriculture, animal husbandry, fisheries, social forestry, rural housing, drinking water, education, welfare of weaker sections, maintenance of community assets etc. For maintaining and managing the above functions effectively, Gram Panchayat has been given the powers to constitute

sub committees under section 22, such as (i) Production Committee (ii) Social Justice Committee and (iii) Amenities Committee.

Each sub-committee shall consist of not less than five members, including Sarpanch. The Sarpanch shall be ex-officio member and chairman of Production Committee and Amenities Committee. Panch nominated by the Gram Panchayat by majority shall be the ex-officio member and chairman of the Social Justice Committee. It is provided that the Social Justice Committee shall consist of at least one- woman member and one member belonging to the scheduled Castes.

Control and Subordination of Gram Panchayat

It is provided that in all matters pertaining to this Act, the Gram Panchayat, Panchayat Samiti, Zila Parishad and the Director shall be subject to such authority and control as the government may direct. If a case in respect of criminal offence is under investigation or an enquiry has been instituted, the Director or the Deputy Commissioner concerned may suspend any Sarpanch or Panch. If the charges are proved, he may be removed from his office. Further, if in the opinion of government a Gram Panchayat abuses its powers or is not competent to perform or make persistent defaults, the performance of its duties under this Act or willfully disregards any instructions given or directions issued by the Panchayat Samiti or Zila Parishad, the government may after giving an opportunity to render explanations by an order with the reasons, dissolve such gram Panchayat. A dissolved Gram Panchayat shall be reconstituted within a period of six months.

Village Development Committee

The state government in 2000 had directed all the Gram Panchayats to constitute a Village Development Committee (VDC) at the village level to conduct and supervise the the development works undertaken from the grants of the state government. It is presided over by the Sarpanch consists of seven members including a Panch, a former Sarpanch, an Ex-Serviceman, a woman, a member from SC's and BC's each. All these members are nominated by Gram Sabhas.

Now the present government has scraped this provision. It says that it is an attempt to undermine the functioning of the Gram Panchayats.

Panchayat Samiti

The Panchayat Samiti is constituted at the Block Level. The body consists of directly elected members of territorial constituencies, each one representing a population of 4,000. The number of directly elected members shall be 10 to 30. The members of Haryana Legislative assembly representing constituencies, which comprise wholly or partly in the Panchayat Samiti, shall have right to vote in the meeting of the Panchayat Samiti except for election and removal of chairman and vice-chairman. They shall be ex-officio members.

Seats are reserved for the Scheduled castes according to their population and one-third of the seats are reserved for scheduled castes women. In case of general seats also, one-third of seats are reserved for women. One seat is reserved for the person belonging to backward class in every Panchayat Samiti.

The chairman has been empowered under section 61 to convene, preside over, and conduct meetings with access to records of Panchayat Samiti. He shall watch over the financial and executive administration of the Panchayat Samiti. He shall also exercise administrative supervision of the Block Development and Panchayat Officer for securing implementation of resolutions or decisions of the Panchayat Samiti or any committee thereof. In the absence of the chairman, the vice-chairman shall preside over the meetings of the Panchayat Samiti.

Under section 66, a Panchayat Samiti shall ordinarily meet at least six times in each year for the transaction of its business and not more than two months shall be allowed to elapse between any two successive meetings. The Quorum for an ordinary meeting is one-third, and for a special meeting is one-half of the number of members actually serving for the time being.

The Panchayat Samiti shall perform duties and functions given under section 75 of the Act. These are namely general functions, agriculture, soil conservation, Khadi, village and cottage industries, rural housing, poverty alleviation, social education, markets and fairs, welfare of weaker section etc.

Every Panchayat Samiti under section 83 shall appoint committees namely (a) General Committee (b) Finance, Audit and Planning Committee (c) Social Justice Committee. Each committee shall consist of such number of members not exceeding six including the chairman, elected by the members of the Panchayat Samiti from amongst the elected members. The chairman shall be the ex-officio member and also chairman of the General Committee. The vice-chairman shall be ex-officio member and chairman of the social justice committee. Each committee shall submit the detailed report of its functions to the Panchayat Samiti and Panchayat Samiti shall take final decision on it, in its meetings.

Supervision by the Government

The Government shall advise, supervise and coordinate the functions of the Panchayat Samitis. The Government may, by a order in writing, cancel any resolution passed by a Panchayat Samiti, if in their opinion, such resolution is not legally passed or its execution is likely to cause danger to human life, health or safety. The Government shall before taking action, give the Panchayat Samiti an adequate opportunity.

Zila Parishad

Section 118 provides that every Zila Parishad shall consist of the 10 to 30 members directly elected from the wards in a district, the chairman of all Panchayat Samitis within the districts, Members of Parliament and Members of Legislative Assembly whose constituency lie within the district or part thereof. President and Vice-President shall be elected by and amongst the elected members of the Zila Parishad.

Seats are reserved for scheduled castes and women. The offices of the President of the Zila Parishads shall be reserved for scheduled castes and not less than one-third of the total number of offices of President in the Zila Parishads shall be reserved for women. One seat in every Zila Parishad shall be reserved for the persons belonging to backward classes.

The President shall also exercise administrative supervision over the Chief Executive officer for securing implementation of resolutions or decisions of the Zila Parishad.

The president of Zila Parishad under section 122 of the Act shall convene, preside and conduct meetings of the Zila Parishad. He shall watch over the financial and executive administration of Zila Parishad and shall submit the detailed report of its functions to the Zila Parishad and the Zila Parishad shall take final decision on it, in its meetings.

The detailed duties and functions of Zila Parishad have been given under section 137 of the Act. Zila Parishad shall advise, supervise and co-ordinate the functions of the Panchayat Samitis in the district. Zila Parishad shall have also the power to secure the execution of plans, projects, schemes or other works common to two or more Panchayat Samitis in the district and advise Government on the allocation of work among Gram Panchayats and Panchayat Samitis and coordinate their work.

Committees

Zila Parishad may constitute under section 139 such committees, as it may deem necessary for executing its functions. The President of Zila Parishad shall be ex-officio chairman of each such committee. The Chief Executive Officer shall be the ex-officio Secretary of every such Committee. Each committee shall be entitled to require attendance as its meetings of any officer of the Zila Parishad who is connected with the work of the each committee.

Power of Taxation of Panchayati Raj Institutions

There is a provision under section 41 that a Gram Panchayat shall impose a house tax payable by the occupier, or where a house is vacant by the owner. The rates are Rs. 30 for a landowner or ashopkeeper, Rs. 20 for a tenant of land or an artisan and Rs. 10 for an unskilled labourer per annum. The fees like the-bazari, service fee including fee on cleaning streets and lighting of streets, fees for registration of animals sold in the Sabha area and water rates where the Gram Panchayat supplies water.

Section 88 provides that subject to general directions and control of the Government, a Panchayat Samiti with the prior permission of the Chief Executive Officer concerned, impose any tax which the legislature of the state has power to impose under the constitution of India.

Section 147 makes the provision for Zila Parishad that subject to general direction and control of the government, a Zila Parishad may, with the prior approval of the government, impose any tax which the legislature of the state has power to impose under the constitution of India. Gram Panchayats, Panchayat Samitis and Zila Parishads have their funds in the name of Gram Fund, Samiti Fund and Zila Parishad Fund respectively. The taxes are credited in their respective funds. These funds are utilized by these bodies to carry out the duties and functions imposed on them.

District Planning Committee

Section 214 of the Act makes a mention of the District Planning Committee. The Haryana Government made the rules for constitution of the District Planning Committee in each district. These rules may be called the Haryana Constitution of District Planning Committee Rules; 1997. The rules provide that a committee in each district shall be constituted to consolidate the plans prepared by the Panchayat and Municipalities in the district and to prepare a draft development plan for the district as a whole and submit these plans to State Government.

The membership of such committee in district having population upto ten lakhs shall be twenty and in the districts having population more than ten lakhs each, it shall be twenty-five. It is provided that not less than four-fifth of the total number of members of such committee shall be elected by and from amongst, the elected members of the Panchayat at the district level and of the municipalities in the district in proportion to the ratio between population of the rural areas and the urban areas in the district.

In twenty five members Committee, five members to be nominated by the state Government, shall include Commissioner of the concerned Division, Deputy Commissioner of the concerned District and two persons out of eminent economists and professional having experience in Planning. Members of Parliament and Members of Legislative assembly whose constituencies fall in that district shall be special invitees. The Chairman of the District Planning Committee shall be chosen by the Government from amongst the nominated members.

The quorum, necessary for the transaction of business at a meeting shall be one-third of the total number of members. Every committee shall meet for the transaction of business at least once in three months. The Committee while preparing the draft development plan shall also include the sectors like agriculture, production, forestry, primary and secondary education, health, urban development, social welfare, poverty alleviation programmes, etc.

It is clear from the above analysis that bureaucracy plays a dominant role in the functioning of the Panchayat Raj institutions in the State. In order to make these bodies' effective institutions of decentralized governance, they require to be strengthened by way of providing clear and strong legislative provisions in favour of elected representatives of Panchayati Raj Institutions.

Delegation of functions and duties to panchayati raj institutions

One of the major operating aspects of the implementation of the constitutional 73rd Amendment is the devolution of a framework, which different State Government are expected to adopt to make the PRIs fully functional. While article 243G of the Constitution visualizes Panchayats as institutions of self-government and it subjects the extent of devolution of powers and functions including 29 items in 11th Schedule to the will of the State Legislatures.

As expected, the Government of Haryana initiated the process of devolution of powers and functions to the Panchayat Raj bodies. The State Government vide memo No. DPH-LA-95/23517-726 dated

23.5.95, has delegated certain duties and functions to the three levels of PRIs in respect of 16 important departments²⁰.

These departments are:

1. Development and Panchayat Department.
2. Food and Supply Department.
3. Welfare of Scheduled Castes and Backward Classes Department.
4. P.W.D., Public Health Department.
5. Social Forestry and Farm Forestry Department.
6. Social Defence and Security Department.
7. Horticulture Department.
8. Ayurveda Department.
9. Education Department.
10. Health Department.
11. Irrigation Department.
12. Women & Child Development Department.
13. Rural Development Department.
14. Agriculture Department.
15. Animal Husbandry Department.
16. Power Department.

The complete profile of Panchyati Raj Institutions in Haryana is given in the table No. 1.1 for the complete knowledge of PRI's in Haryana.

Table 1.1

Number of seats/wards (reserved/unreserved) for panches, sarpanches, member of panchayat samiti (mps) & member zila parishad in haryana, 2001

| Office of | Total number of seat | Total number of Head | Seats Reserved | | | | | Sub Total | No. of unreserved seats i.e., general seats | Grand Total |
|-----------|----------------------|----------------------|------------------------|--------|-------------|---------------------------|-----|-----------|---|-------------|
| | | | SC | | | Women & BC | | | | |
| | | | SC [Other than SC (w)] | SC (W) | Total (1+2) | Women [Other than SC (W)] | BC | | | |
| | | | (1) | (2) | (3) | (4) | (5) | (6) | (7) | (8) |
| Panchayat | 54 | - | 79 | 40 | 11 | 13 | 56 | 31 | 23 | 54 |

| | | | | | | | | | | |
|---|------------------|------------------|-------------|-------------|----------------------------|------------------|-------------|------------------|------------------|------------------|
| n c h | , 7 6 4 | | 0 2 | 5 4 | , 9 5 6 | , 9 4 6 | 9 6 | , 5 9 8 | , 1 6 6 | , 7 6 4 |
| S a r p a n c h | 6 0 3 5 | 6 0 3 5 | 8 0 2 | 4 0 8 | 1 2 , 1 1 0 | 1 6 1 0 | - | 2 8 2 0 | 3 2 1 5 | 6 0 3 5 |
| P a n c h a y a t S a m i t i | 2 4 2 6 | 1 1 4 | 3 3 7 | 1 8 6 | 5 2 3 | 6 3 5 | 1 1 3 | 1 2 7 1 | 1 1 5 5 | 2 4 2 6 |
| Z i l a P a r i s h a d | 3 1 4 | 1 9 | 4 3 | 2 4 | 6 7 | 8 6 | 1 9 | 1 7 2 | 1 4 2 | 3 1 4 |

Source: Election Commission of Haryana