



REPORT  
OF

THE HIGH LEVEL COMMITTEE  
ON PANCHAYATI RAJ

GOVERNMENT OF GUJARAT

PANCHAYATS AND HEALTH DEPARTMENT

1972.

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GOVERNMENT OF GUJARAT

PANCHAYATS AND HEALTH DEPARTMENT

A REPORT OF  
**THE HIGH LEVEL COMMITTEE**  
ON  
**PANCHAYATI RAJ**

**VOLUME I**

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\*Appendices I to XX of this Report are printed separately in Volume II.

PANCHAYATS AND HEALTH  
DEPARTMENT  
Sachivalaya, Gandhinagar,  
dated 30th September 1972.

ZINABHAI DARJI,  
Chairman,  
Panchayati Raj High Level Committee.

Dear Shri Ratubhai,

When Panchayati Raj was introduced in Gujarat a decade ago the basic concept of democracy was of gradual extension of democracy starting from State level upto the district, taluka and village levels. In that context, the ideology of democratic decentralisation materialised and Panchayati Raj stabilised itself in Gujarat on a permanent basis. The circumstances which were prevailing in the country at the time of the establishment of Panchayati Raj have, now, undergone radical changes. The approach towards the poor and the common people has acquired a definite form. In these new circumstances, although the ideology of democratic decentralisation has an important place, the ideology of democratic socialism calls for top priority. It is a felt need and has roused expectations, that the Panchayati Raj system, as an integral part of the nation's policy of wider democratic socialism, should become a proper and effective agency. In these circumstances, the Government of Gujarat constituted a Panchayati Raj High Level Committee to suggest necessary fundamental changes in the Panchayati Raj system.

2. We have tried to make recommendations while keeping the object in our mind that Panchayati Raj may become an excellent medium for satisfying the popular aspirations and to give momentum to the march towards socialism and that the people may have better administration.

3. We have exchanged views with office-bearers and officers associated with Panchayati Raj and with the responsible officers of different departments of the Government. We have secured guidance of the social workers who have experience in the field of Panchayat and who are devoted workers. We have invited members of the Parliament and those of the Legislative Assembly and discussed with interest the matter with them. We have also carefully examined the answers of the questionnaire. Reports of various Committees too, have been studied in detail.

4. Our report is based on all these and I am happy to present the same herewith. The sum and substance of the important recommendations of the report are as follows.

5. Since the desire for well-planned and speedy development of one's own village has become intense, it is recommended that an independent Panchayat may be given to every village:



The electorate of the village should elect the Sarpanch so that he may be and remain responsible to the rural people.

In order that the minorities in villages may also have due representation, single member constituency has been suggested.

It is envisaged to involve people to a larger extent by making a provision to the effect that the budgetted expenditure should be incurred after informing the Gram Sabha and that the Gram Sabha can pass a motion of no confidence against the Sarpanch.

There are three primary requirements of the rural folk viz., local employment, land and house for habitation, and social services. The socialistic programme will be implemented effectively only when Panchayati Raj institutions are whole-heartedly prepared to satisfy and cater to all these three fundamental requirements. In order to undertake extensive programmes of rural employment at village level, we shall have to resort to the village-industries, cottage-industries and home-industries, to a considerable extent. The Government has taken a commendable step of granting village site land to agricultural labourers and other weaker sections of the society for their rehabilitation and Panchayats would have to carry on this task further. Panchayats at village level will have to play a pivotal role in this respect. In cases where small villages are not capable of providing essential social services at local level, social services, such as, dispensaries, secondary schools, water supply schemes, etc. will have to be undertaken by a federal group Panchayat or a group of certain villages with the collective efforts of these villages.

Arrangement will have to be made with a view that Panchayats discharge their functions and duties on a priority basis in the fields of rural employment schemes, rural habitation programmes and provision for social services.

6. Throughout the nation a pattern inter-linking the Panchayats at the three tiers came into vogue before a decade. The object behind this pattern was noble still however, it could not be achieved due to one or other reason, and its disadvantages far outweighed the advantages. It seems necessary to ensure that Panchayats run their administration smoothly and at the same time do not exert pressure upon one another. Besides, direct elections for the Taluka and District Panchayats have been recommended so that the will of the people may be reflected in Panchayati Raj. A provision has also been suggested to maintain co-ordination between programme and planning of Gram and Taluka Panchayats.

7. Various changes have been suggested in respect of the form of the State Council for Panchayats which is at present working as an advisory body so that the said council may become a popular administration next to the administration at district level, and

may guide the Panchayat machinery in the State, may care for pure and efficient administration and offer a link between the State and Panchayat machinery.

We suggest creation of the post of the Divisional Commissioner and formation of a Divisional Council consisting of the elected representatives for the easy redress of the problems of Panchayat system and those of the people.

8. The existing pattern of the Nyaya Panchayat does not seem to be adequate. A new approach as pointed out in the report of the Justice Bhagvati Committee is most welcome and we hope that the formation of the Taluka Nyaya Panchayat on that line would generate self-confidence among people; that said Nyaya Panchayat would have an expert on the legal side as its President, would consist of the elected representatives of the people, the offices of the court would be located at different villages of the taluka and justice would be provided to the people amidst rural atmosphere.

9. Harijans entertain dissatisfaction against Panchayati Raj. Economically backward section of the community, too, is dissatisfied with the present set-up. We have an experience of the situation prevailing prior to the introduction of Panchayati Raj. The position of Harijans has not materially changed despite strict orders of the Government. However, after the introduction of Panchayati Raj, commendable work has been done for the poor in some districts. Still, a specific provision is required to be made in the budget so as to ensure justice to Harijans and to the other weaker sections who are economically backward and are downtrodden from ages. Further, it is an obligatory duty to fulfill promises given in the Constitution.

Economic disparity is the root cause of all these evils and so long as it is not abolished all our attempts would prove to be superficial. Still, we have emphatically suggested to try our level best in this direction as far as our resources permit.

It is high time now and our approach towards the poor should also be changed. Independent move should be made based on social justice, not motivated by feelings of welfare or pity. That is why we have recommended the constitution of a committee for social justice at all levels as an obligatory measure and have suggested to include responsible officers such as the Collector, D. S. P., etc., as members in the District Level Committee. We specifically recommended that such a committee should have a majority of Adivasis or Harijans. We feel it necessary that the jurisdiction of the said committee in respect of matters relating to Adivasis and Harijans should be unrestricted and the committee should be empowered to make final and ultimate decisions.

After many a discussion, we recommend that the President of the District Panchayat should be the President of the said committee.

Importance is given to Harijans in our recommendation that in Panchayats proportionately more seats should be allotted to Harijans as against the strength of their population.

All lands of the village should be placed under the Panchayat only for their management, and a specific provision is required to be made to the effect that Government can whenever they desire, grant lands to the poor-Harijan-Adivasi without any restrictions.

At present certificates regarding income and caste are being issued by the Sarpanch. This is required to be altered by empowering also the Harijan or Adivasi member of the Gram Panchayat to issue such certificates.

10. We have received different opinions regarding the pattern of primary education. Repercussions of the teaching community, in particular, are very strong. We have given a serious thought to the constitution of the former School Board. It is essential, to create such an atmosphere that the safety of teachers is ensured and teaching work is consolidated.

For this purpose we have suggested to abolish the Taluka Education Committee. We have also recommended that the District Education Committee should have a majority of educationalists interested and experienced in the field of education.

As regards the transfer of teachers, rules and regulations issued by the Government from time to time should be strictly observed and a uniform policy should be adopted for the whole State. Action should be taken against those who violate the rules and regulations. It seems necessary to make the controlling and inspecting authority at State level more alert to carry out the said purpose.

11. We have discussed at length to make the administration of Panchayati Raj efficient, pure, expeditious, and mass-oriented. It is also essential to expedite our march towards socialism. Following are the suggestions in this regard :—

- (1) Compulsory training for the elected.
- (2) Independent poll machinery.
- (3) Independent audit set-up.
- (4) Independent and separate establishment for taking action in respect of maladministration.

In keeping with the democratic tradition, we have suggested proportionate representation on every committee:

We feel it necessary to invest the elected persons with more powers so that the administration may be people-oriented. Along with this,

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it is also taken into consideration that people may avail of the skill of officers too.

All the developmental activities should be retained by Panchayats and State may impart guidance to them. We feel it desirable that the welfare activities regarding economically backward classes should be conducted by Panchayats as well as the State.

Time has come to contemplate seriously about the grievances of people. People are sent from pillar to post. Manpower from Sachivalaya upto village level is being utilised for the disposal of grievances and still disposal is not quick.

Hence, a responsible committee should be formed under the presidency of a representative elected at district level. All the grievances and problems of the district should be presented before this committee and disposed of in consultation with responsible officers. The problems which do not fall within the jurisdiction of this committee should be tackled by another one. Since problems would be considered by a committee, people will not be left to the mercy of one individual and many evils would thereby be eradicated.

12. Planning is one of the important aspects of development. Views on planning have also changed. Every district and every taluka therein has a different geographical situation. It would, therefore, be more practical if responsible persons of the district are consulted while chalking out the scheme for the respective region. We have suggested to constitute such a board at district level.

In the report we have referred to the point that it is absolutely necessary to undertake evaluation of various activities and of development work conducted in the district from time to time.

13. The recommendations of the Octroi Committee should be accepted *in toto* and we have also made a practical recommendation to form a Panchayat for industrial areas.

We have suggested norms for taxation enabling the Panchayats to increase their financial resources and that too, with socialistic background in view.

14. Our suggestions tend to make the Panchayati Raj system as a whole an excellent popular medium for implementing the wider policy chalked out by the State and thereby involving the people with development and planning on a greater scale.

15. Kantibhai Buddh being a Government Officer has worked as the Secretary of our committee and has discharged his duties very ably. He collected all the literature on Panchayat from the corners of this country as well as from other countries-he presented important

recommendations before us and all this literature, thus, proved very useful to us in preparing all our recommendations. I congratulate Shri Buddh, his colleagues and staff for such sincere and devoted efforts.

16. Members of the committee have also evinced active interest. Harijan and Adivasi members too, have discussed problems with enthusiasm and experience of other members—both representatives of the people and the Government—has proved very useful. I sincerely express my gratitude towards these friends.

ZINABHAI R. DARJI

## CHAPTER I

### INTRODUCTION

1.1 It is well-known that Panchayati Raj has come into existence in Gujarat in 1963 under the Panchayats Act based on the recommendations made in the report of Democratic Decentralisation Committee constituted under the chairmanship of Shri Rasikbhai Parikh. Afterwards, amendments have been made in Panchayats Act from time to time. As it was found necessary to make some further amendments in the Act, the Gujarat Government formed a committee under the Chairmanship of Shri Jadavjibhai Modi, to examine the same and to suggest amendments. Some amendments were thus made under the amending Act No. 1 of 1968 based on the recommendations of this committee.

1.2 Afterwards, in order to evaluate the working of Panchayati Raj, Government appointed one more committee under the Chairmanship of Shri Dahyabhai Nayak in 1968. But no final decisions could be taken upon the recommendations of the committee as President's Rule was established during the time the report was received and was under consideration of the Government.

1.3 After the termination of the President's Rule the popular Government established in Gujarat, zealously undertook the problem of vitalizing the Panchayati Raj and strengthening it. In order that the basic objective of democratic decentralisation and self-Government may be achieved satisfactorily, administration may not overlap and Harijans, Adivasis and backward classes may get adequate protection, Government decided to appoint a "High Level Committee on Panchayati Raj" to suggest basic reforms in the Panchayati Raj set-up, and thereby to make necessary and incidental recommendations as regards the Panchayat Act, the administration, the financial structure and other matters. Under the G. R. No. ૫૫૨-1069-3671-71-J of 12th April 1972 of the Panchayats and Health Department, a High Level Committee on Panchayati Raj has been formed under the Chairmanship of Shri Zinabhai Darji.

1.4 The members appointed on the committee were as follows :—

(1) Shri Zinabhai R. Darji, Surat ..	..	Chairman
(2) Shri Gordhanbhai Patel, Nadiad ..	..	Member
(3) Shri Mahantshri Vijaydasji, Junagadh ..	..	Member
(4) Shri Harisinhji Mahida, Broach ..	..	Member
(5) Shri Prabhatgiri Gonsai, Rajkot ..	..	Member
(6) Shri Dahyabhai Parmar, Ahmedabad ..	..	Member
(7) Shri Kalsinhbhai Kishori, Dohad ..	..	Member

- (8) Secretary, Finance Department or his representative, Gandhinagar. Member
- (9) Secretary, Legal Department or his representative, Gandhinagar. Member
- (10) Shri K. D. Buddha, Deputy Secretary, Panchayats and Health Department, Gandhinagar. Member-Secretary.

The terms of reference of the committee covering all the aspects of the Panchayati Raj set-up are as follows :—

“(1) To suggest basic amendments in the Panchayati Raj set-up so as to enable the Panchayati Raj institutions to contribute in a useful and effective way in the direction of socialism.

(2) To make observations on and recommendations relating to the present form, constitution and inter-relations of the Panchayats at all the three tiers.

(3) To review and evaluate the equitableness, efficiency and effectiveness of the Panchayati Raj institutions regarding execution and implementation of various functions, duties, schemes and activities assigned to Panchayats by Government and to make recommendations on this aspect.

(4) To make an analytical study as to how and to what extent efforts are made by Panchayati Raj institutions to safeguard the interests of the backward class persons of the society and as to what extent the Government machinery has been effective in giving necessary advice, instructions, guidance and directions to those institutions at appropriate times in that regard and to make necessary suggestions and recommendations for completely safeguarding the interests of the backward classes.

(5) To express its views on and to make recommendations for raising the level of primary education and for proper solution of the multifarious problems and impediments being faced in that field.

(6) To study the overlapping of functions and powers between the State Government and Panchayats as well as amongst the Panchayats at all the three tiers and the problems in execution of some functions as a result of their assignment to one particular institution or officer and to make recommendations faced appropriate measures in that regard.

(7) To undertake a review of the existing provisions and practices of the assignment of statutory, quasi-judicial, financial and administrative functions and powers to the Development Commissioner, Collectors, Panchayats at all the three tiers, committees of the said Panchayats, other officers under the said Panchayats and

the Government, and "Competent Authorities" and to make recommendations in that regard.

(8) To study and make recommendations as to what changes are required to be made in the present rules, procedures and arrangement and to what extent the conditions and restrictions are required to be relaxed and liberalised so as to enable the Panchayats to execute promptly and effectively the schemes and works assigned to them

(9) To review the calibre and special suitability of various officers of District Panchayats and to offer views thereon.

(10) To review the existing audit arrangements and to make recommendations in that regard

(11) To give views as to whether it is desirable, feasible and necessary to activate the bodies like Nyaya Panchayats, Conciliation Panch etc. which have mostly not availed of the provisions made in that regard or whether the same provisions should be annulled.

(12) To review the financial resources raised by the Panchayat at all the three tiers and to suggest whether it is required to make changes in the existing legislative provisions and other procedures.

(13) To examine as to what extent has the present arrangement of the State control proved happy, effective and instructive and to make recommendations in that regard.

(14) To study in a co-ordinated and comprehensive way all such reports of the committees and study groups on the Panchayati Raj set-up which are under consideration of Government and are not finalised and to make recommendations in that regard.

(15) To take into account all such amendments under the Panchayats Act which arise from all the above items and which are under consideration of Government and the Department and to make recommendations in that regard"

1.5 The first meeting of the committee was held on 28th April 1972 and various procedural matters pertaining to the proposed study were considered therein. Shri Ratubhai Adani, Honourable Minister for Panchayats who attended the meeting offered useful guidance in his address and he outlined the important work and study to be undertaken by the committee.

1.6 To carry out its objective of obtaining the opinions of all the office-bearers, officers, etc. at all the levels associated with the Panchayati Raj and thereby to cover up all the aspects related with



**Panchayati Raj under study, the committee proposed the following line of action :—**

- (a) To prepare an elaborate questionnaire to elicit public opinion upon the different subjects related with Panchayati Raj.
- (b) To collect the useful details and data for committee's study and to undertake study and review in this regard.
- (c) Discussions with parliamentary members, legislative members of the State Panchayat Council, Secretaries to Government, Heads of Departments, Collectors etc.
- (d) Exchange of views with the office bearers, officers etc of District Panchayat, Taluka Panchayat through District level visits.
- (e) Interviewing the leaders and distinguished persons associated with the Panchayati Raj.

1.7 It was not possible to contact all the office-bearers at various levels, officers, social institutes, social workers, representatives of backward classes, etc. associated with Panchayati Raj in a short period and therefore one questionnaire consisting of 142 elaborate questions covering entire Panchayati Raj administration was prepared in Gujarati. All the necessary items were included in the questionnaire so that the general opinion of the public can be assessed through the replies against the questions and thereby useful data can be made available to the committee for its study ( Appendix I ).

1.8 The questionnaires were sent to the office-bearers at different levels, officers, social workers, social agencies, educational institutions, representatives of backward classes, distinguished persons connected with the functioning of Panchayati Raj, etc. according to the list ( Appendix II ) and useful suggestions were invited.

1.9 Moreover, Press notes were published so that any person in the State connected with the Panchayati Raj can obtain the questionnaire and send his suggestions. A general appeal was also issued to the people through newspapers requesting them to send their suggestions to the committee. There was a good response to the committee's appeal and consequently, 163 questionnaires were sent to the individuals thus interested; in all 1,054 questionnaires were forwarded to various agencies and persons.

1.10 The Committee is pleased to note that though the questionnaire was elaborate many persons took keen interest and sent their valuable suggestions. Answers to the questionnaire received by the committee, were co-ordinated under the joint direction of Directors of Bureau of Economics and Statistics and Evaluation Bureau. The same is enclosed (Appendix III) for information. It represents different view points in brief.

1.11 Necessary literature was obtained from the Community Development Department in the Central Ministry and Panchayat Act, Rules and necessary literature of the States were obtained from all the states so that an idea of Panchayati Raj set-up in other states of India can be had. Moreover, the committee studied and took into consideration the following reports in particular related to or connected with the Panchayati Raj set-up :—

(1) Report of the Democratic Decentralisation Committee formed under the chairmanship of Shri Rasikbhai Parikh.

(2) Report of the Panchayat Act Amendment Committee constituted under the chairmanships of Shri Jadvaji Modi.

(3) Report of the Panchayati Raj Administration Evaluation Committee constituted under the chairmanship of Shri Dahyabhai Nayak.

(4) Report of the committee on the establishment set-up of District/Taluka Panchayats constituted under the chairmanship of Shri Rasiklal Shukla.

(5) Report of the Industrial Townships Committee constituted under the Chairmanship of Shri Maldevji Odedra.

(6) Report of the Octroi, Inquiry Committee constituted under the Chairmanship of Shri Maldevji Odedra.

(7) Chapter regarding Nyaya Panchayats in the report of 'Legal Aid Committee' constituted under the chairmanship of Honourable Shri Bhagavati, Chief Justice of Gujarat High Court.

(8) Report submitted by Shri S. K. Dey Chairman of All India Council for Panchayats after his visit to Gujarat in order to study Panchayati Raj.

1.12 A list of the books of experts in Panchayati Raj, Laws of the other states in regard to Panchayats, various reports of the Central and State Level Committees and study groups used by the committee for study is included in Appendix IV.

1.13 As the committee had to submit its report in a short period, different study-groups from out of the members of the committee were formed according to necessity to ensure detailed study of all the aspects covering the Panchayati Raj.

1.14 Member-Secretary of the committee has got prepared notes regarding the various points concerning the Panchayati Raj administration and the same were provided to members for study. (Appendix V).

1.15 As the committee had to present its report at the earliest, it was not possible for the committee to visit all the districts of the State. Therefore, the committee visited the following five centres and invited office-bearers, District Development Officers and other officers of the following District Panchayats, of Parliament Members, and The State Legislature representatives of social agencies, representatives of backward classes, social workers, Collectors etc. of that area (Appendix VI) and various factors regarding the Panchayati Raj were discussed in details collectively as well as individually:—

Date	Place	Name of the districts already covered
1	2	3
30th May 1972	.. Surat	Surat, Bulsar, Broach, Dangs.
31st May 1972	.. Baroda	Baroda, Panchmahals, Kaira.
8th June 1972	.. Bhuj	Kutch.
9th June 1972 } 10th June 1972 }	.. Rajkot	Jamnagar, Rajkot, Junagadh, Surendranagar, Amreli and Bhavnagar.
14th June 1972	.. Mehsana	Mehsana, Sabarkantha, Banas-kantha, Ahmedabad and Gandhinagar.

1.16 Some leaders and distinguished persons associated with Panchayati Raj were invited for special individual meeting by the committee, as described in Appendix VII and some basic and useful suggestions regarding the Panchayati Raj administration were received from them.

1.17 The committee had arranged one special general meeting with the Members of Parliament from Gujarat on 15th June 72 at Ahmedabad, and some significant topics regarding Panchayati Raj were discussed therein.

1.18 Panchayati Raj administration is more or less concerned with all the Departments of the Government, and therefore a personal meeting was arranged with Secretaries of the Government. One meeting was also held with the Heads of the Departments on 15th June 1972 at Ahmedabad and many problems were discussed in detail. Thus the committee came to know the views and valuable suggestions made by the high level officers.

1.19 During this period, the High Power Committee of Rajasthan Government visited the State, and the committee took the chance and contacted the said committee and exchanged views as well as useful suggestions with its members.

1.20 Several fundamental as well as minor changes were suggested in the Panchayats Act and Rules thereunder, by various district level office-bearers and officers. Notes from the officers concerned with this work were obtained to enable the committee to study the necessity of such amendments. Member-Secretary of the Committee had consulted some officers of class I of the Gujarat Development Service experienced in the subject and had prepared useful guidelines.

1.21 The committee had to present its report by 30th June, 1972, but the time-limit was found inadequate and on the request of the committee the Government extended the time-limit upto 15th August 1972 and finally upto 30th September, 1972.

1.22 The First meeting of the committee was held on 28th April 1972 and afterwards meetings were held as detailed below :-

Meeting Sr. No.	Date	Place
1	2	3
1	28th April 1972	Gandhinagar
2	17th May 1972	"
3	18th May 1972	"
4	30th May 1972	Surat
5	31st May 1972	Baroda
6	8th June 1972	Bhuj
7	9th June 1972	Rajkot
8	10th June 1972	"
9	14th June 1972	Mehsana
10	15th June 1972	Ahmedabad
11	28th June 1972	"
12	6th July 1972	"
13	7th July 1972	Gandhinagar
14	12th July 1972	Ahmedabad
15	21st July 1972	Gandhinagar
16	22nd July 1972	"
17	23rd July 1972	"
18	1st August 1972	"
19	2nd August 1972	"
20	3rd August 1972	"
21	4th August 1972	"
22	9th August 1972	"
23	10th August 1972	"
24	4th September 1972	Ahmedabad
25	5th September 1972	"
26	6th September 1972	"
27	7th September 1972	"

Out of the above mentioned meetings, meetings excluding No. 1, 2, 11, 12, 15, 18, 21, 26 and 27 were held more than once on the same day.

1.23 Keeping in view the recommendations of the previous committees, implementations of Panchayati Raj in other States, suggestions made by various institutes and individuals, significant guidelines obtained from the various office-bearers, officers, Members of Parliament and of the State legislature during their meetings, etc. and considering the same the committee had prepared a draft report of its recommendations.

1.24. The draft report was discussed and finalised in the last meetings of the committee held from 4th September 1972 to 7th September, 1972. And thus the committee has great pleasure in submitting the report to the Government.

1.25. The report was considered and speeled out in three parts. The First part consists of the study made by the committee on the topics assigned to it as well as opinions and recommendations of the committee in this regard. The second part consists of the necessary accompanying appendices. The third part is a summary of the recommendations.

1.26. The committee found that its recommendations would suggest entire transformation in the set-up of the form-constitutions of Panchayats and therefore the committee has submitted one interim brief proposal to Government to the effect that after the submission of report, if its implementation would require some time the Government should think of extension of term of Taluka/ District Panchayat if necessary ( Appendix VIII ).

1.27. It is due to the inspiration and efforts of Shri Ratubhai Adani that the concept of strong, stable and vital Panchayati Raj took concrete shape in Gujarat before a decade. At the time of establishment of Panchayati Raj Shri Ratubhai Adani was Minister for Panchayats in the State and it is a happy co-incidence that after a decade on the eve of a review of Panchayati Raj administration also he is the Minister for Panchayats. Shri Ratubhai Adani has frequently provided useful guidance and direction to the committee at various stages. Whenever the Committee found it necessary to consult him as regards some important issues he spared time even from his important engagements and gave valuable advice and suggestions to the committee. The Committee is highly indebted to Shri Ratubhai Adani in this regard and it heartily thanks him.

1.28. Shri Rasikbhai Shukla, Secretary, Panchayats and Health Department spared the services of officers and staff of the said Department in Sachivalaya as well as Panchayati Raj administration for the work of the committee, for which the committee is grateful to him.

1.29. The committee is grateful to the members of parliament in Gujarat, Legislative Assembly Members, Secretaries to the

Government, Heads of Departments, Members of the State Council for Panchayats Office bearers including the President of the District and Taluka Panchayat, representatives of the backward classes representatives of social, co-operative and educational institutions etc. who have offered useful suggestions to the committee. The committee also conveys its thanks to the leading and distinguished persons who have spared time for interview and who gave important suggestions. Other members of the public who have evinced interest in the work of the committee and have taken the trouble to forward their suggestions also deserve our thanks.

1.30. The committee had to complete its work in a short period. The committee takes a special note of the contribution made by the following officer and staff of the Panchayats and Health Department working as a team :

- (1) Shri S. A. Bhonsale, Section Officer.
- (2) Shri V. A. Ohhaya, Assistant.
- (3) Shri H. N. Joshi, Assistant.
- (4) Shri Dahyabhai M. Mochi, Assistant.
- (5) Shri R. V. Acharya, Clerk.
- (6) Shri Hamir Khimji Chavda, Peon.

The Committee is grateful to Shri J. H. Gohel, Assistant Development Commissioner for making necessary arrangements for the tours of the Committee at different places. The committee expresses its thanks to the Deputy District Development Officers, Sarvashri Bipinchandra Vaishav, Suryakant Mehta, Vrindavan Shah, J. J. Vaishnav and Mridulaben Vashi for preparing in liaison with the member secretary suggestions regarding the proposed amendments in Panchayats Act as well as rules. The Committee thanks Shri Vadibhai Patel, Assistant Development Commissioner and Shri Suryakant Mehta, Deputy District Development Officer of Bhavnagar District Panchayat for preparing some material useful to the committee. In preparing the report, Shri Bipinchandra Vaishnav, Deputy District Development Officer of the Mehsana District Panchayat took a lot of trouble and offered his services to the member-secretary whenever, so required without hesitation, the Committee is pleased to take a note of it. The committee takes special note of the service rendered by Shri K. P. Nayak and Shri A. A. Oza, stenographers Shri M. P. Parikh and Ku. J. R. Bhatiya, typists in the Panchayats and Health Department and typist-staff of Bhavnagar, Mehsana and Ahmedabad District Panchayats as shown below .

- |                               |    |                                       |
|-------------------------------|----|---------------------------------------|
| (1) Shri H. H. Jagad          | .. | Typist, Bhavnagar District Panchayat. |
| (2) Shri J. R. Moyal          | .. | Typist, Mehsana District Panchayats.  |
| (3) Shri Pramodray N. Desai   | .. | Typist, Ahmedabad District Panchayat. |
| (4) Shrimati Mridulaben Shah. | C. | Typist, Ahmedabad District Panchayat. |

1.31 The committee feels indebted to sarvashri M. G. Patel, and Shri H. N. Thakar of the Evaluation Bureau for laboriously compiling the replies of the "questionnaire" under the joint guidance of Shri P. B. Buch, and Shri R. D. Gandhi, Directors of Bureau of Economics and Statistics and Evaluation Bureau.

1.32 The committee is grateful to Shri H. H. Buch, Director of Languages and other officers and staff of the Directorate for expeditious translation of the literature necessary for the report.

## CHAPTER II

### PRELUDE

2.1 The Terms of reference of the Committee are broad and comprehensive. As it is deemed proper and necessary to present in the first instance the approach of the committee towards all the points in brief the committee prefers to give a brief topicwise description.

2.2 In order that the Panchayati Raj Institutions may make useful and effective contribution to socialism, it is highly essential to establish stable, strong and vital administration of Panchayati Raj. It is essential to give momentum to the efforts of the Panchayats towards a set direction so as to enable the Panchayats to discharge certain functions and duties under the programme of socialism. It is essential that Panchayati Raj Institutes implement on priority basis and effectively the rural employment programme, scheme as to the grant of lands to homeless for construction of houses, programme as to the grant of land to agricultural labourers on tenancy basis and Applied Nutrition Programme for weaker sections and areas.

2.3 The Committee proposes basic amendments in the existing form, structure and constitution of the Panchayats at three tiers. The committee has deeply thought over the vitalisation of 'Gram Sabha'. The Committee fears that the defects of the ex-officio representation and indirect election will adversely affect the Panchayati Raj administration. In order that the Panchayati Raj Institutes truly reflect the voice of people, the Committee thinks it important that the element of direct elections should be given a priority in the formation of Panchayats. The committee has also deliberated upon the issue of small size of Panchayati Raj Institutes and their effectiveness.

2.4 Overlapping of administration between the Government machinery and Panchayats has created many complicated problems, ambiguity, misunderstandings, and embarrassments. Overlapping of administration creates vagueness and ambiguity among people as well as in the set-up. Uncertainty and delays have occurred in many fields wherever over-lapping of administration is in force. The Committee thinks that it is imperative to abolish over-lapping of administration forthwith in the interest of Government, Panchayati Raj, people and administration and it proposes certain definite measures and solutions in this regard.

2.5 The Committee has thought of some basic recommendations for the proper solution of various problems and hitches experienced in the field of primary education and also for raising its standard. It has made necessary recommendation as to the Education Committee having majority of the educationists and persons interested



in the fields of education, to be formed by the District Panchaya undertaking of certain new programmes in the field of primary education, implementation of the concepts of part-time education and education complex, strict provisions governing the transfer of teaching staff and liberal standard for grants to Panchayats in the field of education.

2.6 The time is ripe now when the attitude of welfare and pity towards the weaker sections of the society should be done away with. Policy of the Panchayati Raj Institutes should be directed towards the economic development and social justice for the weaker sections of the society instead of showing pity towards them. It is strongly believed by the committee that so long as the weaker sections of the society depend upon the pity of the economically strong and prosperous classes they will not be self-reliant. The committee believes that the Government and Panchayati Raj Institutes would have to undertake jointly and at the earliest moment the programmes of economic development and uplift of such classes on a large scale so that such classes may no longer be looked upon as 'helpless' and their independent existence and individual personality may be developed fully. The Committee believes that no organisation other than the Panchayati Raj Institutes can safeguard the interest of the weaker sections of the society in a better way. It has therefore recommended for the constitution of social justice committees giving majority representation to the weaker sections of the society as a part of Panchayats. It has also recommended undertaking of useful and necessary programme for the economic development of these classes. It has taken care to see that such classes get due representation in Panchayats.

2.7 The Committee gives great importance to the fact that the Panchayats should get better qualified staff for making Panchayati Raj more active, neutral powerful and strong, weaknesses and defects underlying in Panchayati Raj administration should be removed, morale of the Panchayat service should be raised, officers of proper rank and merits should be made available to Panchayats, Office-bearers and officers of the Panchayat should get proper training and the work regarding planning, co-ordination and complaints of people of the whole district may be attended to by the District Panchayat at District level on behalf of the State Government.

2.8 The Committee thinks it necessary to make basic amendments in the present Panchayats Act as well as rules, practices and set-up thereunder, to enable the Panchayats to implement schemes and functions entrusted to them, rapidly and effectively. With a view to ensure freedom to Panchayats in their working, the committee has made extensive recommendations for the assignment of administrative, technical, financial and statutory powers to Panchayati Raj Institutes now vested in Government Department and offices.

2.9 In order that the Panchayats at three tiers may raise necessary financial resources locally, the committee has made necessary recommendations for extending the sphere of local taxes, making amendments in the present tax structure, liberalising the grant of financial assistance by Government, motivation, encouragement and acquisition of financial resources to enable the Panchayats in raising industrial undertakings and assets yielding income, establishing proper machinery to improve the assessment and recovery of taxes, making proper changes in the provisions of existing state and District level policies. The Committee has also properly recommended for making audit of Panchayats more effective, impressive and forceful by removing some faults and defects underlying the present audit system.

2.10 We have made some basic suggestions so that the supervision, regulation, control, guidance and direction by the State may become more effective and active. Amongst them the principal recommendations are as follows:—

Election machinery independent of Panchayati Raj, precise arrangement ensuring that the Panchayati Raj institutes may secure proper technical inspection, regulation and guidance from the Heads of the Departments and Regional Officers; revival of the posts of Divisional Commissioners with a view to strengthening the administration of Panchayati Raj Institutes and to speed up the implementation of schemes and to preserve the co-ordination between the Government and Panchayati Raj set-up motivating the State Council for Panchayats to give advice and suggestions to Panchayati Raj Institutes, establishment of Divisional and State level Tribunals so that proper action can be taken against the office-bearers of the Panchayati Raj Institutes by the impartial and neutral organisation and justice can be ensured to the staff of the Panchayat, separation of the Panchayat Department and giving it an independent Secretary at Sachivalaya level.

2.11 Many important and basic suggestions are offered by the Committee in order that the existing Nyaya Panchayats may acquire a new form and the courts may be people-oriented.

2.12 Some reports concerning the Panchayats were under the consideration of the Government. Making recommendations in this respect was also assigned to this committee. The Committee has thoroughly studied all these reports and expressed appropriate views in the relevant chapters.

## CHAPTER III

# POSITION OF GRAM SABHA, NATURE, CONSTITUTION, ORGANISATION AND ADMINISTRATION OF GRAM / NAGAR PANCHAYATS.

### 1. POSITION AND IMPORTANCE OF GRAM SABHA

3.1 Gram Sabha is a basic unit of Panchayati Raj institutions. It is seen from experience that this basic unit of Panchayati Raj institutions could not be made as active as desired. Convening Gram Sabha twice a year is made obligatory under the Panchayats Act but in practice they are not held so frequently as they should. According to Prof. Henri Meddic, even in Great Britain in the meetings of local parish, the attendance is meagre. But the committee believes that in a developing country Gram Sabha has unique and different importance. From available data it can be said that during three years of the establishment of Panchayati Raj, only 1/3 Gram Panchayats had held Gram Sabha twice a year. As against this, there was a rise and thereafter 50 per cent of the Panchayats had held two meetings of Gram Sabha in a year during the next three years. It can be imagined from the statistical data that Gram Sabha is becoming active. But from our study and from the experience of persons closely connected with Panchayati Raj institutions it can be deduced that Gram Sabhas are meeting formally. Gram Sabhas have not become effective in the discharge of important responsibility they have to shoulder and in the full-fledged development of the village in which they should take keen interest.

3.2 Gram Sabhas are the roots of democracy and the Committee has firm faith that if they are properly sustained and nourished the tree of Democracy will be fully developed. Considered and firm action should be taken to give Gram Sabhas more powers to make them more alive, active and effective. As visualised by Shri Jay Prakash Narayan, the relation between Gram Panchayat and Gram Sabha should be that of Cabinet and Legislative Assembly. Of course this is an ideal concept but it should always be kept in mind as such. In order that Gram Panchayats and Villagers may acknowledge the existence of Gram Sabha in the true spirit and the basic democracy in the form of Gram Sabha may develop, the Committee recommends as follows :—

(1) It should be provided that Gram Panchayat may sanction its annual budget but so long as it is not presented before Gram Sabha for information and discussion, the Gram Panchayat cannot incur any expenditure in the respective financial year. This being the position the powers of Gram Panchayat to sanction budget will be curtailed, and its responsibility in respect of budget will not diminish. But as the budget is to be presented before the Gram Sabha, the budget will reflect the mind of the Gram Sabha.

(2) We have recommended earlier a constitution having direct election of Sarpancha of Gram Panchayat and election of members from a single member constituency. The committee believes that in case any difference of opinion arises between Sarpancha and Gram Panchayat under such a formation and Sarpancha and Panchayat are not willing to solve the problem by conciliation or if motion of no confidence is to be moved the dispute or motion of no-confidence may be presented before Gram Sabha and may be solved by the majority members of Gram Sabha. The importance of the existence and position of Gram Sabha will thus be realised and this animus or administrative dead-lock can be resolved practically.

(3) At present it is compulsory under the Act to convene two general meetings of Gram Sabha in a year. But the committee recommends that a provision should be made to the effect that instead of two; three general meetings of Gram Sabha should be called in a year and there should not be an interval of less than two months and more than four months between the two general meetings of Gram Sabha. It is likely that Gram Panchayat or its office bearers sometimes hesitate to fix the dates of meetings of Gram Sabha. But the Committee believes that if direct election of Sarpancha is held, this situation can be improved considerably. Notwithstanding, the committee believes that if a provision to the effect that the Gram Panchayat should fix the dates of meetings of Gram Sabha in its first meeting of each year, be included in the rule, the situation will be improved. Moreover, in order that Gram Sabhas of all the Gram Panchayats of the taluka can meet at stipulated periods and in their true spirit, it is necessary that the Taluka Panchayat may by advance planning prepare the time-table of meetings of Gram Sabhas of the whole taluka in consultation with Sarpanchas.

(4) The Committee believes that a provision should be included in the Act to the effect that if 10 per cent of the voters of rural area propose by requisition to call a meeting of Gram Sabha, a special meeting of Gram Sabha must be called.

(5) The Committee also believes that with the presence of the president of Taluka Panchayat, other Office-bearers, Taluka Development Officer, Panchayat Extension Officer and other Extension Officers in the meetings of Gram Sabha, a healthy atmosphere will be created. Gram Sabhas of all the areas of the Taluka can be made more active if these office-bearers and officers attend the meetings of Gram Sabha by turn.

(6) The members of the Gram Sabha should be allowed to ask questions to Panchayat, and they should be given facility. It is necessary to earmark first one hour of working in the meeting of Gram Sabha as question hour.

(7) The Committee recommends legislation to the effect that the Gram Sabha should invariably be kept conversant with the following matters :—

- (a) Distribution of village-site plot;
- (b) Tenancy of the land situated on the out skirt of the village.
- (c) Entries which are recorded in the records of rights and which are sanctioned.
- (d) Decision regarding the site for construction of public facilities.
- (e) Assessment, recoveries and taxation dues.
- (f) Encroachment on village-site, out-skirt of the village etc., and the proceedings thereof.
- (g) Purchase and sale of immovable and movable properties of Gram Panchayat.

(8) If it is made compulsory for Gram Panchayat to duly consider the matters which are marked to it by Gram Sabha for consideration and to submit its decision thereupon in the next meeting of Gram Sabha, Gram Sabha can really be effective.

(9) In addition to the functions and powers given at present to Gram Sabha under the provisions of the Panchayats Act and rules made thereunder, the functions and powers which we have suggested in this chapter should be given to them. All the functions and powers of Gram Sabha should be clearly specified in the appropriate sections of the Panchayats Act, that is to say, the Committee, believes that it is not proper to make rules for the same. However a provision can be made in the Act to the effect that it should be made compulsory for Gram Panchayat to present in the meetings of Gram Sabha, as matters which may be directed by general orders by the State Government from time to time.

(10) When the Committee visited Rajkot, it met Shri Uchharangrai Dhebar and received guidance from him. To quote him "Taluka Panchayat and District Panchayat have to provide fertilizer and water to the land ( Gram Sabha ) and seed ( Panchayat ) of Panchayati Raj. These institutions can achieve their basic aim only if the seed, and the land are truly productive". Thus, the committee believes and expects that the State Council for Panchayats should see that the District and Taluka Panchayats take firm decisions and take definite action to make the Gram Sabha, the origin of the Panchayati Raj, active and vital. The Committee also believes that if the District Taluka Panchayats

generally pay attention to the matters and subjects mentioned below, the same will be very helpful in making the Gram Sabha active :—

(a) To introduce a practice to call the meeting of Gram Sabha at a convenient public place on holiday or on a festival day, in the evening.

(b) To hold entertainment programmes after the meeting of Gram Sabha is over.

(c) To formulate and to implement such programme by which District or Taluka level officer or office bearer may remain present in all the Gram Shabhas of District/Taluka.

(d) To evolve methods of communicating to all the villagers well in advance the date of meeting of Gram Sabha through wide publicity.

(e) To open registers at District/Taluka level and to see that the meetings of Gram Sabha are held in time.

#### *Nature, Constitution and Organisation of Gram Panchayats*

3.3 Number of villages which are at present under Panchayati Raj administration in Gujarat and their classification according to the population are as follows :—

Classification of villages per population	Number of villages per different classes	
	Census of 1961	Census of 1971 estimated provisional figures
1	2	3
Below two hundred ..	3,202	2,010
Above two hundred and below five hundred.	5,302	4,366
Above five hundred and below one thousand.	5,299	5,241
Above one thousand and below two thousand.	3,301	4,398
Above two thousand and below five thousand.	1,332	1,965
Above five thousand and below ten thousand.	141	248
Total ..	18,577	18,258

As mentioned above, in more than eighteen thousand villages of the State having population upto ten thousand, there were a little less than twelve thousand Gram Panchayats ( including Group Panchayats ) on 31st March, 1970. Their details are as follows :—

Classification per population under Gram Panchayats.	Number of Gram Panchayats per different classes
Upto five hundred	2,166
Above five hundred and upto one thousand	3,872
Above one thousand and upto three thousand	5,096
Above three thousand and upto five thousand	566
Above five thousand and upto ten thousand	206
	11,906

#### *Gram Panchayat per Villages*

The present criteria to give a separate Gram Panchayat to a village is that the village should have a population of 500 persons, it should have a yearly income from taxes at the rate of one rupee, per head and income from land revenue should be Rs. 1,000. Two types of arguments are made in this respect. One is that in view of the population increase and level of obligatory taxes, the present criteria should be lightened. Moreover it is also represented before us that income anticipated under present criteria is much less for efficient administration of Gram Panchayats. The study group of Administrative Reforms Commission in respect of district administration has recommended establishment of a Gram Panchayat Unit for a population ranging from 3,000 to 5,000. Main argument is that the sources of income of group Gram Panchayats will be greater than those of small Gram Panchayats but the rural area is increasing along with the increase in the sources of income of big panchayats. So this argument is not tenable. There will not be much difference in the administrative expenditure in respect of Panchayat Mantri even when small independent Gram Panchayats are formed or big group Panchayats, as, in Gujarat, one Panchayat Mantri is earmarked for more than one Gram Panchayat. On the other hand another argument advanced is that notwithstanding specific Government orders to the effect that 75.P. C. of the income of villages which join group Panchayat unit should be spent for those villages, Villages having small population and weaker sections always suffer. Moreover, in certain cases the geographical distance between the villages joining the group Panchayats is so long that applying of present criteria becomes impractical and unjust in such cases.

During the discussion about some basic matters with prominent persons it was conveyed to the committee that the first and the most important thing for rural development is that rural community should develop into a rural unit and its distinct and independent existence should be recognised and maintained. Committee believes that in view of basic concept this principle should be accepted. The Administrative Reforms Commission has recommended in its report on State Administration under Recommendation No. 25 that a Gram Panchayat should be established for each village and it has further suggested that if more than one villages are ready to form Group Panchayat they should be allowed to form the same. It is but natural and quite clear that too small villages can not provide necessary modern facilities in villages through their separate Gram Panchayats. Therefore a practical solution will be that such small independent neighbouring Gram Panchayats should join together and form a Group Panchayat for common modern facilities.

3.5 In this connection we propose a Gram Panchayat for each village, as follows :—

(1) An independent Gram Panchayat should be established for each revenue village.

(2) If the hamlets of revenue village such as "Peta-paras", "Muwadas", "Phaliyas" having a population exceeding 500 are situated at more than three kilo metres distance from the main revenue village, action should be taken to make them independent revenue villages and independent Gram Panchayats should be allotted to them.

(3) In forest area gram panchayats should be established for each settlement having more than 250 persons. But the jurisdiction of such a Gram Panchayat should be limited to the village-site boundary as per the recommendation of Gujarat Democratic Decentralisation Committee.

(4) We can expect that those small independent Gram panchayats which may come into existence thus raise an income of one rupee per head of population during the period of five years. A provision should also be made to the effect that if such Gram Panchayats fail in this, they should be amalgamated with neighbouring Gram Panchayats.

(5) It is proper to continue further for five years the present group Gram Panchayats in Dangs district as they are established very recently.

#### *Membership of Gram Panchayats*

3.6 In Gujarat, a Gram Panchayat has 9 to 15 members. Strength of Membership is decided by the District Panchayat on basis of population. Some persons have proposed before us reduction



of the strength of membership. The main argument behind this proposal is that nine members are too many for a small Gram Panchayat of a village having a population of 200-300 individuals, and hence, the membership should be reduced.

We recommend to reduce the membership of Gram Panchayats of small villages from 9 to 7. We also believe that it will not be possible to reduce further the minimum memberships for the following reasons :—

(1) The number of reserved seats will be very high if the total membership is reduced. Particularly when we are recommending elsewhere increased representation to women and members of scheduled castes, it will not be possible to effect considerable reduction in the membership of Panchayats.

(2) In other states of the country, generally the membership of Panchayat is not less than 7, though in Punjab, Rajasthan, Madras and Andhra Pradesh the minimum membership of Gram Panchayat is 5, but these States have made a provision that if women or members of scheduled castes are not elected, they should be coopted in addition to these five members. As we do not recommend provision for coopted members, we suggest that the membership of Gram Panchayat should not be less than 7.

(3) According to ( Shri Santhanam ) Committee for the election of Panchayat institutions, the minimum membership of Gram Panchayat should be 9, similarly, the Gujarat Democratic Decentralisation ( Parikh ) Committee had also recommended that the minimum membership of Gram Panchayat should be 9.

(4) It is likely that if there are only five members, any one of them or any group may seize full power.

The Committee recommends to make provision to the effect that the Returning Officer should prescribe the total seats ranging from 7 to 15 for different Gram Panchayats, as per general standard which may be fixed by the State Government by general order, for the allotment of total seats to Gram Panchayats, according to the different slabs of the population.

### *Reserved Seats*

3.7 As per the present provision two seats for women and generally one seat for member of the Scheduled castes are kept reserved in each Gram Panchayat. As per the present provision more than one seat according to population and 60 per cent of total seats are kept reserved for scheduled castes and scheduled tribes respectively. The State Government has delegated this power to fix the number of reserved seats to the Collectors.

The Committee has received suggestions from a number of individuals about the necessity to increase the number of reserved seats. Suggestions are that minimum two seats should be kept reserved for the members of the scheduled castes irrespective of the number of population, particularly in the villages having population exceeding one thousand and larger representation in context of their population should be given to these classes. Similarly it is also represented before us to give more representation than that which is at present given to women. The spirit and feelings underlying these suggestions and representation can be understood and therefore we accept the principle of giving maximum possible representation to these classes. But it can not be conveniently accepted that by giving more representation to these classes, their interest can be better protected or that they would be able to represent their case in a better way. Notwithstanding, we believe that the rural community will pay more attention towards these classes if the present norm of reserved seats for these classes is raised. We recommend as follows the scale for reserved seats :--

(1) According to the present scale two seats are kept reserved for women in Gram Panchayats, this practice should be continued in respect of Gram Panchayats which have 7 members, 3 seats should be kept reserved for women in Gram Panchayats having 9 to 11 members and thereafter 4 seats should be kept reserved. Where the number of reserved seats for scheduled tribes is more in tribal areas, reserved seats in adequate number should be allotted to women out of reserved seats for the schedule tribes.

(2) The present general provision to keep minimum one seat and thereafter more seats in proportion to the population, as reserved for scheduled castes is appropriate. But if in Gram Panchayats having a total of 9 seats or more the minimum percentage of the population of scheduled castes is as mentioned in the table below, the scale of minimum two seats or more if more seats can be allotted in proportion to the population as reserved, should be accepted.

---

Total membership of Gram panchayat	Minimum percentage as under against the total population of scheduled castes if any
------------------------------------	---

---

9	7
11	6
13	5
15	

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(3) The present provisions of allotting reserved seats in proportion to the population of Scheduled tribes should be continued.

(4) The present practice to allot reserved seats for women to different constituencies by rotation is appropriate. But in case any seat from the reserved seats for scheduled tribes is to be kept reserved for women, it should be provided that the reserved seats for women should be allotted to different reserved constituencies for scheduled tribes by rotation.

(5) The reserved seats for scheduled castes should be allotted to those constituencies in which their population is greater.

(6) The reserved seats for scheduled tribes should first be allotted to those constituencies in which their population is greater and then the same should be allotted to other constituencies in descending order.

#### *Representation to other classes*

3.8 Following suggestions are made before us to give representation to other classes in addition to the classes which have been allotted reserved seats as mentioned above :—

(1) Representative of registered and recognised education board.

(2) Representative of registered and recognised women's organisation.

(3) Representative of registered and recognised youth board.

(4) A retired teacher who is a voter of the village.

(5) Representative of village service co-operative society.

(6) Representative of a big industry, if any, in the village.

(7) Representative of a general hospital or dispensary, if any, in the village.

(8) Representative of agricultural labourers etc.

After a careful study of all the suggestions mentioned above, the committee feels that no special purpose will be served by giving separate representation to all such classes as they all will be included in the general election of Gram Panchayat, on the contrary conflict or contest may take place between different classes.

The Committee believes that if the Gram Panchayat invites the representatives of the organisations mentioned above in their meetings as the situation requires, a vital link between the Panchayats and voluntary organisations will be formed.

### *Election System for Members*

3.9 An opinion prevails that since the State of political awareness is improving gradually, the evils and short comings being apparent in the organisation of Panchayati Raj bodies would be removed as a matter of course due to the characteristic process of democracy. Bearing this view point in mind, the Panchayati Raj Evaluation (Shri Dabhyabhai Nayak) Committee appointed by the Government of Gujarat did not feel it necessary to effect changes in the existing election system, especially for Gram/Nagar Panchayats. After an elaborate and deep study of this point we come to the conclusion that the present system of election should definitely, be reviewed, and that it is only after considering the merits and demerits as well as advantages and disadvantages of different traditions and systems that one should arrive at any specific and definite decision.

According to the existing provisions of the Panchayats Act, every village is divided into constituencies for conducting an election for the Gram Panchayat and the number of such constituencies and that of the members to be elected from every such constituency is determined by the collector as the competent authority. Following alternatives may be derived from the opinions presented before us in this respect :-

(1) The existing system of constituencies with multiple seats should be continued.

(2) The formation of such constituencies should be altered by treating the whole village as one constituency and all the members of that Gram Panchayats should be elected simultaneously.

(3) At present every such constituency covers 2, 3, or 4 seats. Instead, single seat constituency should be formed.

3.10 We arrive at the following findings when we go into merits and demerits of the said three alternatives :-

It can be said in favour of treating the whole village as one constituency that the outlook of the members restricted to their own constituencies may get wider horizon extending to the whole village. Due to such system an atmosphere may be created wherein rural people may take more interest in election and an inclination towards the problems of the whole village may be cultivated in the rural community. Besides, the possibility that a leadership bold enough to contest a direct election at the entire village level may come forward. As regards the disadvantages of the proposed system, one can say that such type of elections may create a lively atmosphere, but even if a single seat is vacated accidentally, efforts are required to be made to inspire the whole village for voting. Further, if it is decided that every voter is entitled to cast as many votes as is the number of the

seats of the Gram Panchayats, then at some places ballot-papers would be too long to embrace and puzzle the illiterate voters while voting. In such circumstances, it is likely that one large influential group though not possessing absolute majority may hold all the seats and the weaker section may be denied representation. In order to overcome such a shortcoming it is suggested that every voter should be entitled to cast only one vote and should not be allowed to cast as many votes as is the number of seats. However, the norm of non-transferrable single preference vote seems awkward. Moreover this norm is good only as a principle, when we think in terms of reality, it is doubtful whether illiterate voters would make their groupwise arrangement in respect of allotment of candidates in groups and distribution of votes, or not. "Badal study Group" appointed to go into the Panchayati Raj system in Punjab State where the above said practice was prevalent has recently recommended to abolish the said practice and adopt a policy to form different constituencies. This recommendation is worthy to be considered.

While studying the alternative of continuing the system of different constituencies instead of treating the whole village as one constituency, we find that the system of single seat constituency is more convenient than the existing system of forming multiple seats constituencies. This new system has none of the typical disadvantages of both the abovesaid alternative arrangements; instead, it has an additional advantage that weaker section has a scope for its representation. Moreover, it is probable that there may be uncontested elections due to such system. The Administrative Reforms Commission's Study Group on District Administration has suggested to form such single seat constituency. Such system is prevailing in some States of the country other than Maharashtra and Gujarat. This system is really a boon to simple and illiterate voters. After analysing this point as a whole, the Committee comes to the conclusion that it is desirable to accept the policy of forming single seat constituencies for every Gram Panchayat. Since we suggest direct election system for Sarpanch in case of Gram Panchayat, the single seat constituencies should be formed in such number as may be worked out after deducting one seat from the total number of seats of Gram Panchayat.

#### *Election System for the offices of Sarpanch and Upa-Sarpanch*

3.11 At present members of Gram Panchayat elect Sarpanch and Upa-Sarpanch. However, various circles have made strong representations before us to accept a practice of direct election of the Sarpanch of the Gram Panchayat by the electors of the village. Important advantages of this practice of direct election of such office bearers are stated before us as follows :—

- (1) The leader may gain wide-spread support from people and remain a trustworthy person to them and pressurisation being practised by a handful of members may be averted.

(2) It is very likely that courageous and strong leadership may emerge.

(3) Gram Sabha at Gram level may be made more active and effective, the Sarpanch may be compelled to approach the masses, particularly the weaker sections, and in this way more importance may be given to the rural people. Thus, the constituency for the election of office-bearers would be broad-based.

(4) In the areas where population of weaker section is in large number, the representative of such section has more chances to be elected as the Sarpanch.

(5) In the circumstances, when a tussle for leadership is going on between the members of Panchayat belonging to two different influential parties of the village, generally the members of the Panchayat elected from amongst the weaker sections are pressurised heavily. Such a situation can be averted by direct election system.

(6) The leadership which may reconcile with members, persuade them or intimidate them, or otherwise inactive leadership has, at present, scope to come forward in Panchayats. Such a situation can be averted by direct election system.

Against this, the advantages of the indirect election system for the Sarpanch by other members, may be mentioned as follows:—

(1) The leader may, generally, gain support from the members of Panchayat and be considered as a trustworthy person by them.

(2) Such an election and bye-election may be held in a non-expensive peaceful and easy way.

(3) Due importance may be attached to the members of the Panchayat and thereby they may get inclined to take more interest in the working of the Panchayat.

3.12 From the comparison of the advantages of both the systems mentioned above, we may say that it would be better if the direct election system for Sarpanch is accepted. One of the important disadvantages of the direct election system is that there may arise enmity between the members of the Panchayat and the Sarpanch, which may consequently, lead to the administrative deadlock. The study group under the Chairmanship of Shri Sadik Ali appointed by the Government of Rajasthan has pointed out that such a situation of administrative deadlock would rarely arise for no remarkable cases of this kind have been registered in Rajasthan where Sarpanch are elected directly. It is, therefore, merely hypothetical to see

any feasibility of arising such a situation involving discord and enmity. The Committee, however, makes the following suggestions to tide over such a situation, if it may arise :—

(1) Any matter or problem in respect of which the Sarpanch does not agree within the decision of the majority of the members of the Gram Panchayat, the said matter or problem should be presented before the Gram Sabha and further actions should be taken according to the decision taken by the majority of the Gram Sabha in respect of that case.

(2) It is suggested to make a provision to the effect that more than 50 per cent of the members of the Gram Panchayat can table a motion of no confidence against the Sarpanch, that more than 2/3 of the Panchayat-members can recommend the Gram Sabha to pass this motion and that if the Gram Sabha passes the motion the Sarpanch should resign from his office. A provision may also be made that such a meeting should be presided by the Taluk Development Officer or by any such responsible person as may be appointed by him.

3.13 It was also apprehended before the Committee that when there are three or more candidates for the office of the Sarpanch, a leader supported by the minority is likely to be elected as votes would be divided among candidates. The Committee, after considering this point, feels that such a situation might arise in rare cases at the initial stage. However, with the passage of time, the rural people would understand the disadvantages of the direct election system in the real sense of the term and next time a candidate enjoying the confidence and support of the majority would be elected as the leader. Moreover, it is possible that even a leader elected with evident minority might prove himself to be popular due to his skill and ability as the time passes.

The Committee, after carefully considering the whole matter, suggests to introduce a direct election system for Sarpanch by rural people. The Committee considers it proper to continue the existing practice of electing the Upa Sarpanch of the Gram Panchayat by the majority of the members of the Gram Panchayat. Thereby people and their representatives in the basic institution at village level would be linked with good and immutable relations. The existing system for bringing and passing a motion of no confidence against the Upa Sarpanch seems worthwhile.

### *Committees*

3.14 At present there is a provision in the Act that Gram Panchayats may, voluntarily, constitute one or more committees. Over and above the committees mentioned above, the Gram Panchayat can appoint one or more committees comprising the members of

the Panchayat and rural people so as to undertake any work or to implement any scheme or to institute an inquiry into any matter. Our recommendations in this behalf are as follows :—

(1) According to the Committee, the existing provision that the Gram Panchayat can voluntarily constitute committees and assign to them certain powers, is not necessary since the Gram Panchayat, at that level is capable of looking after the working unitedly and with an ease. However, it would be good if a provision is made which may offer relaxation to the Gram Panchayats belonging to the "excellent" and "good" categories as referred to above in this chapter in respect of forming an executive committee, for such Panchayats have to perform various small or big functions and duties regarding administration as well as to inspect day-to-day working, which would not be possible for the whole Gram Panchayat to carry out. We, therefore, suggest to offer an alternative to the "excellent" and "good" categories of the Gram Panchayats to form an executive Committee. The Committee is, of course, in favour of the continuance of the existing provision of the Act for appointing one or more Committees so as to undertake any work or to implement schemes or to institute an inquiry into any matter.

(2) If the Gram Panchayat constitutes an Executive Committee, we suggest to fix the number of its members at 5. We also suggest that out of these members, at least one member should belong to scheduled castes or tribes and there should be one woman member.

(3) A provision should be made by which it should be made obligatory for every Gram Panchayat to form a Committee for Social Justice for Social equality and economic uplift of the weaker sections of the society. There should be minimum 3 and maximum 5 members in this committee which would be presided over by the Sarpanch of the Gram Panchayat. Majority of the members of this committee should belong to schedule castes or/and scheduled tribes. In case, where total number of the members belonging to scheduled castes and/or scheduled tribes cannot comprise a majority in the committee, all such members should be treated as the members of that Committee and the required members should be selected from amongst the persons of those castes/tribes by Panchayats. Where the number of such members is greater than the majority, a procedure should be adopted that out of the total membership, the Panchayat should elect the majority of members in appropriate number. Moreover, it also seems necessary to include one woman member in this committee. The duration of the said committee should co-exist with that of the Panchayat.

(4) The Committee recommends to make a provision to the effect that the functions and powers that may be assigned to the Executive Committee of the Gram Panchayat should not include the financial powers for according sanction to any scheme or construction.



### 3. FEDERAL GROUP PANCHAYATS

3.15 The Democratic Decentralisation Committee of Gujarat which was appointed under the Chairmanship of Shri Rasiklal Parikh had, in the paragraph 20 of its report, presented a vivid picture of the hardships being experienced by small villages in getting modern facilities, as under :—

“Necessities of the rural people, in modern age, are naturally on the increase. Every village should have a good school and facility for a dispensary. Provision for a Sanskar Mandir is also essential. Facilities for taps for drinking water, etc. are becoming extremely necessary. From the view point of transport, the roads linking villages should be of definite type and standard. Power facility should be provided for rural industries and other industries. This and such type of many other facilities are becoming a must for every village. Hence the question arises as to which type of village with the minimum population be provided with all these facilities.”

Heretofore we have recommended to abolish the existing practice of constituting Group Panchayats and accept the practice of establishing a separate Gram Panchayat for every revenue village and forest colony having required population. However, it is but natural that the Gram Panchayats of such small villages would not be able to provide every village with necessary up-to-date facilities. In such circumstances, the same point which struck to the Democratic Decentralisation Committee of Gujarat has cropped up with us also. In this respect the said committee, in the paragraph 3.23 of its report has stated :—

“At present under no circumstances it is possible to provide all those villages with necessary amenities. At the same time it is not desirable that all the villages should remain devoid of necessary amenities for a long period. Hence, some remedial measure should be sought out. Such small villages can avail of necessary facilities only if villages with small number of population associate with adjoining villages or such different villages are treated as one group and that group is taken as one village. It is difficult to provide all necessary facilities to the villages having population above 250 to 500. However, seeing from the view point of the form and manner of the development of these villages, any changes might not be possible to be effected therein. But a specific scheme should be envisaged so that small villages having population of 250 or less can associate with adjoining village or up-to-date facilities may be provided to a group of two or four small villages which would propose to avail of such facilities at their own places in the form of a group.”

3.16 After considering this point we find that it would be the best measure if the Gram Panchayats that may be constituted especially for the area having population of less than 500 form a group

of such Gram Panchayats or such Gram Panchayats may constitute a federal group Panchayat with other big Gram Panchayats. A provision to the effect that even the smallest Gram Panchayat should be autonomous in discharging its local duties and functions is no doubt, indispensable ; it is, therefore, necessary that the primary Gram Panchayats covered under such federal group Panchayat should retain autonomy in its day-to-day working at local level.

3.17 Following are the concrete scheme and proposals regarding the formation of a federal group Panchayat as proposed by the Committee :—

(1) The Taluka Panchayat should persuade the Gram Panchayats situated in the respective taluka to constitute such federal group Panchayat, prepare proposals for the formation of federal group Panchayats according to the local convenience, situation and circumstances of those Gram Panchayats and make efforts to submit them to the Government through the District Panchayat.

(2) Such proposals should be elaborate and contain therein such matters as to which of the public common facilities are expected to be provided and what percentage of the funds derived from their resources are proposed to be allotted for this purpose on permanent basis by the Gram Panchayat units. Along with this the Taluka Panchayat should also give a picture of the condition of public facilities prevailing in such group area.

(3) The Government should, on receipt of such proposals, form and establish federal group Panchayats.

(4) The representation of Gram Panchayats on the federal group Panchayat should be in proportion to the population of the rural units joining the federal group Panchayat and its members should elect their Chairman and Vice-Chairman.

(5) The federal group Panchayat should remain as an autonomous corporate body and once it is established, its existence should remain on permanent basis. The federal group Panchayat should be empowered to levy extra taxes to the extent of 20 per cent of the taxes that can be imposed by Gram Panchayats and a provision should be made so that it may get necessary contribution from Gram units joining the federal group Panchayat.

(6) The administrative set-up of the federal group of Panchayat should be on the lines as may be determined by the District Panchayat.

(7) Those legal rules and regulations which are applicable to other Panchayats should be applied to the federal group Panchayat also, provided that the Government considers it appropriate to effect any changes therein.

(8) The federal group Panchayat should remain subordinate to Taluka and District Panchayats.

3.18 If the above proposal of the Committee is accepted, the autonomy of the Gram Panchayats of small villages would remain intact and some common facilities such as, taluka level school, secondary school, college, dispensaries, veterinary dispensaries, library, places for entertainment, units for rural industries and small scale industries would be provided to the group of such small villages. In the context of the scheme of Growth Centres being implemented by the Government of India on experimental basis, the Committee aspires that the head-quarter of the federal group Panchayat would as an efficient unit for the development of the rural community, always remain a busy centre throbbing with activities.

The concept of the federal group Panchayat would get materialised only when a scheme which may inspire and encourage the rural people of surrounding small villages to inhabit at the head-quarter of the group, is entirely implemented. The Committee recommends to chalk out and design a definite scheme encouraging rural community of small villages to inhabit at the head-quarter of the group so that they may avail of up-to-date facilities at the village where they reside.

#### 4. MUNICIPALITIES CONVERTED INTO GRAM/NAGAR PANCHAYATS

3.19 Another important problem requires consideration at this juncture. Some of the representatives of former Municipalities which have now been converted into Gram / Nagar Panchayats have forcefully submitted to us that their areas should be given Municipalities in place of Gram/Nagar Panchayat. The main reason for such demand, as revealed by them, is that all the facilities and powers enjoyed by and functions entrusted to the former Municipalities are assigned to the newly converted Gram/Nagar Panchayats in a changed form and to a lesser extent. Of course, we felt that the demand for re-establishment of Municipalities was made by some circles only as a reaction against the fact that such institutions are now to be controlled by District Panchayats instead of Collectors. The provision that such converted Gram/Nagar Panchayats should send proposals of their annual budgets to Taluka/District Panchayat only for obtaining guidance and instructions is held by some of such Gram/Nagar Panchayats as an encroachment upon their powers of passing their budgets. The provisions in the Act are absolutely clear that abovesaid Panchayats can impart guidance and instructions only in the form of recommendations and the ultimate right of Gram/Nagar Panchayat for the acceptance and non-acceptance thereof is left untouched. Such sort of mentality was wide spread among such converted Gram/Nagar Panchayats before a decade. However, the same is changed to a more or less extent after ten years of the introduction of Panchayati Raj and the Committee is

confident that such Panchayats, with the passing of the time, would identify themselves with the Panchayati Raj system and become an integral part thereof.

It is revealed from the paragraph 13.17 of the report of the Panchayati Raj Evaluation (Bongirvar) Committee of Maharashtra that in Maharashtra big Gram Panchayats are not willing even to be converted into Municipalities. The (Jain) Committee regarding rural-urban relations is of the opinion that a Panchayati Raj body should be established for the area having population up to 20,000. However, considering the intensity of population proportionate population engaged in different business and professions, and urban character of the area, the Government should be allowed to establish a municipality for such area only after the population thereof crosses the mark of 18,000. The Administrative Reforms Commission's Study Group in respect of District level administration has recommended in the paragraph 89 of its report that an allowance should also be given to establish municipalities at the head-quarters of districts, industrial cities, important places of pilgrimages and touring centres.

Prof. Henry Meddik, in his book "Panchayati Raj system of Rural Local Self Government in India" has taken a step further and advocated the establishment of close relations between municipalities and Panchayats. According to him rural and urban areas are artificially divided in India. Rural and urban populations are, in fact, always used to carry out trade transactions and maintain social communications with each other. Besides, a sizable population of farmers and agricultural-labourers also live in city areas. Educational, medical and veterinary institutions are shared by both-villages as well as towns and cities. Really speaking, there are no noteworthy differences between the areas having converted Gram/Nagar Panchayats and the surrounding rural areas, instead, they are closely related to each other and everybody is acquainted with this fact.

3.20 The Committee, after examining the above situation and circumstances, thinks that the question regarding the re-establishment of municipalities in place of all the Gram/Nagar Panchayats which are converted as such from the former municipalities, does not arise at all. Of course, the Committee does believe that the freedom and scope in respect of facilities, functions, powers and working which were enjoyed by former municipalities, should be continued for such Gram/Nagar Panchayats to the possible extent, and detailed recommendations in this behalf are given elsewhere.

We have also considered the issue as to whether Nagar Panchayat and Municipality should be established for the existing Gram and Nagar Panchayats, respectively, if number of population thereof is declared to have increased from 10,000 and 20,000, respectively,

in the census carried out at the end of one decade. The study of the existing provisions of the Panchayats Act and the Act regarding Municipalities reveal that no specific policy has been laid down in this regard. The Committee thinks that the Government should devise a specific policy in this respect and it is necessary that a provision to this effect should be inserted in both the Acts relating to Panchayats and Municipalities and the Committee suggests that if population of any village exceeds 10,000, according to the figures as shown in the census carried out at the end of one decade, the Gram Panchayat should be converted into Nagar Panchayat and similarly if population of any Nagar Panchayat area exceeds 25,000 (Twenty five thousand), actions should be taken to convert it into a municipality.

The Committee does not feel it necessary to effect such conversion in the context of the duration of the Gram/Nagar Panchayat. However, it seems fit to make a clear provision that the prevailing form, constitution and office-bearers of the concerned Gram/ Nagar Panchayat should be continued even after such conversion till the expiry of the duration.

The limits of the District/Taluka Panchayat would naturally undergo changes as a consequence of the conversion of Nagar Panchayat into a Municipality, but because of this the Taluka/ District Panchayat should not be dissolved; instead a provision may be made to reorganise the same with marginal modifications in the form and constitution.

## 5. FORM, CONSTITUTION AND ORGANISATION OF NAGAR PANCHAYAT

### *Membership*

3.21 At present the membership of the Nagar Panchayat is determined by the District Panchayat which ranges from 15 to 31, according to the population. The Nagar Panchayats maximum membership of 31 is comparatively high, because there are only 25 seats in all even in a municipality having population upto 50,000. In this context, it would be more practical to bring down the maximum membership of the Nagar Panchayat from 31 to 21. The Committee recommends to make a provision to the effect that the Returning Officer should fix total number of seats ranging from 15 to 21 for different Nagar Panchayats subject to the common norm for the allotment of total seats to Nagar Panchayat as may be determined by the State Government through a general directive after ascertaining different slabs of population.

### *Reserved seats*

3.22 The views expressed by the Committee in paragraph 3.7 regarding reserve seats in case of the Gram Panchayat are applicable to the Nagar Panchayat also. In that context, the Committee makes

the following recommendations in respect of allotment of reserved seats on Nagar Panchayats :—

(1) A criterion should be accepted for reserving at least 4 seats for women on Nagar Panchayats and in case of Nagar Panchayats, the total membership of which is 19 to 21, 5 seats should be kept reserved for women. In the Adivasi areas where the reserved seats for scheduled tribes are proportionately more, it should be decided to allot reserved seats for women in suitable number out of Adivasi reserved seats.

(2) The existing practice of reserving at least one seat for scheduled castes seems appropriate. As regards the allotment of the reserved seats for the members of scheduled castes, a norm should be accepted wherein if the minimum percentage of their population is as shown in the table below, at least two seats be reserved and if they are entitled to more seats in proportion to their population, more seats be kept reserved :—

Total membership of Nagar Panchayat	Minimum percentage of population of scheduled castes against total population
15	5
17 } 19 } 21 }	4
	3

(3) In case of scheduled tribes, the existing practice of allotting reserved seats in proportion to their population should be continued.

(4) The present practice of allotting reserved seats for women to different constituencies by rotation is good. However, in case any seats out of the reserved seats meant for scheduled tribes are kept reserved for Women, a provision should be made to the effect that the reserved seats for women should be allotted to the different reserved constituencies for scheduled tribes by rotation.

(5) A provision should be made that reserved seats for scheduled castes should be allotted to those constituencies which have proportionately larger number of population of those castes.

(6) Reserved seats for scheduled tribes should be allotted by rotation to different constituencies starting from the constituency having the greatest number of such population and then onwards to the constituencies with population in descending order.

### *Representation to other classes*

3.23 Since the principle relating to the Gram Panchayat as shown in paragraph 3.8 is applicable to Nagar Panchayat also, the Committee does not recommend representation of any other classes or institutions on Nagar Panchayat. However, it suggests Nagar Panchayats to follow a practice to call representatives of concerned institutions as invitees in their meetings as and when required.

### *Election System for Members*

3.24 The Committee, has after an elaborate discussion in paragraph 3.9 above, recommended to accept the standard of single seat constituencies in Gram Panchayats. Accordingly, the Committee recommends to accept the system of single seat constituencies for Nagar Panchayats too in place of existing system of multiple seat constituencies.

### *System of Election for Chairman and Vice-Chairman*

3.25 It is not so possible and convenient to organise or conduct a Nagar Sabha in a Nagar Panchayat area as is in the case of forming a Gram Sabha in a Gram Panchayat area. The Committee therefore, thinks it desirable to continue the present practice of electing the Chairman and Vice-Chairman of the Nagar Panchayat by the members of the Panchayat.

### *Committees*

3.26 According to the existing provision of the Act, the Nagar Panchayat has to form three committees compulsorily, viz., Production Committee, Health and Public Works Committee and Executive Committee, and it is allowed to constitute three more Committees voluntarily. The Committee, after deliberating on the point seriously, does not find it necessary that the Nagar Panchayat should constitute any committee other than the Executive Committee and the committee for social justice, because at that level the General Board and the said two committees are capable enough to perform their functions with ease and convenience. Of course, the Committee is also in favour of the continuance of the existing provision of the Act for appointing one or more committees so as to undertake any work or to implement schemes or to institute an inquiry into any matter.

(2) A provision should be made so that the Nagar Panchayat can voluntarily constitute an Executive Committee with at least 5 members to 7 at the maximum. We also suggest to include at least one member from amongst scheduled castes or tribes and one woman member on the committee.

(3) A provision is required to be made to the effect that every Nagar Panchayat should compulsorily constitute a Committee for social justice so as to ensure economic development of and social equality for the weaker sections of the society. The Committee should have membership of 5 at the minimum and 7 at the maximum and should be headed by the Chairman of the Nagar Panchayat. The majority of the members of this Committee should belong to scheduled castes and/or tribes. In case where total number of the members belonging to scheduled castes and/or tribes cannot comprise a majority in the committee, all such members should be treated as the members of that committee and the required members should be selected from amongst the persons of those castes/tribes by Panchayats. Where the number of such members is greater than the majority, a procedure should be adopted that the Panchayat should out of the total membership, elect the majority of members in appropriate number. Moreover, it also seems necessary to include one woman member in this committee. The duration of the said committee should co-exist with that of Panchayat.

(4) The Committee recommends to make a provision to the effect that the functions and powers that may be assigned to the Executive Committee of the Nagar Panchayat should not include the financial powers for according sanction to any scheme or construction.

### *Special Type of Local Bodies at Rural Level*

3.27 Some places of pilgrimage, touring centres, holiday homes or other important places such as, Ambaji, Shamlaji, Tulasi-shyam, Pavagadh, Girnar, Saputara, etc. are situated in rural areas. An institution like a Gram/Nagar Panchayat is certainly not fit for the administration and management of such places, for the local rural mass of such area either lives at scattered places or does not expect any development for such State level places. Hence, it is but natural that such places cannot be developed appropriately through a Government department. A corporation may be set up for the development of such places. But such a State wide corporation, as a local self Government body, would not be able to handle all the activities right from imposing taxes to their utilisation at local level with autonomy. In such circumstances, the alternative is to form a Local Development Authority according to the pattern of Notified Area Committee for the development of such places. It would be desirable to include such type of formation in the Panchayats Act, since such places are situated in rural areas and the population thereof is actually below twenty thousand.

3.28 The concept of the Committee in respect of the Local Development Authority is as follows :—

(1) The Authority should be named after the area for which the Local Development Authority is to be constituted, for example Saputara Development Authority.



(2) The membership of the Authority should be determined in the context of the population of the local area and the type and extent of the functions of the proposed Authority.

(3) Out of the total members of the Authority, two-thirds should be nominated by the Government and one-third by the District Panchayat. Out of the members nominated by the District Panchayat at least one member should belong to the local area and the remaining should be the voters of that rural district.

(4) The powers of taking decisions in respect of ascertaining functions and duties of the proposed Authority, administrative set-up and revenue from taxation, while keeping the local circumstances in view and in consultation with the District Panchayat should be assigned to the Government.

(5) The Local Development Authority should be inspected, supervised, and controlled by the District Panchayat.

(6) As regards the remaining matters, the provisions contained in sections 264 (A) to 264 (E) of the Gujarat Municipalities Act, 1963, should be applied *mutatis mutandis*.

After due consideration, necessary recommendations in respect of industrial towns have been made by the committee in chapter-XVI.

## 7. ELECTION PERIOD FOR GRAM/NAGAR PANCHAYATS

3.29 As Gram/Nagar Panchayats of the whole State were established at different times, their duration does not expire within a particular definite period of a year nor does it expire simultaneously in any year. According to the existing practice, elections are held every year at a time when the duration of the concerned Gram/Nagar Panchayats expires. Many representations have been made before us to effect changes therein. It is stated in support of the alternative arrangement that at present the whole year or a large part thereof is wasted every year after holding and conducting polls. Time would be saved if elections to Gram/Nagar Panchayats are held simultaneously as is the case with the District /Taluka Panchayats. Besides economy in expenditure can be exercised by making simultaneous publication of various types of notifications regarding election and that of other matters. Expenditure on travelling allowance to the personnel engaged in poll-machinery can also be saved. Hence strong representations have been made before us to hold elections to all Gram/Nagar Panchayats simultaneously for a period of five years and in case an election is required to be held during the intermediate period, it should be ensured that the term of such Panchayat expires simultaneously with that of other Panchayats.

After discussing this point at length the committee feels that many a serious problem regarding law and order would arise, if elections to all Gram/Nagar Panchayats of the State are decided to be held simultaneously at the end of every five years. Besides, at the time of

elections to Gram/Nagar Panchayats the number of polling-booths in use are many a time more than that of polling booths in use at the time of general elections. Moreover, when the Committee has suggested a system of single seat constituencies, there would be a large number of polling-booths. A complicated question would, therefore, also arise as to how to get personnel in adequate number required for holding such elections simultaneously. Seen from the other point of view, an atmosphere of election prevails throughout the State in respect of elections to Loksabha, State Assembly and District/Taluka Panchayats during three years of the period of every five years. It is a general experience that in the year when elections are to be held simultaneously throughout the year as aforesaid, the whole administrative machinery has to set aside its normal routine functions and it remains engaged only in the working of elections for months and months. Thus, the proposal of holding simultaneous elections to all Gram/Nagar Panchayat once in every five years is not acceptable since one more year is thereby added to three election-bound years. On the other hand the existing practice of holding elections to Gram/Nagar Panchayats throughout the year, as and when their term expires too, does not seem to be satisfactory. In such a system, the administrative machinery remains entangled with the poll-management at any time during the whole year.

3.30 The solution of both these extreme situations, according to the Committee, lies in the intermediate way. It would be more convenient and practical, if every year elections to all these Gram/Nagar Panchayats whose term expires are held during the period of two months in that year. All the short-comings and defects in the alternative of holding simultaneous elections to all Gram/Nagar Panchayats of the State once in every five years would be removed by this practice. Moreover, it seems that a considerable improvement would be effected thereby in the present practice. Besides, by holding such elections during the months of April and May being the initial period of financial year, no adverse effect would be caused on the implementation of schemes and activities. The Committee, after a thorough consideration recommends that every year, elections to all Gram/Nagar Panchayats whose term expires should be held during the period of April and May and that the term of all those Gram/Nagar Panchayats which expires earlier should be extended upto April-May.

## 8. FUNCTIONS AND ADMINISTRATION OF GRAM/NAGAR PANCHAYATS

### *Schemes at Gram/Nagar Level*

3.31 There is enough scope for Gram/Nagar Panchayats to undertake following three activities/schemes at Gram level:—

1. Model agricultural farm
2. Programmes regarding Gauchar-improvement.
3. Rural forests.

Schemes designed in past for Gauchar-improvement and rural forests has ever since remained only on paper as substantial and adequate provisions were not made in that regard. However, it is heartening to note that recently the schemes in respect of both the abovesaid programmes have been sanctioned with substantial financial provisions. The committee recommends to make necessary provisions in the Fifth Five Year Plan so as to ensure implementation of the schemes regarding Gauchar-improvement and rural forest, in as many villages as possible and to cover the implementation thereof under the programme of "Rural Employment"

The utilisation of model agricultural farms has been described by the committee in the Chapter-VII regarding "Primary Education". According to the committee, it is extremely important that every Gram/Nagar Panchayat should start an agricultural farm of 2 to 10 acres and keep the rural community well informed of the reforms taking place in the field of agriculture. The committee recommends that a detailed scheme may be worked out for this programme and implemented on a large scale in the Fifth Five Year Plan.

### *Classification of Gram Panchayats*

3.32 At present no differences prevail among Gram Panchayats whether small or big, as regards their sources, functions, duties and powers. The matters viz. population, income, nature and extent of functions and duties being performed by the Gram Panchayats and the stages of development vary greatly with every Gram Panchayat. In the erstwhile State of Saurashtra, Gram Panchayats used to be classified into three categories, viz. A, B and C. Gram Panchayats used to be promoted to the upper category in view of their performance, efficiency and capacity. Gram Panchayats were being given according to their category amounts varying from 17½ to 33 per cent of land revenue as grant. After full consideration in this regard, the Committee feels that when such differences as said above prevail among Gram Panchayats, no uniform standards in respect of their scope of working and sources of income for all the panchayats have proved to be realistic and practical.

3.33 In this context, the Gram Panchayats in the State need to be classified into three categories. Accordingly, the committee proposed that a norm may be fixed according to which the Gram Panchayats may be promoted to the "better" and "Best" categories from the "good" one. The committee believes that this will encourage Gram Panchayats to be progressively more efficient and ensure sound administration and progress and at the same time due to this, gram panchayats will endeavour to achieve greater efficiency to take up additional responsibility and functions.

It is just and desirable that the classification of the Gram Panchayats may depend on the progress and achievements accomplished by them in the spheres of local development and administration. In order to achieve this object it is proposed that duties, activities, schemes and functions to be performed at village level should be divided into various fields and minimum standard of achievement should be fixed for every field and after undertaking an evaluation and review of the progress achieved in such fields, the Gram Panchayat belonging to the "good" category should be promoted to the "better" and then to the "Best" categories.

For the classification of the Panchayats into all the three categories, directives should be determined as shown in the Appendix IX and accordingly, it should be laid down that the Gram Panchayats of "good" category should represent their case every year to the Taluka Panchayat for obtaining higher category. The model, timetable and method prescribed for the scheme recently published by the Government for holding competition for Gram Panchayats and awarding prizes to them should be made applicable for this purpose also. A practice may also be followed for checking of "better" and "Best" Panchayats should be undertaken by a committee of Judges for the same at Taluka/District level once in every two years. In order to obtain and retain higher category, the Gram Panchayats should, out of the directives as shown in the Appendix-IX, obtain and retain eligibility as prescribed in ten of the directives in all, among which the directives against the serial number 8 and 15 being compulsory and then any eight from the rest may be complied with.

3.34 It seems necessary to make such provision that when Panchayats are upgraded from the "good" category it should be seen that they acquire status and prestige according to the progress achieved in the following three spheres :—

(1) More functions and powers should be delegated to them than those to the ordinary Panchayats.

(2) Financial and other type of incentives should be given to them to a greater extent than to the Gram Panchayats in "good" category.

(3) An administrative set-up specifically different from that of the "good" Panchayats should be given to them.

3.35 (a) The following additional powers and functions other than those of the "good" Panchayats may be proposed to assign to the "better" Panchayats —

(1) The schemes regarding model agricultural farm, Gauchar-improvement and rural forests should be implemented in the higher categories of Gram Panchayats on priority basis.

(2) A provision to the effect that the existing bye-laws applicable to Gram Panchayats may be modified or new bye-laws may be added subject to the prior permission of the District Panchayat.

(3) Powers of issuing permission for taking water from Government reservoirs such as river tank, etc. for agricultural purpose.

(4) Certain powers in respect of village site survey under the Land Revenue Code.

(5) As per section 92 of the Gujarat Panchayats Act, the administration of the institutions of District/Taluka Panchayats situated in the Gram Panchayats area as much as possible should be handed over to Gram Panchayats.

(6) Such Gram Panchayats may be allowed to constitute the "Executive Committee".

(b) Over and above the functions and powers of the "Better" Gram Panchayats, powers of sanctioning the entry of the titles of land may also be delegated to the "Best" category of Gram Panchayats.

3.36 Following provisions should be made for giving more financial and other incentives to the higher categories of Panchayats than the "good" one :—

(a) 25 per cent more grant than the grant admissible to the "good" Gram Panchayat, from the land revenue should be given to the "better" Gram Panchayat and grant to the extent of 50 per cent more grant than that referred to above should be given to the "best" Gram Panchayat and such grant should be given every year to these Panchayats till they retain their respective categories. A policy should be adopted to give such additional grant from the District Gram Encouragement Fund. The best Gram Panchayat of the Taluka/District should be awarded prizes as per the scheme of holding competition for and awarding prizes to the Gram Panchayats.

(b) Necessary relaxations may be considered to be given in the rules for granting loan from the District Development Fund so that Panchayats may get loan therefrom on liberal basis.

(c) The Committee emphatically recommends that in order that the Gram Panchayats in "better" and "Best" categories may get more incentives, the State Government and Semi-Government bodies, such as State Transport Corporation, Electricity Board should adopt a policy to give essential facilities, to such villages in particular and should chalk out a programme and implement the same regarding such specific matters accordingly. By implementing such provision, the spirit of the "Best" and "Better" Gram Panchayat would be sustained and such classification would be justified.

3.37 A provision should be made to appoint a separate Talati-cum-Mantri for administrative work so that Gram Panchayats of "Better" and "Best" categories can maintain their standard of administration and the pace of development. The committee also recommends that an experienced Talati-cum-Mantri of upper grade should be appointed in a "Better" Gram Panchayat and a Talati-cum-Mantri, of selection grade, having best career should be appointed in "Best" Gram Panchayat and in cases where their (Talati-cum-Mantris') services are specially required an additional establishment should be sanctioned liberally.

#### 9. ADMINISTRATIVE SET-UP AT GRAM/NAGAR LEVEL

##### *Combination of the post of Gram Sevak and that of Talati*

3.38 In order to look after the agricultural activities at Gram level one post of Gram Sevak for every 10 villages in average has been sanctioned. At the same time there is also a post of Talati-cum-Panchayat Mantri to look after the work of development, administration and revenue for the Gram Panchayats. The committee has carefully examined the issue of creating a new post by combining these two cadres.

Shri Balvantrai Mehta committee had recommended to assign to the Gram Sevak, the duties of the Development Secretary of the Gram Panchayats. The Santhanam Study Group appointed for the financial matters of Panchayati Raj had also made a similar recommendation. The Democratic Decentralisation Committee of Maharashtra had observed that the Gram Sevak with his limited knowledge and experience of agriculture would not be much useful to farmers. It had further, observed that the Gram Sevak had not been able to render any noteworthy contribution in the development or in respect of the development programme of the Gram Panchayat. Most of the time of this employee is spent in moving from village to village. The said committee had recommended to create a post for performing the functions of all three posts viz. Gram Sevak, Talati and Panchayat Mantri-jointly.

In view of the recommendations of the High Level Team appointed under the chairmanship of Shri Mathurdas Shah, it has been decided to adopt a standard of appointing an Extension Officer possessing a Degree in Agriculture in lieu of existing Gram Sevaks having only ordinary technical knowledge. Shri S. K. Dey, the President of the All India Panchayat Parishad visited Gujarat a year ago, to undertake a study of Panchayati Raj in Gujarat. The committee believes that the following subtle remarks made by him in the report thereon in respect of the post of Gram Sevaks, are fully justified:—

"To my mind a time has arrived when the village people in a large part of the State will call for assistance in agriculture as well as animal husbandry for a much higher and sophisticated nature

than what the village level worker to-day is equipped to offer. Indeed the farmers in all progressive areas have already gone far ahead of the generalised knowledge originally imparted to the village level workers."

3.39 In view of the knowledge and experience gained in the field of agriculture by the farmers in the major parts of the State, the Committee thinks that a separate Gram Sevak possessing knowledge equivalent to the standard of Diploma in Agriculture will not be of much use. However, the committee also notices that in some backward areas of the State, Gram-Sevaks are still doing useful work. In these circumstances the committee, thinks that if 75 per cent of the separate posts of Gram Sevaks are abolished, it will not have any adverse effect on the agricultural programme. Of course, these posts may be manned with Graduates in Agriculture as and when available, without any additional available expenditure. On the other hand, the committee recommends, that the personnel at present serving as Gram Sevak may be absorbed on the vacant posts on any of the following cadres :

- |                           |   |
|---------------------------|---|
| 1. Talati-cum-Mantri      | Selection.<br>Grade ( after training in respect of revenue and panchayat working ). |
| 2. Agricultural Assistant | ( if possesses a Diploma in Agriculture ).  |
| 3. Clerk .                | ( if Matriculate )  |

The scope of the work of Talati-cum-Mantri should be reduced and he should be assigned the work of a Gram Sevak.

The gram sevaks who are taken up as Talati may be assigned work of Talati-cum-Mantri after imparting them complete training as Talati.

#### *Increasing the strength of Talati-cum-Mantris*

3.40 A common cadre of the Secretaries of Gram Panchayats and Talatis under the Government doing the work in respect of land revenue was formed since the powers and responsibility in respect of the collection of land revenue were entrusted to the Gram Panchayats under the Bombay Village Panchayats Act, 1958. Shri M. G. Pimputkar, the Officer on Special Duty and Joint Secretary to the Government was entrusted with the work of reorganisation of revenue offices at district level by the then Government of Bombay. In the 9th paragraph of the report submitted to the Government of Bombay in 1958, the said officer had opined that if one Talati-cum-Mantri is

appointed for the population of 2,000 the work-load will be proportionate to every Talati-cum-Mantri. Soon after the formation of the State of Gujarat, it was found that the strength of the common cadre of Talati-cum-Mantri was not adequate and hence a criterion was prescribed taking into account the following four points, so that the proposals can be made for increasing the posts of Talati-cum-Mantri to the extent it may be appropriate in view of the total strength of Talati-cum-Mantri for the whole State, calculated on the basis of the average work-load :—

- |  |               |
|--|---------------|
| (1) Among three villages                               | } One Talati. |
| (2) For the population of 2500 as per the 1961 census. |               |
| (3) For the areas of 9 sq. Miles.                      |               |
| (4) For the land revenue of Rs. 6,000                  |               |

3.41 When the Bombay Village Panchayat Act, came into force there were in all about 8,000 personnel comprising talaties, Talati-cum-Mantris ( belonging to the former State of Saurashtra ) and Secretaries of Gram Panchayats in the State of Gujarat. In view of the abovesaid four factor formula, the calculation was made according to the following table by the office of the Development Commissioner in 1966, and it was found necessary to have the strength of 9331 Talati-cum-Mantris in all for the whole State.

	Number	Number of Talati-cum- Mantris admissi- ble on the basis of every factor.
(1) Among three villages	19140	6380
	villages ( including barren hills ).	
(2) For the population of 2500 as per the 1961 census. . .	Population of 206 lacs.	8253
(3) For the area of 9 sq. miles	72245 sq. miles	8027
(4) For the land revenue of Rs. 6,000.	880 lacs.	14666
	Average	9331

In April 1965 Shri B. Parthasarathi, the then Collector of Kaira, District had undertaken a survey about the work load of Talati-cum-Mantris and had arrived at certain conclusions, the essence of which



was that it was essential for the Talati-cum-Mantris to work for 308 days out of 365 of the year so as to cope up their work. Shri Parthsarathi arrived at the conclusion that the work of Talati-cum Mantri had increased to the considerable extent and that it was very difficult to cope up with the increased workload even for the experienced personal among them. This village level employee, according to him, used to concentrate his attention only on the urgent matters and other matters were either kept in abeyance or delayed by him, and with the passing of the time when they assumed priority he used to take them up. Thus he has very precisely described how the working was being done superficially.

The Study Group of the Fourth Five Year Plan ( for the plan period from 1966 to 1971 ) had, in its report, suggested a standard of appointing one Talati-cum-Mantri for every three factors as shown below :—

- (1) For three villages within the radius of 5 sq. miles.
- (2) For the population of 1,500.
- (3) For the land revenue of Rs. 6,000.

As per the three factors formula suggested by the said study Group it was worked out that 2,000 Talati-cum-Mantris would be needed in view of the rural population of 153 lacs of Gujarat, 18584 inhabited villages and land revenue of four and a half crores of rupees.

The newly formed Study Group for the Fourth Five Year Plan ( for the period from 1969-70 to 1973-74 ) propounded a principle that the strength of the Talati-cum-Mantris should be determined not only on the basis of the recovery of land revenue but also on the basis of other Government and Panchayat dues and suggested to create only 1,000 additional posts of Talati-cum-Mantris during the period of the Fourth Five Year Plan in view of the limited financial resources earmarked to Panchayats in the said plan.

3.42 The strength of the Talati-cum-Mantris in the State during the different years was as shown below :—

Year					Strength
1963	..	..	..	..	7607
1966	..	..	..	..	7789
1968	..	..	..	..	7951
1971	..	..	..	..	8113

3.43 After accepting the four factor formula for the strength of Talatis, the Government has neither taken any decision on policy matters in respect of effecting changes in the said formula, nor has

it become feasible to sanction additional posts of such employees in adequate number admissible according to the existing formulas. According to the study-note prepared by the Administrative Efficiency Section of the General Administration Department and referred to in the Appendix-C, of the report by Shri Ishwaran Subgroup appointed to go into the working of Panchayats sector, the index of work-load for average one Talati-cum-Mantri fixed on the basis of four factor formula and that prevailing work-load during that period were as detailed below :—

Item	Index number of workload fixed on the basis of four factor formula	Index number of the prevailing workload
Number of villages	.. 3	2
Population Area	.. 2,500	2,834
Area	.. 9 square miles	9 square miles.
Recovery of land revenue	.. Rs. 6,000	Rs. 10,234
Recovery of dues	.. Nil	Rs. 23,353

3.44 On other hand due to the following reasons the workload of this important village level worker has increased considerably.—

(1) The main and the ancilliary work of the panchayats has increased due to the progressive expansion of the Five Year Plans schemes incharge of the State as well as Panchayats.

(2) In the context of the taxes levied by the Panchayats of three tiers, the workload regarding the collection of local taxes has considerably increased. With the increase of local cess upon land revenue as well as introduction of educational cess, the workload in this regard has increased to a great extent.

(3) The work in respect of the collection of other Government dues as arrears of land has also been increased.

(4) On prescribing the policy that the Gram Sevak will only look after the work of agriculture the rest of the work of the village workers has to be done by the Talati-cum-Mantri.

(5) With the progressive increase in the population of the State, holdings of the farmers have also considerably increased in the last decade.

(6) Bifurcation of Gram-Panchayats has increased the number of Gram-Panchayats and thereby the average work of Talati-cum-Mantri has also been increased considerably.

(7) Establishment of separate Gram-Panchayat for each revenue village has been recommended above. In view of this the work of the Talati-cum-Mantri will definitely increase. Similarly the committee thinks that the work of the new joint village-worker coming into existence by combining the posts of village-worker and Talati-cum-Mantri will also be increased considerably.

3.45 According to the four factor formula as well as alternative three factor formula the strength of Talati-cum-Mantri only for the village areas of the State may be kept as follows taking into account the present facts and data in the State.

*Under the four factor formula :*

Item.	Number of Talati-cum- Mantri
1. Area-72236 sq. miles 1 per 9 sq. m.	8026
2. Number of villages -18425 1 per 3 villages	6141
3. Village population 211 lakhs as per 1971 census-1 per 2500.	8440
4. Land Revenue-834 lakhs 1 per 6000 land revenue.	13903
	36510

$$36510 \div 4 = 9127 = 9127 \text{ posts.}$$

*Three factor formula :*

Item	Number of Talati-cum- Mantri
1. Area 72236 sq. M. 1 per 5 sq. M.	14447
2. Number of village 18425 1 per 3 villages.	6141
3. Village population 211 lakhs as .. per 1971 census-1 per 1500	14066
4. Land Revenue 834 lakhs 1 per 6000 L. R.,	13903
	38263

$$38263 \div 3 = 12754 = 12754 \text{ posts.}$$

3.46 Eventhough it is counted as per the insufficient four factor formula the increase of atleast one thousand Talati-cum-Mantri in their present strength is obviously required to be made at the earliest.

If it is calculated according to the factor formula the present strength of Talati-cum-Mantri will be required to be increased about one and half times more: According to the three-factor formula, the figure of the strength of Talati-cum-Mantri rises up much higher. While it remains comparatively lower than required if calculated as per four factor formula. As shown above, in view of the criterion of 2000 population for Talati-cum-Mantri suggested by Shri Pimputkar, four factor formula seems worth adopting. Thus if the revised criterion of four factor formula is adopted the strength of 9655 will be required for Talati-cum-Mantri calculated as under :—

Item	Number of Talati-cum Mantri
1. Area, 72236 sq. m. 1 per 9 sq. m. ..	8,026
2. Number of villages, 18425, 1 per 3 villages ..	6,141
3. Village population, 211 lakhs, ( 71 census ), 1 per 2000.	10,550
4. Land Revenue, 834 lakhs, 1 per 6000 L. R ..	13,903
	<hr/>
	38,620
	<hr/>
$38620 \div 4 = 9655$	

Other recoveries excluding land revenue and other increased works of Talati-cum-Mantri are not covered by the four factor formula as well as by the three factor formula. It is, no doubt, absolutely necessary to link up the strength of the Talatis with the quantum of other recoveries. In view of all these aspects, the committee suggests the following criteria for prescribing the strength of Talatis :—

(1) The strength of Talati-cum-Mantri for rural areas should be prescribed, keeping in view the standard of village population of 2,500 to 2,000 per Talati-cum-Mantri as per 1971 census, under the existing four factor formula.

(2) Additional strength of Talati should be prescribed fixing the suitable criteria for Municipal areas.

(3) 75 per cent of the present posts of village workers should be added in this strength.

(4) The committee recommends that District Panchayats may be allowed to create the necessary temporary posts of Talati-cum-Mantri within the limit of the amount at the rate of 4 per cent on

the current dues of the year concerned, against the other recoveries excluding the land revenue viz. current recoveries like rates of irrigation waters, tagavi, loan for land conservation etc. to be done by the Talati-cum-Mantri.

(5) With a view that the financial burden of the additional permanent and temporary posts of Talati-cum-Mantri which may be created as per the above recommendation may not come upon the Panchayats, the committee has properly recommended in chapter X regarding the 'finance resources' about the matter.

3.47 Permanent posts of Talati-cum-Mantri admissible according to the above mentioned criteria are detailed below :—

1. Total posts admissible for rural areas under the revised four factor formula.	9,655
2. Cancelling 75 per cent of the present posts of village-workers, and creating against the same posts of Talati-cum-Mantri.	1,488
3. Posts of Talatis for Municipal Area .. ..	147
Total ..	<u>11,290</u>

The committee strongly recommends that 3,177 new permanent posts of Talati-cum-Mantri should immediately be sanctioned in addition to the existing strength of 8113 of Talati-cum-Mantris / Talatis.

3.48 Before the Panchayati Raj there were posts of Kotwals at village level for assisting the works of revenue and police. With the introduction of Panchayati Raj, most of the revenue-works have been entrusted to Panchayats. The Government therefore, took policy decision that the posts of Revenue Patel and Kotwal were not required for such work and declared half of the posts of the then strength of Kotwals as surplus. Remaining posts were continued on a standing scale for assisting the police department. Remaining surplus posts were assigned to Panchayats and instructions were issued to absorb the incumbents in Panchayats on suitable posts and orders were issued for not filling up such posts if the persons on such surplus posts vacate the posts on account of any reasons like retirement, resignation or his absorption at other place thereafter. It is a fact that revenue functions at village level have been assigned to Gram Panchayats, but some functions are incharge of the Panchayats and other officers on high level. It is a wrong belief that with the assignment of revenue works to Panchayats of three categories the works which were being handled by the Kotwal should automatically

be executed by the Panchayats. Firstly there is no full-time or part-time employee of class IV under most of the Gram Panchayats. In consideration of present financial conditions of Panchayati Raj, such an expenditure can be borne only by the big Gram Panchayats. Many representations are made before us about the difficulties experienced by the touring officers and office-bearers in discharging the public duties during their local tour in the villages where the posts of Kotwal are vacant. Principally as well as practically it is not fair to allow such a condition that some villages may have the posts of Kotwals while others have no such posts of Kotwals. The committee recommends that all the posts of Kotwals, assigned to Panchayats should be continued permanently and to prescribe some definite criteria for its allotment.

#### 10. REFORMS IN THE ADMINISTRATIVE SET-UP OF GRAM PANCHAYAT

3.49 Generally it has not been impressed upon the rural population that the administrative set-up at Gram Panchayat level is stable and permanent. With an object that the Gram Panchayat and Nagar Panchayat with its large rural population, may realise that the Gram Panchayat, and Nagar Panchayat is a leading institution of people for the local administration and development and also the administration at that level may be more stable and sound, we have made some recommendations as follows :—

(1) Gram Panchayat is an important village-office and the records about the big and small issues concerning the villagers and village life have to be kept and preserved therein. It has been submitted to the committee that in some cases Gram Panchayat does not have its own or rented independent office and the village record remains in the house of Talati or Sarpanch. This is an undemocratic, unreal and regrettable condition. Such a condition under which public record of the village may remain at private place and villagers may have to go to somebody's private premises for their representations should be removed immediately and thoroughly. The committee feels it absolutely necessary that where the Panchayat can not construct its own building record should be preserved in a small rented building or atleast in a primary school or any other public building by providing a steel cupboard therein and working hours should also be prescribed.

(2) Office of the Gram Panchayat should be opened daily and definite time of the office should be prescribed according to the local convenience of the villages. It is also found necessary to make statutory provision that the Sarpanch should attend the office of the panchayat regularly for about two hours daily without fail.

(3) Definite and clear policy should be prescribed that the Talati-cum-Mantri may not be called to the taluka Headquarters

or at other place outside his jurisdiction for the Government work and work of District / Taluka Panchayat on any day other than the day prescribed in a week except in extraordinary circumstances. The implementation of this policy should be ensured.

(4) Excluding the day prescribed as shown in (i) above at Taluka level Panchayat secretary should stay at his head-quarter on other days except Saturday and Sunday. If there are more than one gram Panchayat in a Seja, a specific provision fixing the particular days for each Gram Panchayat and his definite attendance should be enforced and it should be strictly observed.

(5) 'Janta Din' should be observed once a week at Gram / Nagar/ Taluka and District level and its date should be prescribed. Talati should remain present at the head-quarter of the Gram-Panchayat on the day prescribed at Gram Panchayat level and should be prepared to solve the problems and complaints of the people and assist the Sarpanch.

(6) If any person of the village files any complaint, the same should be acknowledged by the Gram Panchayat and entered into a register. If the application pertains to its jurisdiction, the Gram Panchayat should dispose it within the prescribed time limit, else after investigation, the whole report should be sent to the concerned officer and the applicant should be informed accordingly.

(7) Efforts should be made for opening a branch post-office at each village and the amounts exceeding the limit prescribed by the rules should be credited in the saving accounts of the post-office.

(8) In the villages having local District co-operative Bank or the branch of the nationalised bank or the saving branch of the post, the Gram Panchayat should compulsorily deposit the money in such local Bank or Post office.

(9) At present money can be drawn by cheque duly signed by Sarpanch and one member out of the two members of the Panchayat. Submission before the committee regarding the consequences of excluding Panchayat Secretary-cum-Talati from this duty are found true by the committee. The committee therefore recommends to give joint powers of signing the cheque to the Sarpanch and Talati-cum-Secretary.

(10) In some cases Gram Panchayat Secretary hesitates to perform some function. It should therefore be clearly declared that it is the responsibility of Panchayat Secretary to do all the public work and duty that may be entrusted to him by the Taluka Development Officer and the District Development Officer. No doubt should prevail in this regard.

(11) It is felt necessary that specific provisions should be made so that Gram Panchayat can discharge duties like those of municipality. Unbearable condition like irregularity in lighting system, closing of water-works, dirt around the well, dunghill deposited in streets and squares of the village, unclearance of public and private latrines, frequent outburst of diseases in the village should be rooted out. The committee suggests that in the villages where the condition mentioned above is not brought to an end, the responsibility of Sarpanch and Talati-cum-Mantri of that Gram Panchayat should be fixed and strict actions should be taken against them.

(12) With the increase of the strength of Panchayat Extension Officer, inspection and supervision over the Gram Panchayats will be ensured. If all the Gram Panchayats of the Taluka are visited by the said officer atleast once in three months the administrative set-up of Gram Panchayat will be efficient and strong and expected development works will be properly attended. The committee finds that the 'Check-list' incorporated in paragraph 14.3 of the report of Shri Hebale on "Reorganisation of administrative set-up of Maharashtra" will be useful with some changes for the effective supervision of Panchayat Extension Officer.

(13) Boards in simple language giving information and showing details regarding the economic, social, agricultural, co-operative, educational and cultural matters of the village should be displayed in Gram Panchayat office, so that the *Prima facie* idea about the situation-circumstances of the village stage of development and perspective planning can be had therefrom.



## CHAPTER IV

### FORM, CONSTITUTION AND ORGANISATION OF TALUKA AND DISTRICT PANCHAYATS

#### 1. NECESSITY AND UTILITY OF PANCHAYATS AT TALUKA AND DISTRICT LEVELS.

4.1 Many proposals for suggesting changes in the present constitution, organisation and membership of the Taluka and District Panchayats have been received by the committee. Of them some recommendations are of extreme type. Some persons have represented for eliminating the Taluka Panchayat level; for at this level no important policy level decisions are required to be taken but only the same are to be implemented. Further Taluka Panchayat does not have any special budget of its own fund. In view of the present membership of Taluka Panchayat provision of its own fund is mostly utilised after rent and allowances of its members. On this view point was such that the people's representation at Taluka Panchayat was a hindrance in the rapid implementation of the work at that level. Therefore Taluka Panchayat should be abolished and be replaced by a type of advisory committees as were previously kept for the Development Blocks. There was other opinion that the Taluka Panchayat should be replaced by a committee of the District Panchayat according to the system of Maharashtra and its separate autonomous nature should be abolished.

4.2 We have considered the abovementioned opinions carefully. While examining the reasons about the separate autonomous entity of the Taluka Panchayat, it is found that Taluka level assumes a particular importance in history. It will be a retreat if the existence and control of the popular representation at that level is removed. It is said that Taluka Panchayat has not to take any important or policy-level decisions. But in reality, the work of selection of villages for the operation of schemes and programmes considering the necessities of various villages is mostly done at Taluka level. If the problem is viewed from the other aspect it will be clearly understood that the district is not a geographical unit consisting the areas having similar problems or equal stage of progress. Comparatively the stage of Taluka more or less consists of the villages of equal condition. The fund of the Taluka Panchayat is small, but there is a scope for the expansion of resources in course of time. In order to get the people's representation at Panchayat level the Democratic Decentralisation ( Shri Naik ) Committee of Maharashtra has recommended to maintain its accounts separately, to collect the taxes, to attend the matters of establishment and to keep itself free from the unnecessary administrative work at that level. There is nothing to believe that the administrative duties at the concerned level will be decreased by making the Taluka Panchayat a committee of the District Panchayat. On the contrary, local representation

must be there, if the Taluka Panchayat has to do the basic work of encouraging the people's participation. The Committee also firmly believes that it should bear its independent entity and autonomy. According to our opinion main point is about the size of the Taluka Panchayat. If the strength of the membership of Taluka Panchayat is decreased, it will not result into any increase in the burden of expenditure as compared to the District Panchayat Committee or Taluka Advisory Committee. We do not find that in this context any useful purpose will be served by retaining the autonomous nature of the Taluka Panchayat and replacing the same by a sub-committee of the District Panchayat. Further the proposal about the constitution of Advisory Committee by nomination will be a strange thing in the background of Democratic decentralisation and therefore, it is unacceptable. The committee after mature consideration favours the continuance of independent autonomous stage of Taluka Panchayat.

4.3 We have also received a lone proposal for removing the District Panchayat level. In the background of present level and condition in the field of local self Government and the enthusiasm and spirit that exist for the rapid progress of decentralisation, the suggestion for the removal of District Panchayat tier will prove to be a suggestion leading to the end of the Panchayati Raj and basic democracy. It is a known fact that prior to the Panchayati Raj in Gujarat State, District level Statutory Boards like District Local Board and District School Board were functioning as units of self-Government since decades. In this context in a precise reply to this suggestion it can be said that if the schemes, duties, functions and powers are to be assigned to the local self-Government institutions in large and extensive scale it would not be possible at the level lower than the District one and therefore the suggestion regarding the removal of District Panchayat tier is not real, not substantial and not acceptable.

In brief, Panchayati Raj Institutions at both the levels Gram / Nagar levels as well as Taluka and District levels are necessary and useful and this Committee believes that it is not in the interest of the Panchayati Raj or its programme to remove any of its level.

## 2. BASIC CHANGES IN THE FORM, CONSTITUTION AND ORGANISATION OF TALUKA / DISTRICT PANCHAYATS

4.4 Different alternatives have been presented before us for the organisation of Taluka and District Panchayats through different methods of elections as shown below :-

- Alternative 1 .. Present system for the organization of interdependent three tiers mostly through indirect election.

- Alternative 2 .. Organization of interdependent three tiers through indirect election but its constituency should be expanded.
- Alternative 3 .. Organization of tiers having no integral close constituents based on direct elections at each tier.
- Alternative 4 .. An alternative evolved by the combination of above 1, 2 and 3 alternatives.

First alternative i. e. criteria of composing three tiers Panchayats is in operation at present and there is great dissatisfaction against it. Specifically at Taluka Panchayat tier where the element of indirect election is very nominal and only Sarpanchas of the Gram Panchayat and Chairmen of the Nagar Panchayats get the *ex-officio* representation, many serious problems and complicated issues are created. Drawbacks and disadvantages arising out of the present elections and set up are as follows :—

(1) As there are very limited voters for electing the office-bearers of the Panchayats, defects and faults of the election are largely experienced. An atmosphere not fair for democracy has been created at the time of election of office-bearers of the Panchayats by grouping such few voters and influencing them by pressure or temptation.

Democratic Decentralisation (Shri Naik) committee of Maharashtra has truly said in para 7-11 of its report :

“Another argument against indirect elections brought before us that it affords scope for people with means and position to influence the course of elections by devious methods, sometimes bordering on mal-practices, and that the smaller electorates provide greater opportunities for the conservative elements to succeed in the elections.”

(2) It is found that in such a composition, not only office-bearers adversely affect the voters but office-bearers are also influenced and pressed by these few voters always. High level Panchayats have to exercise supervision and inspection over lower level Panchayats and in this context high level Panchayats consisting of the office-bearers of the lower level panchayats cannot be considered a good composition. In such circumstances, it is natural that undesirable circumstances may arise in which the panchayats of above level cannot work smoothly and effectively.

One of the members of Shri Parikh Committee of Democratic Decentralisation in Gujarat and ex-Chief Secretary of the State Shri V. L. Gidwani, has expressed following opinions regarding

the direct election of District and Taluka Panchayats-*vide* page 140 A, B of the Report :—

The composition of Taluka Panchayats as suggested with the Sarpanchas of all the village Panchayats as *ex-officio* members and similarly the inclusion of the Presidents of all Taluka Panchayats as *ex-officio*-members of District Panchayats will, I think, adversely affect the independence and effectiveness of these higher level bodies in their dealings with lower level Panchayats. I feel that it is very important that all the members of the Taluka and District Panchayats should be chosen by direct election from the popular electorate, and multiple membership of the same person in Panchayats at different levels should be avoided. This will increase the status and effectiveness of Taluka and District Panchayats by attracting to them members with wider and more independent outlook, so that these higher level Panchayats may be able to provide valuable guidance to and exercise proper supervision over the Panchayats below them."

(3) Existing composition is having such possibilities which may bring the leadership to power who cannot face the direct election.

(4) There is also a danger in this composition that the party in power in collaboration with these few voters may continue to work against the aspirations and voice of the people.

(5) In the composition consisting indirect election and *ex-officio* membership, different areas do not get representation according to the population basis. Further weaker sections also do not get enough representation.

(6) Due to this three tier composition party politics has entered secretly and indirectly at Gram Panchayat level.

(7) Composition of channelised representation among three tiers has become like an oblique game. Office bearers of District / Taluka Panchayats have always to pay attention to the expiry of the term of their Gram Panchayats. This is mainly due to the *ex-officio* membership. Co-opted membership has also created certain evils.

(8) Composition of Taluka Panchayat of *ex-officio* membership makes its size abnormally big and also expensive in some Talukas. Many representations have been made before us for making the size of the Taluka Panchayat smaller.

4.5 It will be clear from the following points that the defects and disadvantages of the indirect election shown above mostly do not find place in the direct election :—

(1) Being a big strength of individual voters in direct election, the evils and faults of the indirect election get its way out and it

becomes possible to form the constitution of Panchayats in its real sense a democratic one and on a large scale.

(2) They enjoy the direct confidence and support of the people and hence are able to work boldly and effectively.

(3) Leadership bold enough for contesting the direct election may come forward to hold power.

(4) As they have to face election at prescribed time, popular feeling and opinion of the people always get prime place.

(5) All the areas may get representation on population basis and the weaker sections may also get equal representation.

(6) In the direct election system of three tiers, not political but local problems and issues become important in the election of Gram Panchayats.

4.6 However some defects and disadvantages underlying in the direct election are not out of sight by the Committee. One argument put before us is that the direct election is an expensive method and calls for more time and efforts of Government, Panchayats, administrative set-up, political parties and candidates. Answer to this is that system of direct election of District Panchayat is already in operation. This argument is mostly dismissed if the strength of direct elected members in District Panchayat may be increased and direct election of Taluka Panchayat may be held alongwith the direct election of District Panchayat.

Other argument is that direct election may create the problems of law and order, and peace may be disturbed, partisanship and hostility may be increased. It is possible that direct election may create, a situation disturbing the peace and tranquility. But only for this reason the logic of not holding direct election in Democracy can not be accepted. Further direct election of Taluka Panchayat can be linked up with the direct election of District Panchayat and new problems concerning the peace can be solved thereby.

One representation is such that the direct election increases the distance between voter and candidate. In each constituency of District and Taluka Panchayats of the rural areas, a fear as to the ignorance of voters about the candidates seems improper. It is uncontradicted that the rural voters who select the members of parliament or members of legislative assembly properly can also very well select the members of District Panchayat and Taluka Panchayat. Thus plea also can't stand for this reason.

Inter-relationship of three tiers of Panchayats can't be built up and maintained properly, is the main plea against the direct election.

It is understandable that if the office-bearers of the lower Panchayats participate in decision making proceedings of the higher level panchayats, the lower level panchayats can implement such decisions with interest and zeal. The Democratic Decentralisation Committee has suggested a set-up considering from the view points of the composition of Gram Panchayat, Taluka Panchayat and District Panchayat and its mutual relations, and it has certainly given advantage. But altogether some disadvantages have also been found in it, which call for some changes in the set-up. If the representatives of lower level panchayats become obstacle in the way of higher level Panchayats in the procedure of taking reasonable, impartial and effective decisions, it can't be considered a happy and satisfactory situation. The Committee thinks that lively contact and relation will be established among the three tiers of the Panchayats by adopting the system of holding regular meetings of the office-bearers of lower level Panchayats in order to establish proper consultation and dealings among the three tiers of Panchayats. The Committee has recommended else-where in this regard.

4.7 Third alternative is of expanding the existing indirect election, as far as possible. At present Sarpanchas come in Taluka Panchayats as *ex-officio* members. Instead of this such a composition should be made under which constituencies of Taluka Panchayats should be formed proportionately on population basis, and members of the Taluka Panchayats for all these constituencies should be elected by all the members of the Gram/Nagar Panchayats of that constituency. There is also one suggestion that in such a composition the election of the President of Taluka Panchayat can also be made by the members of the Gram Panchayat at the time when they elect the members of Taluka Panchayat by exercising their votes. While other suggestion is for the election of the President of Taluka Panchayat by the members elected indirectly as mentioned above. Third suggestion is also for conducting the direct election of the Taluka Panchayat President. For the formation of District Panchayat it is suggested to divide constituencies as per Talukas of the District or otherwise and Sarpanchas of the Gram Panchayat may be made voters and all the members of the District Panchayat may be elected indirectly. Election of District Panchayat President may also be conducted in three alternative ways like the election of Taluka President.

The Committee has studied and thought over the different forms and alternatives of indirect election. Reviewing the entire position the committee feels that formation of District/Taluka Panchayats according to the third alternative will not bring any substantial change in the present system. Instead of sarpanchas, if the members of the Gram Panchayats are made voters it may perhaps reduce the menace of groupism and stresses, but this Committee feels that it will not reflect the true voice of the people. Moreover, if the chain of relations between Gram and Nagar Panchayats has to be continued

the membership or the office in the Gram/Nagar Panchayats for the membership of Taluka Panchayat will have to be considered necessarily essential. But this, will not be able to remove the evils and disadvantages that existing the present system. If it is accepted to consider the simple voter of the rural area eligible for election for the membership of Taluka Panchayat, the plea regarding the inter-relationship between the Gram and Taluka Panchayats can't stand any more. This argument also applies to the District Panchayat formed by the indirect election.

The present day undesirable condition will not be improved much by the alternative of the constitution of Taluka/District Panchayat by the indirect election of the members and election of President of such Panchayat by these members. If the President is elected by the large constituency wherefrom the members are elected, no practical provision can be made for bringing the vote of no confidence as well as avoiding the conflicting situation between the members and the President. If the direct election of Sarpanch at village level is conducted, the local agency like Gram-sabha would be easily available locally for avoiding the conflicting and distressing situation. Combination of different methods are also not acceptable due to the above reasons.

Not significant representation against the continuance of direct election of District Panchayat has been made before us. In this context, direct elections of District Panchayat and Taluka Panchayat, conducted together would result into a saving of the expenses. It is felt that time and energy of the administrative set-up and public money will be unnecessarily wasted by arranging direct election of District Panchayat and indirect election of Taluka Panchayat.

4.8 The Committee is of the view that when the direct election of District Panchayats has been so welcomed, the direct election of Taluka Panchayat should also be equally welcomed. As we have mentioned earlier, Taluka level is an important unit of the administration and development in the context of constitution of Taluka Panchayat, and it should not be forgotten. If District Panchayat may assign more and more extensive scope of work, functions and powers to lower panchayats in the context of extensive decentralisation, only then the true self-Government will be established. Committee has already recommended for the assignment of much more duties and powers regarding revenue, development and administration to the Panchayati Raj Institutions. Committee thinks that Taluka Panchayat will become an administrative unit like the nave of a wheel for the effective and efficient implementation of works and duties, and therefore we favour the constitution of popular Taluka Panchayat by the people, which may consist the directly elected representatives of the people and the President elected by them at Taluka Panchayat level. Similarly we also recommend that District Panchayat should also consist of the members completely

elected by the direct election and the election of President should be done by the members.

### 3. ORGANISATION AND CONSTITUTION OF TALUKA PANCHAYAT

4.9 It is recommended by the Committee to organize the Taluka Panchayat on the basis and constitution shown below :—

(1) The State Government should prescribe the number of members of Taluka Panchayat not less than 15 and not more than 31 considering the rural population of each Taluka. The strength of members of Taluka Panchayat according to the rural population of Taluka should be prescribed as follows :—

Population of Taluka	Total number of members
1	2
1. Upto sixty thousands .. .. .	15
2. More than sixty thousands but upto one lakh	19
3. More than one lakh but upto one and half lakhs	23
4. More than one and half lakhs but upto two lakhs	27
5. More than two lakhs .. .. .	31

(2) Out of the number of the members prescribed above, for the scheduled caste members, minimum one seat should be reserved for the Taluka consisting of one per cent population of scheduled caste, and if more population, minimum two seats should be reserved or if one and half the strength of the seats allotable to this caste on the basis of total population comes to more than 2 seats then that many seats should be reserved. Criteria for the reserved seats for scheduled tribes on the basis of population but not exceeding 60 per cent of the total seats and 3 to 6 reserved seats for female members should be adopted. Reserved seats for women against the strength of members of Taluka Panchayat should be allotted as per the following criteria :—

Total strength of members in Taluka Panchayat	Number of reserved seats for women
15 .. .. .	3
19 .. .. .	4
23 .. .. .	5
27 to 31 .. .. .	6



(3) After considering the total and reserved seats as above, in view of the rural population of Taluka, equal constituencies of one member consisting of approximately equal population should be prescribed. As far as possible one Gram or Nagar Panchayat should not be included in more than one constituency. One or more constituencies should be allotted for each big Gram or Nagar Panchayat. It should be provided that no constituency of Taluka Panchayat should cover more than one constituency of District Panchayat.

(4) According to the present method, in District Panchayat, seats for scheduled tribes are allotted by rotation in constituencies having 5 per cent or more strength of members belonging to this caste and seats for scheduled caste are also allotted by rotation in all the constituencies and the same is arranged in descending series beginning from the constituency having largest population of this caste. The same criteria should be adopted for Taluka Panchayat. In short provisions under rule 68 of District Panchayat Election Rules should be adopted.

(5) It should be adopted to arrange direct elections of District and Taluka Panchayats simultaneously. Due to some reason if the term of District/Taluka Panchayat expire in the middle, the duration of newly constituted District/Taluka Panchayat should be prescribed so as to expire concurrently with the remaining period.

(6) It is not found proper to provide for coopted members in Taluka Panchayat.

(7) Provision of Associate members existing in Taluka Panchayat should be continued only for the Associate members excluding the Mumlatdar and member elected from Taluka on District Panchayat. In addition to this, one representative from Marketing Union of Taluka or controlled Marketing Committee, as may be decided by the Government should, be granted the status of associate member in Taluka Panchayat.

### *Office Bearers and Committees*

4.10 (1) A provision for election of President and Vice-President by the elected members of Taluka Panchayat should be made.

(2) Provision as to the constitution of two committees of Taluka Panchayat by compulsory should be made. Out of these two one should be Executive Committee and an other should be social Justice Committee. Membership of both the committees should be kept 5 to 9

according to the total membership of Taluka Panchayat as described below. :—

Total membership in Taluka Panchayat	Number of members in Committee
15 to 19 .. .. .	5
23 .. .. .	7
27 to 31 .. .. .	9

(3) Taluka Panchayat except these two Committees, should not constitute any Standing Committee at its own will, but can form a Special Committee to implement special work or scheme or to present report after scrutinising the matter. On such committee the members of the Taluka Panchayat and a suitable voter of the Taluka can also be appointed.

(4) Taluka Panchayat can constitute Executive Committee from its own elected members. But Social Justice Committee should be formed in such a way that the members of the scheduled caste and/or scheduled tribes may remain in majority. If the total of members of scheduled caste and /or scheduled tribes does not reach the majority strength of the Committee, all these members should be treated as the members of the Committee. Panchayat should include the required members from the persons belonging to that classes. If the number of members is in majority, a criterion to elect the members from them in suitable majority by the Panchayat should be adopted. Moreover one woman member should be taken up in this Committee. M.L.A. of scheduled caste or / and scheduled tribe of this area and Police Sub-Inspector will be given the place as co-opted members.

(5) President of Taluka Panchayat should be the Chairman of Social Justice Committee and Taluka Development Officer would be the Secretary. Status and respect of the Committee will be observed by this provision and one type of Co-ordination and harmony will be created in the working.

(6) Executive Committee of the Taluka Panchayat should look after all the matter, as may be entrusted by Taluka Panchayat, excluding the works, duties and powers assigned to Social Justice Committee and can form Sub-Committees not exceeding two for the work. Such Sub-Committees can make their recommendations to the Executive Committee. But they can't take independent decision.

#### 4. ORGANISATION AND CONSTITUTION OF DISTRICT PANCHAYAT

4.11. The Committee recommends for the organisation of District Panchayat on the following basis :—

(1) The State Government should fix the strength of members of District Panchayat not less than 31 and not more than 51,

considering the rural population of each District. Membership of District Panchayat in relation to rural population of District should be prescribed as follows :—

Population of District	Total strength of the members
(1) Upto 10 Lakhs	31
(2) More than ten lakhs but upto twelve lakhs	35
(3) More than twelve lakhs but upto fourteen lakhs.	39
(4) More than fourteen lakhs but upto sixteen lakhs.	43
(5) More than sixteen lakhs but upto eighteen lakhs.	47
(6) More than eighteen lakhs.	51

(2) Out of the members prescribed above, for the Scheduled Caste members minimum one seat should be reserved in the district having one per cent population of that caste and if more population minimum four seats should be reserved or if one and a half of the strength of the seats allottable to this caste on the basis of total population exceeds over four, then that many seats should be reserved. These many reserved seats, but not exceeding 60 percent of the total seats should be prescribed for scheduled caste members and criteria as to 6 to 10 reserved seats prescribed for women should be adopted.

Total strength of members in District Panchayat	Number of reserved seats for women
31	6
35	7
39	8
43	9
47 and 51	10

(3) After fixation of total number of seats and reserved seats as above, equal constituencies of one member consisting of equal population should be prescribed keeping in view the rural population of the district. One Taluka Panchayat should not be included in more than one constituency of the District Panchayat and minimum one constituency should be allotted for each Taluka Panchayat. It is essential that Government should form the constituencies of District Panchayat as well as Taluka Panchayat of the District together simultaneously, keeping in view the recommendation regarding the formation of constituencies of Taluka Panchayat made by us. Seats of scheduled tribes should be allotted by rotation in the constituencies having more than

five per cent members of such tribes. Seats of scheduled caste should be allotted by rotation in all the constituencies and the present criterion of District Panchayat to arrange the same in descending series beginning from the constituency having such population laye, should be continued. Present criterion of allotting seats to women by rotation in alphabetical series of the constituency should be continued. In brief, the implementation of the provisions under rule 68 of the District Panchayat Election Rules should be continued.

(4) Direct elections of District and Taluka Panchayats should be held simultaneously.

(5) Existing provisions for members in District Panchayat should be continued. Moreover representative of District Marketing Union should be taken as a co-opted member.

### *Office Bearers and Committees*

4.12 (1) Elected members of District Panchayats should elect the President and the Vice-President.

(2) Provision as to the compulsory formation of following Committees by the District Panchayat out of its members should be made. The strength of the members of the Committee in relation to the total number of members of District Panchayat should be kept as shown below :—

	Number of members of District Panchayat	
	Upto 39	43 and above
1. Executive Committee ..	11	11
2. Social Justice Committee ..	7	9
3. Education Committee ..	9	11
4. Production and Co-ordination Committee	7	9
5. Public Health Committee ..	7	9
6. Public Works Committee ..	7	9
7. Appeal Committee ..	5	5
8. Finance Review Committee ..	3	3

Chairman of the District Education Committee should become the ex-officio Co-opted member of the District Panchayat and Executive Committee of District Panchayat irrespective of his non-membership in the District Panchayat.

(3) District Panchayat except these Committees, cannot constitute any permanent Committee at its own will. But it may constitute any special Committee for any special work or scheme or to give report on any matter after scrutiny. In addition to the members of the District Panchayat, suitable voter of the District can also be appointed in this Committee.

(4) District Panchayat can constitute Executive Committee from its elected members, but Social Justice Committee should be constituted in a way that the members of the scheduled caste or/and scheduled tribes may be in majority. If the totals of the members of scheduled caste and/or scheduled tribes do not form the majority in the Committee, all such members should be considered as the members of the Committee. And wanting members should be included by the Panchayats from the individuals of such classes. In case the strength of such members exceeds the majority, a criteria that Panchayat may elect the members in majority in proper strength from such members should be adopted. One woman member should be given place in the Committee. The Member of Parliament belonging to the scheduled caste or/and scheduled tribes of the district area, if there are two Members of Legislative Assembly then both such members, if more than two then two Members of Legislative Assembly from them as may be selected by the District Panchayat, and a District Police Officer should be taken as Co-opted members in the Committee.

(5) The President of the District Panchayat should be the Chairman of the Social Justice Committee and District Development Officer should be its Secretary. With this provision status and honour of the Committee will be observed and one type of co-ordination and harmony will be created in the working.

(6) The Executive Committee of the District Panchayat should discharge the works, duties and function as may be assigned by the District Panchayat. The Executive Committee can constitute maximum two Sub-Committees. These Sub-Committees can give their recommendations to the Executive Committee, but cannot take any independent decision.

(7) The District Social Justice Committee can constitute one or more than one Sub-Committees for giving report regarding the discrimination shown towards Harijans on public water places and other cases of injustice after self-verification of the matter.

(8) Appeal Committee of the District Panchayat is constituted under section 290(a) of the Panchayats Act. It consists of the President of District Panchayat as well as two other members. According to the present statutory provision, absence of one member out of the three members of the Appeal Committee adjourns its working. In fact, this provision creates obstacle in the working of the said

Committee. In order to remove this obstacle it is recommended to provide as to the increase in the number of members from three to five including the President of the District Panchayat as well as granting powers to the State Government for making rules for forming the benches of the Committee and to facilitate its working thereby.

(9) It is recommended to provide for the formation of Finance Review Committee of District Panchayat in order to undertake the review on the expenditure already incurred and proper utilisation of money as per budget provision of the District Panchayat, position of financial resources of the Taluka and District Panchayats, Planning of Taluka and District Panchayats Budget, efficiency shown in the schemes and works undertaken by District and Taluka Panchayats, economy in administrative expenses, notes in the audit reports of the Panchayats at three levels and actions taken for its disposal. This Committee may consist of the three elected members of the District Panchayat and one member of the legislative assembly as a co-opt member. It should be provided that no office-bearer of the District Panchayat may become the member of this Committee.

#### 5. PANCHAYATI RAJ IN GANDHINAGAR AND DANGS

4.13 As Gandhinagar is a newly constituted District, District and Taluka Panchayats have not been constituted therein. Since 1963 District/Taluka Panchayats have already been established in all the other districts of the State, while District Panchayat is established in Dangs District recently. Gram Panchayats are working in all the villages of Gandhinagar District since last many years. But as there is no institution like District or Taluka Panchayat of above level, the villages of the District do not avail of the benefits of self-Government as expected in relation to the other districts. In order that Gandhinagar district may not be deprived of the advantages of Panchayati Raj, Committee has recommended to establish District Panchayat like Dangs District to perform the functions and duties of both-District Panchayats as well as Taluka Panchayat in the District. With reference to the common proposal of the Committee for the constitution of District Panchayat through all the members elected by direct election, it is recommended that the District Panchayat of Gandhinagar District should be formed as per the similar provisions. In view of the special position of the Dangs District, District Panchayat is constituted by the directly elected members, indirectly elected Sarpanchas and nominees. Committee has recommended to apply the provisions of direct election at the time of new election in the District. Committee recommends to keep the number of members 31 and 21 for Gandhinagar and Dangs District respectively. As 31 members are suggested for Gandhinagar District Panchayat, provisions suggested for other districts in regard to the reserved seats, membership of the Committees, etc. should also be applied to Gandhinagar District

Panchayat. As 21 members are suggested for Dangs District Panchayat, safeguards of four reserved seats for women members and one reserved seat for scheduled caste are suggested for them. Number of the members of the Committees is recommended as follows :—

1. Executive Committee .. .. .	9
2. Social Justice Committee.. .. .	5
3. Education Committee .. .. .	9
4. Production and Co-operation Committee .. .. .	5
5. Public Health Committee .. .. .	5
6. Public Works Committee.. .. .	5
7. Appeal Committee .. .. .	5
8. Finance Review Committee .. .. .	3

According to the other District Panchayats remaining provisions are recommended to apply to both the said District Panchayats.

Gandhinagar is the Capital of the State. Gandhinagar will also have to be excluded like Municipal area from the jurisdiction of the District Panchayat. However it is desirable to keep the Head Quarter of the District Panchayat at Gandhinagar.

## CHAPTER V

### GENERAL RECOMMENDATIONS IN RESPECT OF FORM, CONSTITUTION AND ORGANISATION OF AND RELATIONS BETWEEN PANCHAYATS OF DIFFERENT TIERS

#### 1. AS REGARDS COMMITTEES

5.1 We recommend proportional representation on all the Committees that may be formed of the Gram/Nagar/Taluka/District Panchayat so that minorities in Panchayats can get a proper place. Due to such a practice, we feel, a mutual understanding and spirit of co-operation would be generated among the representatives in the working of Panchayats and their functions would become more public and distinct. The Committee suggests to application of this principle to those seats in the Executive Committee and the Committee for Social Justice, which are to be filled in by election.

5.2 The Committee is not in favour of co-opted members at any level. However, it is suggested to constitute the Education Committee of the District Panchayat in such a way that a majority of its members would be elected by the members of the District Panchayat, that is to say they would not be elected directly. Similarly we have recommended provision of co-opted members also so as to complete the majority of the members belonging to scheduled castes/tribes in the Committee for Social Justice of District/Taluka/Nagar/Gram Panchayat. The Committee has, thus, made such specific recommendations bearing in mind the special circumstances and requirements of both the Committees mentioned above. Here it is necessary to clarify that the representatives thus elected indirectly should not be entitled to the rights of full membership as are given to the members elected directly. With a view to fulfilling this object, we recommend that none of the members elected on both of the abovesaid Committees would become a member of any respective Panchayat and its Executive Committee. We specifically recommend a provision that even if a member thus elected indirectly on the Education Committee of the District Panchayat is elected as the Chairman of the said Committee he would be allowed to remain only an associate member of the District Panchayat and the Executive Committee. It seems appropriate to clarify that the duty of the Chairman of the Education Committee to remain responsible to the General Body of the District Panchayat would, thereby, not be affected at all.

5.3 In view of the strength of membership of the Committees as against that of the District Panchayat, it would be necessary that the same members are elected on more than one Committee. However, the same might not be the case as regards Taluka Panchayats. That a particular member should get a place on more than one



Committee does not seem necessary and expedient. We, therefore, recommend a statutory provision to the effect that no member of the District/Taluka Panchayat would be allowed to be placed on more than two Committees of the said Panchayat.

5.4 The Committee deems it necessary to make such a provision in the Act that the General Body and Committees of the District and Taluka Panchayats avail of services of experts and specialists in different spheres. Mostly such experts or specialists do not prefer to contest elections nor are they willing to participate in political institutions like the Panchayat. The administration of Panchayats, according to the Committee would gain a lot, if they succeed in attracting the experts and specialists on Panchayats without offering them any sort of membership of Panchayats or paying any kind of remuneration for their services. The Committee, however, thinks that such experts specialists would be really useful only if they possess a degree in Engineering, Medicine, Accounts or any other academic qualifications and have five years' experience in their respective fields.

Care should be taken to ensure that such experts or specialists have no vested interest in the administration of Panchayati Raj Bodies. Similarly the Committee also holds that the continuous contact by the District Panchayat with the Agent/Manager of a Lead Bank among the nationalised banks, would be mutually beneficial.

The Committee recommends a specific provision in the Act, to give proper place as invitees to the experts and specialists in the General Meeting of the District and Taluka Panchayats and on the respective Committees as detailed above. Similarly, it is also deemed necessary to give place as an invitee to the Agent/ Manager of a Lead Bank on the District Panchayat and its Executive Committee. Of course, if such a person attends the meeting of the District/Taluka Panchayat or remains present in the office to help otherwise in the working of Panchayat, he must be given travelling allowance at the rate fixed for the President of District/Taluka Panchayat.

## 2. OFFICE-BEARERS

5.5 Different points of view have been presented before the Committee as to whether it is necessary and appropriate to fix any minimum required qualification for the office-bearers of Panchayats at all the three tiers. Those who are in favour of such qualifications say that the illiterate or semi-literate office-bearers would suffer from inferiority complex and therefore, would not exercise proper hold over the administrative set up. Such office-bearers, being unable to have a clear concept of administration, would not be effective enough to impart guidance and instructions to the administrative machinery. It is also stated that members of the Panchayat would respect the office-bearers if they are well educated.

Some basic arguments against this stand have been placed before us. The hypothesis that the leadership is always associated with formal education is baseless. Besides no such norm for educational qualification has been prescribed in case of Municipalities nor for higher democratic institutions of the nation, like the Government. In fact it is not a common experience to see persons without proper education and training becoming office-bearers at the District/Taluka Panchayat level. However, at village level there are still absolutely illiterate Sarpanchs at some places. The very situation that the responsibility of administration is on the shoulders of such an illiterate person sounds absurd and contradictory too. In this context, the Committee urges to make a provision to the effect that all the office-bearers (including Chairmen of different Committees) of Panchayats at three tiers should be able to read and write atleast Gujarati language. Due to such a recommendation, the Committee feels, new educated leadership might get an opportunity to come forward in place of conventional old generation and in addition to this, the rural community would understand the utility and necessity of primary education.

It is also suggested as an alternative that an illiterate person may be elected as the Sarpanch, provided he is able to read and write within a specific period after being elected. We cannot accept this suggestion, because a candidate aspiring to be a Sarpanch should always become competent prior to the election and not subsequent to it. Moreover, it would not be possible to scrutinise later on in every case as to whether the Sarpanch has attained literacy within the prescribed time limit or not. Such a scrutiny would be convenient and more practical if it were held at the time when the candidate fills the nomination paper in his own hand writing.

For the members and office-bearers of the Education Committee, we consider it necessary to fix definite minimum educational qualifications. This point is covered in the recommendation made elsewhere in respect of the formation of Education Committee of the District Panchayat.

5.6 Almost a decade ago, honorarium amounting to Rs. 200 p. m. was fixed for the President of the Taluka Panchayat and the Chairman of Education Committee of the District Panchayat and Rs. 400 p. m. for the President of the District Panchayat. Besides, a provision has also been made to give accommodation facilities to such office-bearers at the Head-Quarters of the Taluka/District Panchayat or to pay house-rent allowance to them at the rate of Rs. 60 or Rs. 100 p. m.

The Democratic Decentralisation (Shri Parikh) Committee appointed to introduce Panchayati Raj in Gujarat has in paragraphs 5.29 and 6.20 of its report has stated :—

“District/Taluka Panchayats would be entrusted with wide functions and duties. The responsibility to discharge these

functions and duties would mainly rest on the shoulders of the President of the District/Taluka Panchayat. It would not be possible for him to cope up with this responsibility without devoting adequate time to it. A provision to pay honorarium to him is required to be made so that he can devote adequate time for the working of the District/Taluka Panchayat."

Thus, the Democratic Decentralisation Committee had recommended that the President of the District/Taluka Panchayat should be paid monthly honorarium as may be determined by the Government and he should be provided with free accommodation facilities.

It is found that the provision for granting honorarium has been made only because such office-bearers can devote adequate time to discharge duties as President of the District/Taluka Panchayat.

Certain solid reasons in favour of a suitable increase in the existing rate were placed before us, the principal reasons among them are as under :—

(1) During the last 10 years, the standard of living has shown an upward trend. The pay and dearness allowance of the Government employees have increased to a considerable extent during this decade.

(2) Honorarium, as suggested by the Democratic Decentralisation Committee, is given so that the President can devote adequate time for the working of Panchayat and since to that extent he can spare less time for his own profession, the honorarium seems to be in the form of a reward. In fact, in the Panchayati Raj administration, such office-bearers have to stay almost for full time at the head-quarters of the District/Taluka Panchayat so as to perform the daily routine work. Because of this they have to maintain a separate establishment at the District/Taluka head-quarters, for which, naturally, they have to bear additional expenditure.

(3) In these circumstances, persons belonging to really weaker sections do not come forward to offer their services to society by holding office in Panchayats on account of inadequate honorarium.

In view of the reasons mentioned above, the Committee deems it appropriate to effect a suitable increase in the honoraria of the office-bearers of the District/Taluka Panchayats.

The Committee recommends that the monthly honorarium of the President of the Taluka Panchayat and of the Chairman of the District Education Committee should be increased from Rs. 200 to Rs. 300 and that of the President of the District Panchayat from Rs. 400 to Rs. 600.

5.7 Sections 56 and 68 of the Gujarat Panchayats Act provide for the facility of "residence" to Presidents of District/Taluka Panchayats. Shri Jadvaaji Modi Committee had suggested insertion of the words "such furnished residence as may be decided by the Panchayat". This modification has not been accepted. After considering this point we feel that when a person in order to hold the Presidentship, comes to the head-quarters of the District or Taluka for staying there he must not only be provided with accommodation facilities but also with necessary furniture. It would be better if instead of Panchayat the Government would prescribe the norm for furniture for the whole State. Hence we recommend to provide to Presidents of District/Taluka Panchayats and Chairman of District Education Committees facility of residence furnished according to the norm prescribed by the Government.

### 3. ELECTIONS AND POLL MACHINERY

5.8 As the last elections to District and Taluka Panchayats were held in February-March, 1968 their terms would expire in February-March, 1973. Hence, in normal circumstances new elections should be held during that period. However, since the Committee felt it necessary and desirable to effect certain minor and major changes in the form, organisation and constitution of the Panchayats of all the three tiers, the Gujarat Panchayats Act might be required to be modified as a consequence. Keeping this point in view, the Committee had already submitted to the Government a brief recommendation for the interim period to consider the issue of postponing the programme of elections in February-March, 1973, to be held under the existing provision of the Act, to ensure the reorganisation of Taluka/District Panchayats for such period as may be deemed necessary by the Government (Appendix VIII).

The Committee has favoured the system of direct election by people in respect of all members of District/Taluka Panchayats. Similarly, the Committee has also suggested formation of single member constituencies for Gram/Nagar Panchayats and recommended direct election of Sarpanchs of Gram Panchayats by rural people. In a nutshell, the Committee has suggested radical changes in the form, organisation and constitution of Panchayats of all the three tiers.

As the Committee has suggested direct elections for all the members of District/Taluka Panchayats and Sarpanchs of Gram Panchayats, necessary amendments would be required to be made in the Panchayats Act for introducing suitable provisions therefor. It is natural that it would invariably take some months to undertake the work of statutory amendments in this regard and to publish rules, directives and provisions under the revised sections of the Act. Committee's suggestions in this behalf are as follows :—

- (1) Elections of Gram/Nagar Panchayats to be held hereafter should be postponed for suitable period and the Government

should consider issuing directions to Collectors to take necessary action for the due extension of the terms of such Panchayats under section 17 of the Gujarat Panchayats Act.

(2) Elections of District/Taluka Panchayats should be postponed for a suitable period and extending the terms of such Panchayats for an appropriate period under section 17 of the Gujarat Panchayats Act, should be considered.

5.9 It is necessary that the poll machinery of Panchayats should be independent of the Panchayat administration. The Committee is specifically of the opinion that the poll machinery should be placed under an impartial and neutral organisation which is above Panchayats so that total sanctity of elections might be maintained and faith of people in Panchayat elections might be sustained for ever. However, it is not implied by this recommendation that the Panchayati Raj set-up is unable to hold elections independently and impartially. On the contrary it is a known fact that the Panchayati Raj administration has offered appropriate contribution and share in conducting elections for Lok Sabha and State Assemblies. The Committee is therefore, not at all reluctant to state that the said establishment would similarly and definitely discharge duties that might be given to the officers and staff of the Panchayati Raj by the separate poll machinery when elections are held for Panchayats. Still, however, we deem it absolutely necessary to assign to the unattached and independent poll machinery, the power of taking decision regarding certain important matters relating to election, as to when the election should be held, who should perform the duties of the Returning Officer, how to construe the rules and orders pertaining to election, etc. Our recommendations in this behalf are as under :—

(1) At present the work regarding direct election of District Panchayats is assigned to the Chief Electoral Officer of the State Government. The said Officer should also be entrusted with the work of direct elections of Taluka Panchayats. The Chief Electoral Officer should conduct the poll through Divisional Commissioners and Collectors at Divisional level and District level, respectively. Similarly, the work regarding election of Taluka Panchayat's Office-bearers should be entrusted to the Divisional Commissioners.

(2) The work of elections to Gram/Nagar Panchayats, which is at present assigned to the Taluka/District Development Officer, should be transferred to the Prant Officer, that is to say, the Deputy Collector and Collector.

(3) The Panchayati Raj administration, should without any hesitation forthwith follow any directive and instructions regarding election that may be issued by the Deputy Collector,

Collector, Divisional Commissioner and Chief Electoral Officer. A specific statutory provision should be made to the effect that any directive or order that may be issued by the abovesaid officers in respect of poll matters should be complied with by the officers and staff of Panchayats and that no interference from the office-bearers of Panchayats would be allowed.

#### 4. RESTRICTION ON DUEL MEMBERSHIP

5.10 We have recommended direct election at all the levels and hence come to the conclusion that the existing provision disallowing any person to have multiple membership of Panchayats should definitely be continued. However, if any person who holds membership of one tier of Panchayat desires to contest an election to become a member of a Panchayat of another tier or if any person wants to contest elections of Panchayats of the same tier or of more than one tier simultaneously he may be allowed to do so. We also suggest that the person should be compelled to resign from the multiple membership within 10 days from the date of acquiring duel membership in the circumstances referred to above or in the alternative the existing provision contained in section 22(a) of the Panchayats Act, for vacation of membership should be made applicable.

#### 5. CO-ORDINATION BETWEEN THE THREE TIERS

5.11 The committee makes the following recommendations so as to ensure systematic co-ordination and organisation between the Panchayats of all the three tiers :—

(1) A practice should be adopted for holding a District level meeting of the Presidents of Taluka Panchayats once during every two months.

(2) The President of the District Panchayat should meet individually and exchange views with the Presidents of all the Taluka Panchayats for their respective problems.

(3) A meeting between the President and officers of the District Panchayat should be held once in a year in every Taluka Panchayat area.

(4) An annual camp of Sarpanchs and Talati-cum-Mantris of the Taluka should be held by the respective Taluka Panchayats wherein all the three tiers of the Panchayats should be co-ordinated with one another due to the attendance of the office-bearers and officers of the District Panchayats.

(5) In the taluka level meeting of the Talati-cum-Mantris, a practice should be followed to obtain necessary guidance from the Officers of the Panchayats of upper tiers.

## CHAPTER VI

### FUNCTIONS AND DUTIES OF THE PANCHAYATI RAJ BODIES A WAY OUT FOR OVERLAPPING ADMINISTRATION

#### 1. GENERAL IDEA OF OVERLAPPING ADMINISTRATION

6.1 Many a representation has been made before the Committee to the effect that functions, administrative powers and administrative set-up in different fields are overlapping between the Government Departments and Panchayati Raj administration. Such overlapping administration is found to a more or less extent in almost all the spheres of functions transferred to Panchayats. The committee has carefully studied different aspects and forms of overlapping administration. Following three main aspects of overlapping administration have been found in the study undertaken by the committee :—

(1) For the same sort of work, people have to approach to both the Panchayat Administration and Government departments.

(2) One and the same type of activity in the field of the work which is more or less the same, is being conducted by both, the Panchayat administration and Government machinery.

(3) The employee is supervised and controlled by more than one authority.

In the first category, for instance, are included the work regarding land and land revenue and the administration under Co-operative Department. Every villager is required to go to the office of the Taluka Panchayat and/or office of the Mamlatdar for any matter pertaining to land. The common people are always embarrassed and puzzled as to which of the two offices they should approach. In some cases, even the staff and the officers of the taluka level office do not have any clear understanding and idea as to which of the work should be or can be undertaken by which of the authorities. The Taluka Panchayat accords sanction to the utilisation of water flowing in a river or rivulet, but, the sanction for the construction of a channel therefor, on the Government land is accorded by the Mamlatdar. Panchayat administration and Revenue Department, both deal with the work of removing encroachment. But even in this respect also, the Gram/Nagar/Taluka Panchayat is empowered to remove encroachment on the lands of the Panchayat, whereas similar powers in the case of Government lands are vested in Panchayat administration, but permission from the Revenue Department or from the Collector is essential. The powers of imposing penalty and fine are delegated to Revenue Department as well as the Nyaya Panchayat, however, the powers for instituting a procedural inquiry

rest only with Revenue Department. Revenue Department has strict and rigid powers in respect of the removal of encroachment, whereas those of Panchayats are incomplete and less effective. Similarly, in case of scarcity relief work, the works are sanctioned by Revenue Department and are implemented by the Panchayat administration; remission, aid and distribution of fodder fall within the jurisdiction of the Government department, while the work regarding the taccavi of fodder is assigned to the Panchayat Administration. It has been a common experience of all the members of the Committee that due to such allotment of works, the common rural mass and the public administration are, off and on, put into a dilemma and embarrassment.

A striking example of the second category is found in the activity regarding public works. The District's Executive Engineer, (R. and B.) under the Government and the Executive Engineer, of Panchayats have equal jurisdiction. Both the officers ought to go on tour to the different places of one district only for the supervision and scrutiny of the works being executed there. And naturally it results in a waste of energy, time and money unnecessarily.

Supervision and control of more than one authority upon a employee is specially connected with the revenue matters and co-operative activity. Dual control of Taluka Panchayat and Mamlatdar prevails upon the Talati-cum-Mantri. It is common experience that dual control system adversely affects the efficiency, even though good relation and co-ordination exist between Mamlatdar and Taluka Development Officer. Both the authorities are under an impression that Extension officer (Co-operation) can not observe the functions of both the organizations satisfactorily like Talati-Mantri,

6.2 Dual administration is creating numerous undesirable conditions. Due to the overlapping administration, works are getting delayed, administrative set-up becomes weak, administrative, technical and financial control becomes feable, unnecessary, administrative expenditure increases, both the authorities have to suffer from insufficiency of equipments and Administrative set-up and the people have to remain involved in routine administrative workings which creates dissatisfaction and specific responsibility can not be fixed up on any definite officer or employee. Many representations are made before us that it is necessary as well as essential to avoid the overlapping conditions of the administration and to establish an administrative set-up having definite and clear control and responsibilities. Professor Henry Meddik has observed in his volume named, "Panchayati Raj-A study in Rural Local self-Government of India" that though states have constituted Panchayati Raj due to their lack of confidence in incorporating the administration of district into it, they have created many absurdities and inconsistencies. According to his opinion two parallel organisations have come into existence together which are wasting establishment and equipments. High



Level Team on District Administration constituted under the Chairmanship of Shri Mathurdas Shah has described the condition in following words :—

\*“It has resulted in dichotomy of regulatory and development functions. It is needless to say that such a dichotomy of functions has led to friction and conflict between the District Collector and the District Development Officer at some places. As a result, the problems of co-ordination, consultation and co-operation have assumed serious proportions.”

Committee finds it very essential to remove the condition of dual administration to the extent possible and makes necessary recommendations for the matter in this chapter.

## 2. ALTERNATIVES FOR THE REMOVAL OF DUAL ADMINISTRATION

6.3 There can be three alternatives for the removal of dual administration :—

(1) Works under the Panchayats should be transferred to the Government completely.

(2) Works which are not fully assigned to Panchayats should be completely assigned to them.

(3) The problem may be solved by proper co-ordination and co-operation under the present arrangement or by making changes in the rules or arrangements.

6.4 Committee can say from its study and experience that Panchayati Raj in Gujarat has become steady and strong and has gained the capacity and ability of being self-dependent. The statement of the committee does not mean to say that the Panchayats have realised the expected achievements completely in all the fields, and has no scope for the changes in the administration of Panchayats. Committee is well aware of the defects and loopholes underlying the administration of Panchayats. However, Panchayati Raj Institutions have occupied a permanent position in the state administration with its own efforts and exertion. Committee wants to make it clear that there is no risk in assigning more and more duties, schemes, activities functions and powers to Panchayats progressively.

Panchayati Raj Organization Evaluation Committee has made some observations showing the evaluation of Panchayati Raj working in its report. Committee thinks it proper to reproduce some of its quotations in the accompanying Appendix-IX :—

“Panchayati Raj in Gujarat” a brochure in English published by Panchayats and Health Department of the Gujarat Government

\* ( Report of the Hige Level Team on District Administration, Government of Gujarat PPs. 36 )

has noted the praiseworthy achievements of Panchayati Raj Institutions of Gujarat in details in para-10 therein. Committee also thinks it necessary to reproduce the same in Appendix-X.

6.5 Panchayati Raj has become steady and stable in Gujarat. It is the policy of the Government to make Panchayati Raj more strong and viable. Panchayati Raj set-up does not remain weak or lag behind the Government set-up in the execution of works, activities, duties and powers as might have been assigned by the Government to the Panchayati Raj. And therefore Committee strongly believes that there should not be any hesitation in the assignment of more fields of works, duties and powers to the Panchayati Raj Institutions. Shri Balavantray Mehta Committee has very clearly mentioned in its report that powers and responsibilities should be assigned to Panchayati Raj Institutions in its real sense, and Panchayati Raj should be developed in such a way that scope and facility may arise for the progressive decentralisation of more powers and responsibilities. The state shows favourable attitude towards the Panchayati Raj Institutions in Gujarat. Panchayati Raj set-up that prevails in the State is also capable of reacting properly to the expansion of the wider field of the democratic decentralisation. Shri S. K. Dey, expert in the subject and chairman of the All India Panchayat Parishad who undertook a tour for the study of Panchayati Raj in Gujarat during August, September, 1971 has given in his report a clear picture of the Panchayati Raj in Gujarat in following words :—

“ As indicated at the very beginning of this report, Panchayati Raj has struck roots in Gujarat. It calls for a new spurt forward to the next stage. The recommendations given in the foregoing pages will help the process of Panchayati Raj in Gujarat and thus contribute to the wider democracy in India. I have no doubt that the Panchayati Raj system in Gujarat is geared for this leap forward. The state Government can afford to take the next bold step after the first revolutionary step, it had taken in the year 1963 in inaugurating Panchayati Raj in its current shape and form.”

6.6 Committee believes that in this context the question of transferring the functions, activities, schemes and powers from the Panchayats to the Government does not arise. The committee feels that the alternative solution of maintaining the status quo position of allocating the works and duties to both the fields of Government and Panchayats and effecting changes in the rules and procedure or of proper co-operation and co-ordination is also not useful to a large extent. Such alternative will not lead towards ending the dual administration. Therefore committee desires to utilise the alternative only in exceptional matters.

6.7 Committee strongly believes that the assignment of more works and schemes and powers to the Panchayati Raj Institutions

by the Government with liberal mind and confidence will be useful not only in principle but also in practice.

Professor Henry Meddik has deeply studied the Panchayati Raj in Gujarat and in his volume named "Panchayati Raj-A study in rural Local self Government in India" made recommendation as to the assignment of all the works, duties and powers executed at district level to the Panchayati Raj Institutions, excluding the following items :—

- (1) works regarding the law and order
- (2) The works for which autonomous organisations are set up by the Government.
- (3) The works for which specific units are formed by the Government.
- (4) Quasi-legal issues between the Panchayati Raj Institutions and the people, and disputes among the tiers of Panchayats.
- (5) Matters of policy, evaluation, inspection, control and recruitment and training of the staff.

6.8 In view of the assignment scheme recommended by professor Meddike and the level and progress of the Panchayati Raj in Gujarat, the Committee feels that there should not be any hesitation or indecision in the assignment of all the schemes, activities, duties and powers of district level to the Panchayati Raj Institution excepting the activities and items regarding the law and order, major and medium irrigation scheme, major construction works for which special set-up has been constituted at State level, works and schemes undertaken by Agro-Industries Corporation, Transport Corporation, Electricity Board at State level, training co-ordination, evaluation etc. It is specially recommended by the Committee that the Government may entrust more schemes, functions, activities and powers to the Panchayats as detailed below :—

- (1) Administration of all the matters related to land and land revenue under Land Revenue Code and rules thereunder, by keeping some items incharge of District / Taluka Development Officer under the direct control of the Government.
- (2) works under the scarcity relief, flood-relief, etc. incharge of Revenue Department like cash assistance distribution of grass, approval of relief works, loan-subsidy scheme, arrangement for drinking water, etc.
- (3) Distribution of civil supplies in rural areas.
- (4) Maintenance and repairs to National high-ways and State high-ways under Public works Department, maintenance, repairs and operation of Medium Irrigation Schemes, construction of original buildings worth rupees five lakhs under Executive

Engineer of Government and repairs and maintenance of all the buildings incharge of Government in the District including Municipal area.

(5) Construction including implementation of the Schemes worth rupees five lakhs regarding the village water supply.

(6) works regarding soil conservation and land reforms.

(7) Schemes of granting benefits of boring and blasting, tractors, bull-dozers, etc. to farmers.

(8) Instead of constituting separate institutions, the District Panchayat as institutions, should be entrusted with the works regarding special schemes of economic development of small farmers, marginal farmers, agricultural-labourers etc.

(9) Other centres for the activities of poultry and animal husbandry at district level.

(10) Inland Fisheries.

(11) Scheme for Rural broadcasting centres.

(12) Activities and schemes incharge of Health, Medical and Ayurved Departments, as shown below:—

(1) Secondary Health Centres, Referral hospitals, cottage hospitals and class-2 hospitals and Ayurvedic hospitals (not connected with college).

(2) National Malaria and Filariis eradication scheme.

(3) Schemes regarding contagious diseases like T. B. eradication, leprosy eradication, etc.

(4) Family Planning activity on a permanent basis.

(13) District level schemes not entrusted to Social Welfare Department.

(14) District level schemes of Municipal area, until it is decided to assign the same to municipality

(15) All the schemes and activities of district level as may be started in future by the Government.

Detailed proposal regarding the assignment of the above stated works and duties are described below.

### 3. REVENUE WORKS AND OTHER WORKS UNDER THE DEPARTMENT

6.9 Dual administration is most criticised in the Revenue field. In the annual conferences of Collectors and District Development

Officers held since the beginning of the Panchayati Raj upto the last year, dual administration in revenue matters has often been discussed at length and with interest. If we look back, since the creation of common cadre of Talati-cum-Mantri, to the inauguration of Panchayati Raj this cadre has been discharging the different works of Revenue Department of the Government, Community Development Block and Gram Panchayat. Prior to Panchayati Raj, cadre of Talati-cum-Mantri was under Mamlatdar and some works incharge of Block Development Officers were executed through that cadre. By that time the Block Development Officer thought that the Talati-cum-Mantri was executing the revenue works incharge of Mamlatdar with higher priority and carefulness. After Panchayati Raj this common cadre has come under Panchayats and it is said that in the same way as the Block Development Officer, Mamlatdar and Revenue authorities have also got the similar experience. The question of control is not an easy one and when the traditional administrative machinery insists upon straight one-sided devotion and responsibility, it is natural that Talati-cum-Mantri of the highest order also cannot satisfy such demand. Thus administrative control depends upon the intellectual build-up and feelings of the organization. In this context, it is oftenly recommended by the Revenue Officers to remove the common cadre of Talati-cum-Mantri and to constitute a separate post and organization of the village cadre for the works incharge of Revenue set up and to keep the cadre of Panchayats Secretary separate.

Gujarat Panchayats Act Amendment (Shri. Jadavji Modi) Committee has referred to the complaints being made against the working of Talati regarding the Revenue Department and suggested following solution for the over-lapping works of revenue matters and removing the expenditure thereupon :—

“ We therefore, suggest that the powers regarding the Records of Rights and sanction to the sale of village-site, assigned to Mamlatdar, Prant-Officer and Collectors under Revenue Act should be respectively transferred to Taluka Development Officer, Deputy Collector of District Panchayat and District Development Officer, not through panchayats but directly through State Government, as revenue officer. As a result all the officers being familiar with the Revenue Department, the work will be easy and organization will be uniform. Thus the problem can be solved. ”

Sub-group constituted for the study of the works of Revenue Department, under the chairmanship of Shri K. K. Shah in 1966-67, has considered the problem of the Talati-cum-Mantri and recommended that it would not be possible to create a separate cadre of Talatis without making the changes from top-to-bottom in the policy of Democratic Decentralisation and therefore the proposal as to the creation of separate cadre of Talatis for the revenue works will be considered a retreat in the context of Democratic Decentralisation

policy. And therefore said sub-group did not find it advisable to do so.

Meanwhile a sub-group constituted under the chairmanship of Shri V. Ishwaran for the study on matters concerning the Panchayats Division, studied all the documents regarding the common cadre of Talati-cum-Mantri and expressed its opinions in the following words for the transfer of remaining works of land revenue and removing dual administration, in para 6.5 of the report.

“ All these documents were discussed at length by the sub-group and it is of the opinion that the present system of dual control over the Talati-cum-Village Panchayat Secretary was not working properly. However in view of the fact that only a small portion of revenue work now remains with the Revenue Department, all works under the Land Revenue Code should be transferred to the control of Panchayats alone, and the Mamlatdars should have nothing to do with him. The Taluka Development Officer will then supervise all the revenue work of the Talati.”

Panchayati Raj set-up Evaluation (Shri Dahyabhai Nayak) Committee has recommended not to assign more works pertaining to land to Panchayats on a large scale at the present stage and in this context favoured the creation of separate set-up under the direct supervision of Mamlatdar for the works pertaining to lands. Similarly during the President's Rule, High Level Team constituted under the chairmanship of Shri Mathurdas Shah for the District Administrative set-up, considered the problem of common cadre of Talati-cum-Mantri and it is seen that the proposal for the creation of a cadre of village level employees completely separate from the cadre of Talati-cum-Mantri for more effective operation and implementation of works under the Revenue Department of the Government has been considered.

On the other side Shri S. K. Dey, Chairman of All India Panchayat Parishad and a leader in the field of community development and Panchayati Raj, after making special study trip of Gujarat State before a year, has in his report clearly recommended for the removal of dual administration system in revenue and for the complete assignment of revenue works to the Panchayati Raj Institutions, in the following words :—

“ Considerable devolution has taken place in levy and collection of revenues by the Panchayati Raj system including the transfer of its control of the earst while talati as Talati-cum-Mantri of the village Panchayats. But this functionary is now subject to two parallel organisations. This is bound to create confusion, dilution of responsibilities and dislocation in work of both. While what is being recommended here cannot and will not work for the country as a whole, the State of Gujarat seems to be ready now for complete

transfer of the revenue system to the Panchayati Raj Institutions, for an interim period the responsibility for maintenance of village records could perhaps be kept reserved as a statutory responsibility of the District Development Officer, his extension functions being subject, as it is to-day, to the policies and guidance provided by the Panchayati Raj system."

6.10 In consideration of the recommendations of all the above reports, we undoubtedly find that an unsettled and dilatory condition regarding the revenue works prevails at present. This should be removed at the earliest. We have considerably thought upon the proposal as to the removal of common cadre of Talati-cum-Mantri, and the creation of a separate set-up of employees for both revenue and Panchayati organizations. As a result of this consideration we find the following analysis and observations as important and related :—

(1) A permanent separate revenue organization will be a setback in the context of broad policy of progressively expanding Democratic Decentralisation.

Democratic Decentralisation (Shri Parikh) Committee has expressed its approach (in para 7-20 of the report) to the subject in following words :—

"Introduction of law in regard to land and land revenue in rural area exhibits the State-rule. With the constitution of democratic decentralization, assignment of works pertaining to land revenue, to the possible extent, to such institutions will be considered proper."

At a stage when it is considered proper to undertake activities in the direction of assignment of all the possible works and powers of land and land revenue to the Panchayati Raj Institutions, the constitution of separate revenue organization does not seem practical or desirable.

(2) Separate organisations of revenue and panchayat will not bring an end to the dual administration, on the contrary dual administration from village level to district level will take a steady form on permanent basis and its removal will not only be impossible but difficult also, in future. This will create the atmosphere of unhealthy emulation between the organizations of revenue and Panchayat which will not be in the interests of State as well as the people in a long run.

(3) Constitution of two separate organizations will require an increase in the present strength of the staff, which in the opinion of the Committee seems unnecessary.

(4) It is feared that inspite of the increase in establishment of both the organizations, both of them will turn their face away from the people. At present there is one Talati-cum-Mantri of three villages on an average with the constitution of separate organizations, one Talati-cum-Mantri will be available for approximately four to seven villages. Thus the administration will be aloof from the people, which does not seem desirable.

(5) Committee believes that the scheme of revenue works formed under Land Revenue Code, Manuals or rules and accounts, is one and indivisible. Eventhough experts may suggest partition of this uniform scheme from village level to district level in principle, its implementation in practice, if not impossible, will be difficult. Committee has presumed that the duality, complexity and complications about the revenue works prevailing at present will not reduce but increase the problems of works and dual functioning.

6.11 Due to the above stated reasons the committee can't accept the scheme of creating parallel system of searate revenue and panchayat organizations. Further the committee has realised that the existing condition of dual control over Talati-Mantri and dual revenue administration also will not be held on for a long term. Committee does not think that Panchayat have hesitated in executing revenue works under the Panchayats. In this context committee favours the ending of dual administration prevailing in revenue field in the following manner :—

(1) Post and Office of the Mamlatdar may be abolished.

(2) Out of the duties and functions discharged by the Mamlatdar at present, the following functions and duties should be assigned to Taluka Panchayat and Taluka Development Officer :—

(a) Works and powers under Land Revenue Code and Rules.

(b) All the works regarding scarcity relief and flood relief.

(c) Distribution work of civil supplies in rural areas.

Powers and functions of Mamlatdar regarding anawari and record of rights under Land Revenue Code and Rules should be assigned to Taluka Development Officers as an independent Officer of the State Government, at first stage.

(3) Powers of legal inquiry under Land Revenue Code and powers and functions of Mamlatdar under Mamlatdar Court, Act should be assigned to the proposed Nyaya Panchayat.

(4) Common works and duties of Mamlatdar regarding law and order, control of civil supplies and municipal area and other residuary works should be assigned to Prant Officer of Revenue



sub-division. And Committee believes that the supervision and inspection work entrusted to the Prant Officer should be entrusted to the concerned District/Taluka Panchayat and the officers of those institutions, so that the burden of the Revenue Prant-officer may be considerably reduced.

(5). Establishment of Mamlatdar's office, mostly may be assigned to Panchayat office and the posts of clerks from all the offices of Mamlatdar should be transferred to the office of Prant Officers.

(6) As Circle Inspector (Revenue) and Circle Inspector (Taluka Panchayat) are to be combined under Taluka Development Officer, their works should be organized and implemented in the same way as it was organized prior to Panchayati Raj.

(7) Functions and powers of supervision, inspection, appeal and control resting with the Collector and Prant Officer should be assigned to District Development Officer and Deputy District Development Officer. So far the works and powers of Mamlatdar are assigned to Taluka Panchayat/Taluka Development Officer.

(8) Fields of works and powers regarding the implementation of land amendment acts, inspection work about the maintenance of land records (survey and settlement), land reclamation, supervision and control over Municipal administration, works in regard to the industries excluding, village industry and cottage industry, maintenance of law and order, co-ordination among Government Departments will remain with the Prant-Officer. Committee believes that no permanent full time administrative set-up or officer will be required at Taluka level for the efficient execution of these works. However, if any special officer is required for the execution of work under the Government for area having heavy burden, the creation of the post of Assistant Prant-officer may be considered.

6.12. Under the existing provisions if the Act, public immovable properties exist in Panchayat area and powers as to the removal of impediments and encroachments in respect of these properties are assigned to Gram/Nagar Panchayats. Representations are made before us to the effect that the Gram/Nagar Panchayats are unable to work actively and effectively for removing or getting removed these encroachments. The committee finds that the reasons, shown below, are responsible for the creation of such dissatisfactory position :—

(1) Removal of encroachments is considered as the primary duty and power of Gram/Nagar Panchayat. In case Gram/Nagar Panchayat fails or remains inactive in this duty the Taluka Panchayats get the powers and duties for removing such encroachments. District Panchayat has not been entrusted with any duty or power in this field.

(2) Gram/Nagar Panchayat has been only entrusted with the duties of removing encroachments and impediments while the duties and powers to conduct the cases against the unauthorised utilisation and to impose penalty for the offence already proved, are assigned to Nyaya Panchayat. The Nayaya Panchayats being inactive, no actions are taken in this regard.

(3) No specific and definite powers are entrusted to Panchayats for the removal of impediments and encroachments. No definite power has been given under Panchayat Act for the removal of encroachments as it is given for summary disposal under section 202 of Land Revenue Code.

(4) Prior-permission of Collector is considered necessary for putting away the encroachments upon the Government lands. Generally it is the policy of the Government that the encroachments upon Government lands should be removed only by the Revenue organisation.

(5) Duties and powers of removing encroachments and impediments are vested with Panchayats. In case conflicts may arise between Panchayat and the person for the claims of rights upon such land or property of Panchayat, powers of decision after making authoritative inquiry have been assigned to Collector. Powers as to finalise the claims of rights between the Government and individual under Land Revenue Code and to remove the encroachments are vested with Revenue Officers.

(6) There is a provision that Panchayats can regularise the encroachments and impediments on public properties, but as the rules prescribing terms and conditions are not published, even reasonable cases also can't be properly finalised.

6.13 Considering all the above reasons, the Committee suggests the following clear and specific provisions of removing encroachments and impediments that are already there or are likely to take place upon all the public and Government lands and properties. If the proposal suggested by the Committee is accepted as a whole, an effective source can be created for the removal of impediments and encroachments on the public places or as committee believes, wherever Panchayati Raj set-up will fail or remain inactive in removing the encroachments, the responsibility of such institutions can be fixed up. Points as to the proposal of the Committee are as follows :—

(1) Obligations and powers of removing encroachments and impediments from all the public properties and lands of Government and Panchayats should be assigned only to Panchayati Raj Institutions.

(2) It is extremely necessary that removal of encroachments and impediments should be fully surveyed at district level. It is recommended to organise a system under which a special "cell" from the establishment available at district level for revenue works should be created to prevent encroachments and impediments and to undertake proper actions systematically for its removal and it should be ensured that officers and staff should keep a watch over these encroachments and impediments at all the three levels of Panchayats. Specific responsibility should be fixed that Talati-cum-Mantris and Circle Inspector at village level should be careful so that impediments may not arise and also forward a necessary report at taluka level for such encroachments and impediments as soon as they arise.

With reference to the recommendation made by us for the addition of posts of Panchayat Extension Officer at Taluka level, this responsibility should be assigned to that employee in addition to Circle Inspector.

(3) Removal of encroachments and impediments should be considered a primary duty of the Taluka Panchayat. And thereafter it should be the duty of District Panchayat. Removal of encroachments should be kept only as a voluntary duty for Gram/Nagar Panchayat. It should be provided that in case Taluka Panchayat remains inactive in removing encroachments, District Panchayat can take proper actions. A pattern of the provisions should be considered the same as in the case of the Taluka Panchayat, as it acts within the jurisdiction of Gram Panchayat for the removal of encroachments. It should be specially provided that if any person draws the attention of Taluka Panchayat for the encroachment and Taluka Panchayat does not take necessary actions upto three months due to some reasons, District Development Officer should remove the encroachment as and when it comes to the notice of District Panchayat.

(4) Powers of Taluka/District Panchayats for removing the encroachments should be assigned to Taluka/District Development Officers under Act, because it is not easy or possible for General Sabha, Committee or office-bearers to inspect such administrative work.

(5) In order to ensure the effective removal of encroachments by Panchayati Raj Institutions, the powers available to revenue department under sections 61, 79-A, of Land Revenue Code, and rules thereunder should also be assigned to Panchayats by making similar provisions in Panchayat Act.

(6) Powers for regularising encroachments and impediments in due cases should be kept with Commissioner and justifiable finalisation of such cases should be provided for.

(7) It becomes difficult to fix up the encroachments and impediments on the public lands due to the non-availability of village-site plans in various villages. It is likely that it may not be possible to carry out the village-site survey in villages by the establishment under Government, on a large scale just like the "city survey" in cities. On the other side due to the lack of such plans, the encroachments and impediments on publiclands are increasing and the disputes between the private parties are also prolonging. This situation is required to be removed at the earliest. The same situation also prevails in pasture lands transferred to Panchayats.

If District Panchayat may initiate to carry out the survey of village-sites and pasture lands by appointing surveyors having proper technical know-how and experience, from its own fund, it is desirable to make statutory provision in Panchayat Act to take such maps as reliable maps. This arrangement does not bear any risk as the necessary powers and duties will be executed by the Taluka Development Officer and the survey will be carried out and maps will be prepared by the staff having proper technical knowledge and experience.

(8) If claims or disputes regarding the rights of property or land may arise between the Panchayat and individuals, the powers to finalise the matter after its proper investigation should be assigned to the proposed Nyaya Panchayat.

(9) The Committee believes that it will be beneficial if a provision for formation of such a cell at divisional and State level ( in Revenue Department ) for the removal of encroachments or impediments is made and discussions from time to time in this regard are held.

#### 4. WORKS AND SCHEMES REGARDING PUBLIC WORKS

6.14 The Committee believes that it is very essential to strengthen and to make effective the works and activities of Public Works which are in progress under Panchayat. Committee has recommended to assign the revenue works and duties to Panchayats on a large-scale. However, in this context committee does not favour the assignment of large constructions under the Public Works Department to the Panchayats at this stage. Committee feels that if the medium and major irrigation schemes, original construction works of national highways and construction of buildings costing more than five lakhs, of Public Works Department are continued to be in charge of Public Works Department, it will not so much result in dual administration. Such major constructions require full-time engineering divisions and Sub-divisions and therefore committee feels that there is no possibility or scope for greater economy in establishment and expenditure by handing over the administration of such constructions to Panchayats. Further such constructions require high-level technical knowledge and experience. Therefore, it is also necessary

and desirable that these works should be kept under the direct administration and supervision of Executive Engineer and Chief Engineer at State level. Moreover such constructions generally cover up more than one district. Also from this point of view, if such constructions are undertaken by one organisation of Government committee thinks that consistent standard and uniformity in works will be maintained. Accordingly considering the question fully, committee has found that it is not necessary to assign the above shown major original constructions to Panchayats at present stage.

Major works shown above should be got constructed under Government authority. Thereafter, if its maintenance, repairs, preservation and operation will be assigned to Panchayats, committee presumes that the dual administrative set-up will be improved and economy will be achieved in expenditure considerably. Generally separate divisions or sub-divisions are not organised for the maintenance, repairs and preservation of such major constructions. Therefore, if, according to the criteria of Public Works Department, proper technical and administrative establishment is put up under the Executive Engineer of Panchayat for the repairs, maintenance, preservation and operation of such works, Committee feels that, a special engineering division or sub-division kept for this work between two to three districts can be abolished and thus economy can be made in expenditure considerably.

It is the recommendation of the Committee that original works of buildings costing upto rupees five lakhs and works regarding the rural water supply schemes upto rupees five lakhs constructed under Government supervision should be assigned to Panchayats.

6.15 Town planning schemes are implemented under Town Planning Act, in the area of certain Gram/Nagar Panchayats. Implementation of these schemes is effected after obtaining the opinions and views of the District Panchayats on the proposal of the schemes and general powers pertaining to control and regulations of the works in this field of Gram/Nagar Panchayats, are assigned to District Panchayat, it will be consistent with the Panchayati Raj set-up. Accordingly committee recommends that necessary arrangements may be considered.

## 5. AGRICULTURE, ANIMAL HUSBANDARY AND FISHERIES

6.16 Committee recommends to transfer the following activities and schemes of the Departments of Agriculture, Animal Husbandary and Fisheries to Panchayats :—

- (1) Programmes of soil conservation and improvements.
- (2) Schemes of giving facilities to Farmers through boring, blasting, bull-dozers, tractors etc.,

(3) Instead of forming separate institutions, District Panchayat should be assigned the works, regarding the special schemes for the economic upliftment of small farmers, marginal farmers, agricultural labourers, etc., as an institute.

(4) Other centres for the activities of poultry and animal husbandary at district level.

#### 5. INLAND FISHERIES

The committee believes that on the assignment of all the schemes and activities to Panchayats, as shown above, local public co-operation and encouragement will be received for the scheme and activity.

It is also the assumption of Committee that the area administration of Panchayats will be more useful in effective and inspiring implementation of the schemes and activities.

6.17 At present the Scheme of soil conservation is being operated at all the levels by the Agriculture Department of the Government. Soil Conservation Scheme is a district level scheme and it is natural that Panchayati Raj Institutions can implement it more effectively with the active co-operation and contribution of the local farmers. Committee thinks it proper that District Panchayat should plan the programmes of the whole District receiving the demands from the local farmers for the construction of bunding under soil-conservation programme and prescribe the priorities for undertaking the said programme in the different areas of the district and accordingly undertake its implementation work under the supervision and control of the Panchayats at all the three levels.

The land improvement programme assumes a special importance in rural areas for the removal of unemployment. Committee thinks that the land improvement programmes, i. e. reclamation of lands, improvements of grazing lands, bundings, etc., are required to be undertaken on a priority basis in all the areas of the State. The well equipped and strong administrative set up of Panchayati Raj Institutions is sincerely attempting for the implementation of programmes of removing unemployment. In this context, it will be useful as well as necessary, to assign all the works pertaining to land improvement to these institutions.

Committee knows that soil-conservation programmes have certain specific problems. Divisions and Sub-divisions cover more than one district at a time for the programme of bunding and therefore staff under the programme has to move from one district to other district along with the work. And therefore it is said that the organization for this programme is never, permanently stable in any district. As the land improvement programmes are to be

undertaken on large scale in future, Committee considers it necessary to keep the complete division or sub-division in each district. However, the Committee does not think that the solution of the above problem is difficult. This question can be easily solved by deputing the staff under the programme on District Panchayat at the initial stage.

In this context, the Committee recommends to transfer all the works related to land improvement to the Panchayats.

6.18 Certain powers under the Acts and orders regarding the control on fertilizers, acts for the seeds, crop-conservation, etc., are assigned to the District Agricultural Officer as Government officer. Committee has recommended to assign technical powers at district level under all such acts and orders to the District Agricultural Officer and the powers pertaining to administration and control to the District Development Officer, not as a District Panchayat Officer but as a Government Officer under the direct control of the Government. Committee believes that the assignment of such powers concerning to Municipal area to the abovesaid officer will also remove the dual administration.

As described above for the matters pertaining to Agriculture Department, we recommend that technical powers pertaining to different Acts and orders implemented by the Department of Animal Husbandry should be assigned to District Animal Husbandary Officer and administrative and controlling powers to District Development Officer.

## 6. CO-OPERATIVE ACTIVITY

6.19 Under the Co-operative Act, some of the powers and functions of the District Registrar have been assigned to the Panchayats, considering them as some type of co-operative bodies of primary level. However, most of such powers and functions are still under the direct control of and check by the Government through the District Registrar. Certain District level schemes and activities regarding co-operation are also transferred to the District Panchayat.

In the initial stage of Panchayati Raj, the entire District level administration including the District Registrars of Co-operative Societies were placed under the control of the District Panchayats. The duties and schemes assigned by Panchayats to the District Registrars were being performed and implemented by them under the control and inspection of Panchayats and the rest of duties and schemes were being performed and implemented under the Government's control and inspection. Thereafter the District level co-operation set-up was divided and one Assistant District Registrar and a small staff were placed under the control of the District

Panchayat so as to conduct and discharge the activities and duties which were within the jurisdiction of Panchayats and the entire staff including the District Registrar were kept out of the jurisdiction of the District Panchayat and placed under the direct control and check of the State Government.

It is a fact that administration is overlapping in the field of co-operation. The Extension Officer (Co-operation) is under dual control. Similarly, so far as some of the matters and activities regarding co-operation is concerned, the co-operative institutions as well as people have to approach to Panchayat and both the establishments under Co-operation set-up.

In order to do away with such overlapping administration, some prominent persons have proposed that the functions and duties which are at present under the Panchayats according to the law of Co-operation, should be reassigned to the co-operative sector. Such prominent persons are not willing to assign to Panchayats certain additional functions and duties for the following reasons. Since, both Panchayats and Co-operative institutions are elected responsible bodies the autonomy of co-operative institutions would unnecessarily be jeopardised if they are placed under the jurisdiction of the Panchayat of the respective cadre. Co-operative institutions are meant for economic uplift and hence their development would be hindered due to political influence of Panchayats thereupon, Co-operative bodies, from the village level to the national level, are subject to one type of definite financial discipline. It would, therefore, be as good as to disperse the uniform arrangement, if such institutions are placed under the control of the Panchayat of the respective tier.

The Committee, after consideration, feels that the view points of the prominent persons of the co-operative sector as detailed above are not absolutely correct. Since the co-operative bodies are the institutions which are organised willingly and voluntarily, they cannot be placed on par with widely spread and autonomous institutions like Panchayats; nor can they be compared with them. The presumption that the co-operative bodies always remain aloof from the politics, whereas the Panchayats are not at all away from it, is also not realistic. Without the shadow of doubt, the Committee states that the co-operative activity would become more uncontaminated and efficient in the long run, if an administrative control of the local authority be imposed thereupon. Still however, since the Committee has recommended to transfer all the revenue functions to the Panchayats at the present stage, it feels it necessary that all the activities of Co-operative Department should be transferred after some time. In view of the fact that the Government is considering to appoint a high level committee for the co-operative sector, this Committee recommends that a suitable decision in this behalf should be taken after receiving the report of the committee referred to above and till then the position should be continued as unaltered.



## 7. RURAL BOARD CASTING CENTRES

6.20 In rural areas, the rural broadcasting centres are being conducted by Gram Panchayats. The district level officers of the Directorate of Information look after the work of providing radio set to such centres and that of their maintenance and repairs. The Information Department has no staff at taluka/village level. The Gram Panchayats, therefore, are not satisfied with the work of maintenance of and repairs of radio-sets. Besides, the Information Department cannot make a satisfactory recovery of the loan advanced to Gram Panchayats for this scheme. The Committee holds that by transferring this district level scheme to the District Panchayat, more efficient implementation and administration thereof would be ensured.

## 8. ACTIVITIES AND SCHEMES UNDER HEALTH MEDICAL AND AYURVED DEPARTMENT.

6.21 The Committee recommends to transfer to the District Panchayats the following activities and schemes of the Departments mentioned above:—

- (1) Secondary Health Centres, Referral Hospital, Cottage Hospitals and Class-II, Hospitals and Ayurved Hospitals ( not associated with a college )
- (2) National Programmes for eradication of Malaria and Filaria,
- (3) Schemes regarding the treatment of contagious diseases, such as, tuberculosis, leprosy, etc.,

When the entire administrative set-up of the Medical and Health Services and Family Planning activity is placed under the Panchayats the Committee does not find any specific reason to place the work of controlling Malaria, Filaria and contagious diseases under the direct control of the Government. Such programmes, according to the Committee would gain a considerable momentum, if they are placed under the control of such responsible officers as the District Health Officer and the District Development Officer and under the concrete set-up of the District Panchayat. In light of the notable contribution rendered by Panchayati Raj institutions by way of successfully implementing the programmes of Health and Family Planning, it deems necessary and appropriate to transfer these activities and schemes to the Panchayats.

Secondary Health Centres Cottage Hospitals, Referral Hospitals and Class-II Hospitals are generally situated in the cities and towns other than the head-quarters of the District. Technical and administrative control over the said institutions is exercised either by the Civil Surgeon or by the office of the Medical and Health Services.

If such institutions, the Committee thinks, are placed under the direct control and check of the District Development Officer, and the District Panchayat, an improvement might be effected to a great extent in their administration and their routine problems of administration might also be solved with ease.

6.22 The Committee recommends that all the technical powers in respect of the enforcement of different Acts, regarding contagious diseases, vaccination, factories, birth and death, adulteration in food, etc. should be assigned to the District Health Officer or the powers already assigned to him should be kept unaltered and all the powers regarding restriction and control should be delegated to the District Development Officer. The Committee also recommends to make a provision enabling these officers to exercise these powers under the direct control and inspection of the State Government. Further, the Committee suggests that the technical powers regarding all the by-laws that may be enacted in respect of sanitation and health for the Gram/Nagar Panchayats should be exclusively vested in the District Health Officer.

6.23 The administration in respect of the programmes of health and family planning being undertaken by the District Panchayat is overlapping in the same way as is in the case of Government and Panchayat administration. At district level, there are two posts of equal grade, viz. the post of District Health Officer and District Family Planning Officer. At the Primary Health Centre level too, there are two posts of Medical Officers of equal grade. At the rural and area levels, which are below the Taluka level, there are different employees for public health, malaria, small-pox and family planning. Thus, right from the rural level to the District level, there is a separate parallel machinery and arrangement, particularly for the public health and family planning.

There is no substantial reason to continue such parallel administrative set-up. Such an independent establishment, according to the Committee, might have been set up in view of the instructions that might have been given to the State Governments by the Government of India for adopting a policy of maintaining a separate establishment for family planning at every level. Such an arrangement leads the public health authority to devote greater time to the programme for family planning and hence the services regarding public health become more and more meagre. The programme of family planning is, of course, a programme of top priority at national level and therefore, all the officers and staff, who participate in this programme should render their fullest co-operation. The excellent achievement in the field of family planning gained by the Panchayati Raj bodies of Gujarat, during the last year, indicates the interest and enthusiasm of the said institutions in this regard. It cannot be assumed that only by setting up an independent establishment for the programme of family planning, the same could be accelerated on a permanent

basis. The Committee recommends the State Government to implement, the following arrangements even by making representations to the Central Government, if it is found necessary:—

(1) At District level the District Family Planning Officer should be placed under the District Health Officer. Such an arrangement should be implemented after ascertaining necessary differences in respect of class, seniority and pay-scale between the two officers. More importance should be given to the post of the District Health Officer, for we have recommended to place the Class-II Hospitals, Secondary Health Centres, and Cottage Hospitals of the District under the respective District Panchayat's administration. Besides, we have also suggested to place several activities regarding the programmes to control tuberculosis, leprosy, malaria and filaria under the District Panchayats. In this context, it would be necessary to consider the rank of the District Health Officer as equal to that of the Civil Surgeon or the Assistant Director of Medical and Health Services. The District Family Planning Officer and the Assistant surgeons for the programme of family planning should be placed under the District Health Officer. All the three personnel should be entrusted with the joint and integrated responsibility in respect of public health and family planning by dividing the topographical areas of the District.

(2) At Taluka level, at least two Primary Health Centres for every Taluka should be established gradually, the Taluka should be divided into two or more topographical areas and one Medical Officer should be appointed in charge of every centre to shoulder the joint responsibility in respect of public health and family planning. If primary Health Centres are transferred to the Taluka Panchayat, the overall work of Taluka Panchayat level can be assigned to the senior most officer of the two mentioned above.

(3) Actions should be taken so that the concept of Basic Health worker at Gram level can be realised. At present, separate staff at Gram level is allotted for the programmes of family planning, malaria, small-pox and other contagious diseases. The Committee recommends to pool all of them and create one post of multipurpose health worker for the implementation of all the programmes. However, the posts of Assistant Nurse and Midwife are required to be continued separately in order to pay attention on the programme of mother and child-welfare.

6.24 Delegation of certain controlling powers to the Gram/Nagar Panchayats under the Shops and Establishment Act, the Food Adulteration Act, the Sanitation Act and according to the clauses under section 324 of the Panchayats Act, is a matter of satisfaction. However, the Committee recommends to assign concurrent powers to the Taluka/District Panchayats over the powers and functions that may be entrusted to the Gram/Nagar Panchayats under the above said Acts. By making such a provision, the Committee feels,

the Panchayats of Taluka/District level would be enabled to take necessary actions through their establishment against those Gram/Nagar Panchayats which would not be effectively carrying out the works under the Acts referred to above.

It is absolutely necessary that necessary actions should be taken for the check and control in respect of health and sanitation. The Gram/Nagar level administration pays little attention in respect of taking immediate and effective measures regarding offences of adulteration in food occurring at various places, unsanitary situations, cases where local peoples health is endangered due to industries and the programme of controlling infectious diseases. Many a Gram/Nagar Panchayat does not have independent and separate staff to look after such works. Hence, adequate attention is not being paid toward the field of the health and sanitation. On the contrary, in case of some of the Gram/Nagar Panchayats, the work is not properly looked after though they have special staff for this purpose. In order to tide over this unbearable situation, the Committee feels it desirable to delegate to the Taluka and District Panchayats the concurrent powers in this respect so that the Taluka level sanitary Inspector and the District level Sanitary Inspector can take necessary actions in such cases under the supervision and control of the Medical Officer of the Health Centre and the District Health Officer, respectively.

## 9. WORKS UNDER THE SOCIAL WELFARE DEPARTMENT

6.25 At present there are dual establishments at District level to carry out activities and schemes of social welfare. The post of the District Social Welfare Officer along with other staff has been sanctioned for every District Panchayat. Moreover, in respect of the Urban areas, one separate post of the Social Welfare Officer and his establishment have been created for every three to four Districts, and they are under the direct control of the State Government. Due to such type of double setup, more expenditure is incurred unnecessarily and misunderstanding and embarrassment in administration, tend to increase. The Committee holds that the Social Welfare Officer under the District Panchayat can perform his duties within the municipal area of the respective District under the direct supervision of the Welfare Department. At present, in order to carry out the work of schemes and activities for the weaker sections of society in the municipal areas, non-gazetted staff is placed under the Social Welfare Officer, who is under the control of the Government. The said staff should be allotted to different Social Welfare Officers under the District Panchayats in different Districts, because the Committee does not feel it necessary to continue the separate posts of the Social Welfare Officers whose headquarter is away from most of the municipal areas and still are in charge of the said activities. The Committee's recommendation in this behalf is that the existing separate establishment for the supervision of the schemes of Social Welfare Depart-

ment for the urban areas, which is under the control of the State Government should be abolished and under the direct control of the Government, its functions should be assigned to the District Officer of that Department who is placed under the District Panchayat, and for their proper execution, the existing non-gazetted staff of the said establishment should be transferred to the District Social Welfare Officer of the District Panchayat in view of the work-load in every District.

The implementation of some of the new schemes of Social Welfare Department at District level have not been assigned to the District Panchayats. Since Social Welfare Department has no independent establishment at District level, the Committee urges to transfer all of that Departments schemes and activities for rural areas to District Panchayats without any reluctance.

#### 10. OTHER PROGRAMMES AND SCHEMES

¶6.26 During the last year, Shri S. K. Dey, the Chairman of the all India Panchayats Parishad had visited Gujarat and at that time after conducting a study of Panchayati Raj, he had made supplementary suggestions in respect of some of the schemes and programmes. The Committee has gone into them. Since the Fifth Five Year Plan is being envisaged, the Committee deems it necessary to suggest that the respective divisions and Departments should bear in mind all the recommendations regarding programmes and schemes made by Shri Dey in his report and consider carefully to include them in the Fifth Five Year Plan.

6.27 The Committee has made detailed recommendations in respect of primary education, economic uplift of the weaker sections of society and for the social justice, in Chapters VII and VIII, respectively.

#### 11. SOME OF THE GENERAL RECOMMENDATIONS FOR THE TRANSFER OF FUNCTIONS :

6.28 It has come to the notice of the Committee that some Departments of the State Government have not transferred the implementation work of their programmes, schemes and activities, instead, they conduct such programmes, etc. through the parallel set-up of their Departments at respective level. The Committee completely endorses the views in respect of such type of situation which have been expressed by the Administrative Reforms Committee of the State of Maharashtra as under :—

“Certain technical departments of Government continue to have their own independent organisations in respect of some schemes, right down to the village level and this is sought to be justified on the ground that these schemes require higher technical skill which is not available with Zilla Parishads. The

Committee is not inclined to accept this argument. The tendency to create parallel State organisations down to the village level, if encouraged, will strike at the very root of the democratic decentralisation. The vertical organisation of technical departments of Government, at least in so far as extension work is concerned, should end at the regional level. The rest of the organisation should be under the Panchayati Raj Institutions."

In this context, the committee recommends that those District level activities and schemes regarding extension and development programmes of different Departments of the State Government which are not transferred to the Panchayati Raj bodies so far, should immediately be reviewed by the respective divisions and Departments, and necessary actions should be taken for their immediate transfer to the Panchayati Raj institutions.

6.29 Some of the Programmes and schemes being transferred by the Central Government to the State Government are to be implemented according to the pattern and norm laid down by the Central Government. Keeping in view the position of the Panchayati Raj institution throughout the country, the Central Government decides to establish new bodies for some of the programmes. The Agency for marginal farmers and agricultural labourers stands as an instance. In Gujarat, as there is a well established and well-planned Panchayati Raj Administration, and the Panchayati Raj is the only alternative establishment for the implementation of schemes for development at District level, the Committee requests the State Government to make a suitable representation before the Central Government to transfer the work of implementation and management of such District level schemes and programmes to the Panchayati Raj bodies of Gujarat, where it is found necessary.

6.30 The Committee recommends to give necessary instructions to all the Departments and Heads of the Departments of the Government to ensure it with necessary care and accuracy that adequate financial provisions, administrative set-up and resources are allotted to the Panchayats alongwith all the activities, schemes, functions and powers that may be transferred to the Panchayats by the Government.

6.31 Since the provision contained in Section 158-(c) of the Panchayats Act which enables the Government to reverse the move of assigning any activity, scheme, function or power transferred to the Panchayat by the Government, is very helpful in strengthening the Panchayati Raj, the Committee recommends to continue the same.

6.32 It would be in tune with the wider policy of decentralisation, if the District Panchayats transferred to all Gram/Nagar, Taluka Panchayats as many activities, schemes and programmes as possible out of a variety of them which are being transferred to them by the District Panchayats. The true decentralisation would be effected only when all the Taluka level functions, schemes and activities,

the implementation whereof is feasible in view of availability of sources and staff, should be transferred to the Taluka Panchayats. Many District Panchayats have shown a marked progress in this direction. However, in some Districts a large part of activities, etc. have still remained to be transferred to the Taluka and Gram/Nagar Panchayats. The Committee, after a detailed discussion makes the following recommendations in this regard :

(1) All the activities, programmes and schemes which have been transferred to the District Panchayats by the Government so far should be reviewed and out of them, directives should be issued for those which are transferrable to the Panchayats of lower tiers.

(2) When it is decided now onwards as to which of the different activities, programmes and schemes are to be transferred to the District Panchayats by the Government, it should be taken into consideration that to what extent they are to be transferred to the Panchayats of lower tiers and orders of transfer should be issued containing the instructions to that effect to the District Panchayats.

(3) According to the Committee, it is necessary that all the schemes, activities, programmes and functions, excluding those mentioned below, should be transferred to the Taluka Panchayats.

1. Proposed Secondary Health Centres, Cottage Hospitals and Class-II Hospitals.
2. New construction of District level main roads and other roads.
3. Repairs to and maintenance of proposed National High Ways and State level High ways.
4. New construction works of the building costing more than Rs. 20,000.
5. New construction works of minor irrigation schemes, check dam, percolation dam, etc., costing more than twenty thousand rupees.
6. Powers in respect of provisions of the co-operative law.
7. Schemes meant for more than one Taluka and District level schemes, such as the District Poultry Breeding Centre.
8. Powers and functions assigned to the Officer, superior to the the Mamlatdar under the Act and rules regarding land revenue.

It is desirable that the new works of big buildings should fall under the jurisdiction of the District Panchayat, because each and every Taluka Panchayat would not be able to avail of the services of the Deputy Engineer. In these circumstances, it would

not be practical enough to transfer such works of technical responsibility without the adequate staff of engineers. However, the Committee thinks that the day-to-day works of maintenance, repairs and preservation would be improved, if the said works in respect of small irrigation schemes, District level roads and all the buildings of the District Panchayat and Government situated in the Taluka area are transferred to Taluka Panchayats.

Just as it is in the case of Primary Health Centres, allowance should be given to the District Panchayats to transfer the administration of Seeds Multiplication Centres, too, to the Taluka Panchayats, if they desire so.

(4) Just as the Committee has recommended to transfer to the Taluka Panchayats as many activities and schemes as possible, it also recommends the same type of transfer to Gram/Nagar Panchayats keeping in view their capacity and structure of establishments. It is also required to be considered to assign some of the special activities, schemes and works to the Gram and Nagar Panchayats of the 'Best' and 'better' categories.

(5) While chalking out the schemes at State level and District level, care should also be taken to design such schemes as may be implemented by the respective Panchayats at Gram/Nagar level, so that the Panchayats of all the three tiers can be made throbbing with activities.

(6) At present there is a practice of appointing different and independent advisory committees for running any schemes or activity of the Government and the District Taluka Panchayats at Gram/Nagar level. The office-bearers of the Panchayats of the respective tier should get prominent place thereupon.

## 12. UNDERTAKING OF SCHEMES OF INDUSTRIAL TRADE ENTERPRISES AND LUCRATIVE PROPERTIES.

6.33 Various Committees and experts have recommended to allow the Panchayati Raj Institutions to undertake trade or industrial enterprises so as to raise lucrative sources. Shri Sadik Ali Study Group appointed by the Government of Rajasthan has recommended to encourage the Panchayats to raise lucrative properties such as shops and markets. Similarly, Shri Santhanam Study Group appointed to go into financial resources has recommended to transfer to the Panchayati Raj Institutions, the public lands, trees, tanks, unreserved forests, rest houses and other buildings and income derived therefrom should be utilised for raising and maintaining permanent assets. The Panchayati Raj Evaluation Committee appointed by the Government of Maharashtra has also recommended to allow the Gram Panchayats to undertake trade enterprises on certain conditions. Shri Santhanam study Group and Prof. Henry Meddik have also suggested to advance an adequate amount of loan to enable the Panchayati Raj institutions to raise lucrative resources.



No Panchayat of any tier is allowed to establish agricultural or industrial enterprises for trade purposes. under the existing provisions of the Gujarat Panchayats Act. Comparatively Panchayati Raj institutions in other States of the country are though not superior to their counterparts in Gujarat, in many states they avail of enough scope and incentive to undertake industrial enterprises. In these circumstances, it is necessary that the Panchayati Raj institutions should undertake trade or industrial enterprises. Some circles have apprehended that loss might be incurred in such essential enterprises, whereas some of them have entertained doubts as to whether the Panchayats would be able to run such enterprises with efficiency through their local set-up without the help of experts in the industrial field. After a detailed consideration in this regard, the Committee feels that the schemes and activities that may be undertaken by the Panchayati Raj institutions for commercial purposes would not resemble large scale public sector industrial enterprise. Instead, they would be a local level public enterprises. The apprehension and doubt mentioned above would, therefore, be out of place. Moreover, the Committee thinks that with the Panchayati Raj institutions entering in some of the fields wherein the private sectors are working with a considerable profit, the rural community would be benefited with suitable services, equipments and supply. Another viewpoint is that more and more independent and new schemes would be undertaken by the Panchayats in different fields. And thereby the Committee feels, the local rural people would be blessed with new ideas and inspiration. The Committee, after a comprehensive study of all the factors, has come to the conclusion that the Panchayati Raj institutions should be allowed to establish trade property and public enterprises in agriculture, industry, construction and other fields for commercial purposes and a specific provision should be made in the Act enabling the Panchayats to avail of necessary capital, equipments and services of experts easily for the said purpose. Different types of industrial trade enterprises and schemes of lucrative property have been enlisted in the Appendix-XII, for the undertaking of which the Panchayats of the three tiers are entitled.

6.34 In chapter 10 we have recommended to make such a provision that the Panchayats can get adequate loan from the District Development Fund and other sources for raising lucrative properties or establishing public enterprises. A specific provision should also be made in the Act so that if a joint industrial enterprise is undertaken for the entire Panchayati Raj at the State level, with enthusiastic co-operation and collaboration by different Panchayats, the same should be conducted as the enterprise in the Panchayat Sector under the auspices of the State Council for Panchayats. Central Store for medicines and equipments, pharmacy, factory for the production of pre-fabricated materials for public properties under the Panchayat, etc. can be considered as the joint industrial enterprises, referred to above.

## CHAPTER VII

## PRIMARY EDUCATION

## 1. GENERAL OBSERVATION

7.1 Some educationists have made representations before us to the effect that year by year more and more complicated problems and embarrassing situations arise in the field of primary education. Casual submissions have also been made to the effect that the Panchayati Raj is the root cause for arising of such situation. The Committee, after analysing the whole situation, feels that since the number of children attending schools is increasing year by year with leaps and bounds, the spread of primary education is increasing with an unimaginable speed. It is essential, the Committee feels, that the concerned circles should at least understand what a great endeavour is required from all levels to carry on the activity and programme which are progressing with such a great speed. When the "Primary Education" has shown a rapid progress, it is of extreme importance that facilities such as required teaching staff, educational apparatus, buildings, etc. and other services should be provided to this field within appropriate time and in due proportion. Of course, there is a scope for improvements in the activity of primary education which is in charge, of the Panchayati Raj and in this Chapter, the Committee has made necessary suggestions and recommendations to implement suitable improvements. Various complicated problems and embarrassing situations which have arisen in the field of primary education would not be overcome, as the Committee realises, by finding faults with the Panchayati Raj institutions but by creative and constructive thinking.

## 2. FORM CONSTITUTION AND ORGANISATION OF EDUCATION COMMITTEE

7.2 Some persons associated with the field of education have made a representation to the effect that in order to look after the work of primary education, a separate District School Board should be established on the lines of the one which existed heretofore. Some educationists though favoured the continuance of the existing practice of conducting the activity of primary education in charge of the District Panchayat by constituting the Education Committee have suggested to effect changes in the organisation, membership, form and constitution. If the democratic decentralisation is to be stabilised and consolidated, according to the Committee, the very concept of establishing more than one autonomous body at the District level would be proved fatal instead of being supportive to the said ideology. Of course, in order to keep up the standard of

education through the Local Self-Government Bodies, the constitution of the Education Committee should be so envisaged that persons having aptitude for and experience in teaching work and educated and trained persons should be made the members of the Education Committee.

*Recommendations in respect of Primary Education*

7.3. After making a comprehensive and detailed consideration in respect of the public agency of primary education, the Committee makes the following recommendations :—

(1) The present existence and position of the Education Committee as an integral part of the District Panchayat should be continued. The scope of the work and the five years' term of the said Committee should also be continued, and the existing practice of the full time Chairman of the Committee may also be continued. In short, the committee suggests to continue the existing relations between the Education Committee and the District Panchayat in an unaltered position. The Taluka Panchayat's existing functions, duties and powers relating to primary education should be continued, however, for their execution there is no need of a separate Education Committee at that level. It would be desirable, if the Taluka Panchayat would assign the work of primary education to the Executive Committee. It should be decided that administrative duty, relating to Primary Education, that may be discharged by the Taluka Panchayat should be subject to the Policy laid down by the District Panchayat for the respective District.

(2) We do accept the principle that persons having interest and direct experience in the teaching line should be placed on the Education Committee of the District Panchayat. But at the same time we firmly believe that it would be consistent with the concept and practice of the democracy and Panchayati Raj, if all the members of the Education Committee are elected or selected by the District Panchayat. In this context, we make the following recommendations in respect of the organisation and constitution of the Education Committee of the District Panchayat :—

We propose to fix the membership of the Education Committee at 9, where the total membership of the District Panchayat is upto 39 and in case where the total membership of the District Panchayat is more than 39, the number of members of the said Committee should be fixed at 11.

(3) All the members of the Education Committee should be selected by the elected members of the District Panchayat.

(4) The constitution of the Education Committee of the District Panchayat should be as under :—

Sr. No.	Kind of Member	No. of members	
		In the District having 11 members in all	In the District having 9 members in all
1	2	3	4
<b>(1) Out of Ordinary Voters of the Rural District</b>			
A	Out of the Graduate / Snatak Educationists of any faculty, having atleast five years' teaching experience of any one of the primary, secondary, higher or vocational education.	3	2
B	Out of persons having education at least upto Graduate / Snatak Degree in any faculty and taking interest in the field of education.	1	1
C	Out of persons possessing at least ten years' teaching experience and having an apptitude for education.	1	1
D	<b>Reserved Seats :</b>		
	(1) For Women .. ..	1	1
	(2) For Scheduled Castes ..	1	1
	(3) For Scheduled Tribes ..	1	1
<b>( In those Districts where the population of such Tribes is more than five percent of the total number of population ).</b>			
Persons having atleast matriculation or equivalent educational qualifications should be entitled to the above reserved seats.			
<b>(2) Out of the elected members of the District Panchayat</b>			
Out of the District Panchayat's own elected members :—			
	(1) In the Districts where seats are reserved for the Scheduled Tribes.	3	2
OR			
	(2) In other Districts .. ..	4	3
<b>Total No. of Seats</b> ..		<b>11</b>	<b>9</b>

We suggest that one representative that may be elected by the Presidents of the non-authorized Municipalities of the District which do not look after the work of primary education, should be given co-opted membership on the Education Committee.

(5) The members of the Education Committee as detailed above should elect the Chairman of the Committee. Every member of the Education Committee is entitled to hold the Chairmanship. The existing prohibitory provision of the Act that the President of the District Panchayat cannot hold the Chairmanship of the Education Committee in addition to his presidentship, should be continued. It is also recommended to make a specific provision that the Vice-President of the District Panchayat cannot become the Chairman of the Education Committee only by the virtue of his being elected as the member of the Education Committee, but he can become the Chairman of the said Committee only if the majority of the members of the Committee elect him as such."

(6) As the Education Committee is of a special nature, most of its members will not be elected directly by the people. In that context it will be imperative to provide that the Chairman of the Committee will be responsible to the District Panchayat. Ordinarily, the Chairman of the Committee should be responsible to the Committee but the directly elected members of the District Panchayat should have control over the Chairman of the Education Committee who holds full time an important post. The Committee, therefore, recommends that the General Body of the District Panchayat should be vested with powers to remove the Chairman of the Education Committee by 2/3 majority. Further, it is also necessary to empower the Education Committee to pass a no confidence motion against the Chairman of Education Committee by 2/3 majority. Thus it is recommended to grant equal powers both to the District Panchayat and Education Committee in respect of no confidence motion against the Chairman of this Committee.

### 3. STRENGTH OF TEACHERS

7.4 The Committee believes that the existing standard for teacher student ratio in Primary Schools is 1 : 50 for Standards I and II, 1:20 to 40 for Standard III and IV, and 1:15 to 40 for V, VI and VII each.

The Committee considers that one teacher may not be able to do full justice to teaching work in Std. I to IV, eventhough the number of the students may be less. Similarly apart from the small number of students standards V, VI or VII cannot be imparted adequate training without an independent teacher. The Committee, therefore, recommends that for Primary Schools a fixed standard to sanction atleast two teachers for standards I to IV and at least one independent teacher for Standards V, VI, and VII each should be adopted without taking into consideration number of students. The

Committee is very well aware of that the Government will have to bear a great financial burden by this suggestion but if justice is to be dispensed to the primary education in true sense of the term and also if primary education is to be made free and compulsory for the younger generation then the Committee finds no other alternative. Looking to the financial implications, if it is not possible to extent this liberal standard to all the areas of the State, the Committee strongly recommends to apply this standard on an experimental basis, particularly in backward areas.

As there are considerable number of teachers in each district for primary education, the number of teachers on leave at any time of the year is also considerable. It is not desirable that work of the teachers on long leave should be taken up by other teachers. Consequently in the absence of the teacher education of children is adversely affected. After careful consideration, the Committee suggests that in each District, leave reserve posts equal to one per cent of the total posts of teachers should be sanctioned. The Committee also recommends that the teachers appointed on these posts should work as substitutes of teachers on leave and under training in refresher courses and uptill such exigency arises, such teachers should be given practical training in Taluka Schools.

#### 4. SCHOOL BUILDING

7.5 Desired results have not been achieved on construction of School Buildings and rooms. At some places schools sit in unsatisfactory rented houses, while at some places condition is yet such that students are taught in *chora* or in open. In respect of construction of school buildings, funds of Panchayats are tied up for years because of the fact that adequate provision is not being made in State Government budget every year. The condition of the existing School buildings is deteriorating day by day. It is common knowledge that sufficient amount is not sanctioned for their maintenance. Looking to the present circumstances the Committee recommend as under :—

(1) The existing practice of prescribing various type-designs for school buildings and rooms and also the present ceiling of expenditure per room calculated according to approved schedule of rates from year to year should be abolished and a fixed standard of giving 50 per cent of total expenditure on school building as Government grant should be laid down. The Panchayats should be allowed to contribute from their local funds against a Government grant-in-aid.

(2) It seems necessary that in inaccessible and backward areas. Government should construct atleast one school room without any popular contribution.

(3) Fifth Five Year Plan should liberally provide for school buildings and rooms and annual programmes should be planned. Specific provisions should be made for releasing Government grant within one year against the programme undertaken through popular contribution, charity or from the funds of Panchayats.

(4) The powers to sanction special repairs to school building should be delegated to District authorities instead of to State level authorities and a standard for allocating necessary grant for special repairs to school buildings to each district every year should be fixed.

(5) No grant is sanctioned for ordinary repairs to school buildings by Government. It is felt that ordinary repairs to school buildings is expected to be met from datum grant or their own funds. Looking to the number of school buildings and its costs, maintenance of such buildings by Panchayats from their own resources is quite impossible. According to the standard of percentage fixed by Public Works Department for ordinary repairs to buildings from year to year and taking into consideration costs of school building 50 per cent of the amount necessary for ordinary repairs should be granted as Government grant in aid and the remaining 50 per cent should be met by the Panchayats from datum grant or from their own funds allotted for primary education.

## 5. FINANCIAL RESOURCES FOR PRIMARY EDUCATION

7.6 Statutory provisions should be made to get the three tier system of Panchayats to earmark certain amount from their own funds for education and to attempt to raise standard of education by utilizing the same for education. It is also considered necessary that Gram/Nagar Panchayats should reserve ten per cent of their united resources for this sector and utilize it for Balwadi, Anganwadi, sports ground for children, adult education and primary education and also if possible for secondary or professional and technical education according to local convenience. The Committee also recommends to make statutory provisions under which Taluka Panchayats should compulsorily levy ten paise education cess on every rupee of land revenue and utilise the income therefrom for primary education. Similarly the existing law provides for allotting amount from the local fund cess calculated at eight paise per rupee of land revenue and utilizing it for the purposes of primary education. The Committee recommends to enhance the rate of eight paise to ten paise. The Committee also recommends to make statutory provision to the effect that the District Panchayats should allot and utilise income at the rate of five paise from the income from land revenue for the purposes of female and child programmes and other educational programmes including adult education. The representations before the Committee that the standard of Government grant-in-aid against datum capitation expenditure is very insufficient and unrealistic, is found to be substantially justified.

The Committee believes that the recommendations of the Committee constituted under the Chairmanship of the Director of Education to give datum capitation grant at cent per cent for the expenditure on non-teaching staff and at Rs. 2 per student present, but not exceeding  $\frac{1}{3}$  of the total expenditure, is under the consideration of Government. After detailed scrutiny of this problem we feel that even if the above proposal is fully accepted by Government, the major part of amount allotted by the Panchayats for Primary Education from own resources would be spent after day-to-day administrative expenditure of primary schools and there will be no scope for undertaking any original experiments or schemes like construction of school buildings in the field of primary education. The Committee feels that the criteria of average attendance would be found difficult to comply with in the areas particularly where due to various socio-economic reasons, children fail to get their primary education. After careful consideration the Committee suggests that recommendations of the Committee constituted under the Chairmanship of the Director of Education should be accepted alongwith the following liberal standards :—

(a) Cent per cent grant should be given in the areas where average attendance is 80 per cent of the enrolled students. The number of schools in backward areas should be calculated and even if such schools have 60 per cent average attendance, they should be granted cent per cent grant. For the backward and average areas as mentioned above 80 and 60 per cent attendance should be deemed as cent per cent and the grant should be proportionately reduced for less than 80 and 60 per cent attendance.

(b) The existing standard of giving grant upto  $\frac{1}{3}$  of total expenditure should be fixed at 70 per cent.

(c) The criteria to calculate datum capitation expenditure every year should be adopted. Block grant should be given in the beginning of each financial year and during the year, the figures of previous financial years should be compared to actual expenditure of the present financial year and adjusted.

## 6. SOME THOUGHTS AND PROGRAMMES FOR PRIMARY EDUCATION

7.7 In order to prevent illiteracy, the Committee have found the idea of changing the present system of education by introducing two hours' part time courses either in the morning or in the evening in backward areas and for weaker sections of the society attractive and realistic. The Committee believes that such education can be easily imparted by running an Anganwadi, under the special nutrition programme. The Committee is of the view that when the number of the teachers are increased as per the recommendations of the Committee, the present system of primary education as well as the system of part time education can be put into effect and for that the Committee recommends, for it.



The Committee views with great concern the fact that notwithstanding the provision for free and compulsory primary education, the number of illiterate youth and adults in the country as well as in State is increasing. This grave and intricate problem can only be solved adequately if the programmes for adult education are undertaken on a permanent footing in the true sense of the term and not as a campaign. The Committee thinks that particularly all the members, officers and staff of District and Taluka Panchayats should be required to educate atleast one illiterate adult each year. Similarly the Committee also recommends to open permanent classes for adult education extensively and to grant suitable remuneration to local teachers by the Panchayats. The Committee considers that fruitful results can be achieved, if the Panchayats are granted appropriate grant-in-aid to supplement the schemes prepared by them from their own funds for adult education.

7.8 To achieve the object of enlarging the village schools to vital centres for building up prospective citizens, it is necessary to establish live contact between education and rural life. The Committee believes it vitally important to create favourable atmosphere and to build-up necessary facilities in primary schools for activities like agriculture, village industries, animal husbandry, etc. so that students may get practical experience of life at school. Basic education can only succeed in the real sense of the term when cultivable lands admeasuring atleast two acres and maximum ten acres are given by Village / Nagar Panchayats to primary school. The Committee expects that particularly 'best' and 'better' Village and Nagar Panchayats should take initiative in this field and provide an illustrious examples. It is desired that this farm would inculcate the dignity of manual labour and also will be a demonstration centre for agricultural improvements and modern practices adopted in the country and the world and it will expand mental outlook of the children. Interalia, children of the weaker sections of the Society would come forward to get education when particularly those children are provided with mid-day meals. There is a centrally sponsored scheme of Applied Nutrition Programme in the Fourth Plan. Necessary steps should be taken to extend the scope of this scheme during the Fifth Five Year Plan. The Committee recommends to open as many Panchayat gardens as possible under this scheme and to implement the scheme of panchayat farms under the Education Department or Agricultural Department in more areas if need be.

7.9 The report of the Education Commission constituted under the Chairmanship of Shri Kothari at national level conceives that there should be a major school for five or six small schools, a secondary school for five or six major schools and Vidyapeeth or a University for a group of such secondary schools. This should constitute study complex, activity complex and education complex and should voluntarily work in close co-operation. The Committee is impressed

by such an idea and recommends that due consideration and measures should be undertaken to arrange the planning of education in the State on this pattern.

7.10. It is a fact that the scheme of compulsory primary education is not implemented as expected. The Committee is not unmindful of the fact that certain poor parents cannot send their children to school out of financial handicaps. Hence the Committee has made the above recommendation for introducing the schemes of part-time education and mid-day meals. Still however, there do exist certain families, which inspite of their good financial position, fail to send their children to school. The Committee holds that in such circumstances the scheme of compulsory primary education should be enforced strictly and therefore it suggests the specific *modus operandi* like this.

The Headmaster and the Assistant Teacher should prepare a list of children not going to school and thereafter should duly forward this list to the Gram Panchayat Office. Then the Sarpanch will be responsible and if he fails to persuade the defaulting families, the *Talati-cum-Mantri* should be made responsible for lodging due complaint under the Compulsory Education Act. The Committee believes that pursuance of such specific measures alone will ensure the efficient implementation of compulsory primary education scheme.

#### 7. RECRUITMENT, TRANSFER AND TRAINING OF PRIMARY TEACHERS

7.11. The Committee for recruitment of the teaching staff in respect of primary education is recommended to be formed on the following pattern :—

- (i) Chairman of the Education Committee.
- (ii) Woman member of the Education Committee.
- (iii) Scheduled caste or Scheduled tribe member of the Education Committee ( whichever caste is predominant in the District ).
- (iv) Principal of the Training College.
- (v) Administrative Officer.

7.12 Strong representations have been made before the Committee regarding frequent and unjustified transfers of the teachers. The blame for this is attributed to Panchayati Raj by certain quarters. After profound consideration of this problem, the Committee has observed that the resentment against the transfers of teachers has been continuing since the time of the old District Committees. Again, increase in the number of teachers during the last decade and the growing interest displayed by the office-bearers of the District and Taluka Panchayats in the transfer of teachers has complicated the problem still further. In spite of the fact that the

existing transfer Committee consists of three officers and one office bearer it has not been possible to find out an amicable solution to this question. Since the Committee has recommended the appointment of the individuals with experience and aptitude in the sphere of education while forming the District Education Committee, this Committee feels that the standards and administration of education would positively improve. The cases of transfer of teachers are also expected to improve with inclusion of scheduled caste or scheduled tribes members and a woman member on the Transfer Committee.

The Committee makes the following recommendations regarding the transfer of teachers :—

(1) For making the transfers of the teachers, teaching staff etc. a Committee should be constituted of the following members :

(i) Chairman of the Education Committee.

(ii) The Scheduled caste or Scheduled tribe member of the Education Committee ( whichever caste is predominant in the District ).

(iii) woman member of the Education Committee

(iv) District Development Officer.

(v) Administrative Officer.

(2) Under section 24 of the Bombay Primary Education Act, The Director of Education of the State has issued instructions prescribing certain norms regarding the transfer of teachers. On a detailed study of these instructions, the Committee has found it necessary to make these rules more rigorous. The Committee suggests the following changes in the said instructions :—

(1) As per the existing instructions, there is a provision to order normal transfers of teachers during the vacation period twice a year. Instead, we recommend a precise norm under which the transfer of teachers will be made only once a year and that too, during the summer vacation. Emphasis should be laid on the observance of a schedule whereunder the proposals regarding the transfers may be prepared during the period from February to April and orders of transfer may reach all the teachers, the Taluka Panchayat Office and the Taluka School Offices concerned upto the middle of May. In case it is inevitable to order transfer of any teacher during the remaining portion of the year, concrete grounds for such exceptional case should be placed on record by the members of the Transfer Committee. Moreover, the proportion of such exceptional cases of transfers must in no case exceed one per cent of the total number of teachers.

(2) The existing standard laying down normal transfer of primary teachers during a year at not more than 15 per cent and to obtain prior approval of the Director of Education if it exceeds 20 per cent in special circumstances should be revised and it should be laid down that the District Level Transfer Committee can order transfer of not more than 10 per cent of total teachers and in exceptional cases transfers beyond this limit is to be ordered, prior permission of the Director of Education must be obtained and this standard should be strictly adhered to.

(3) Representations have been made before the Committee to the effect that the provision which invests the Taluka Administrative Officer (Education) with powers in exceptional circumstances to order transfers in anticipation of post-facto sanction of the District Level Transfer Committee has been abused. The Committee therefore recommends removal of this exception.

(4) As per the existing system, there is a provision that the teachers who might have obtained training at their own expense or by taking a loan scholarship should be initially posted, to the best possible extent, in or around their native place so as to enable them to repay the amount of loan easily. This, in view of the Committee, has an adverse effect on teaching. If the loan advanced is interest-free and repayable in easy instalments, there should be no difficulty in repaying the same. According to the Committee, the solution of this problem does not lie in posting the teacher in or around his native place and encouraging him to raise supplementary source of income through side business.

(5) The existing set up of rules provides for posting the Harijan teachers in the villages where they can get residential facilities. The Committee holds that there should be a specific administrative machinery which, while considering the transfers of the scheduled caste / tribe teachers as well as of women teachers would, invariably take into account all types of their conveniences over and above the accommodation facilities and social environment. Particularly, Harijan and women teachers should be provided with residential accommodation. In view of the fact that not a single Harijan teacher was posted in one of the urban areas visited by the Committee, it desires to suggest that atleast proportionate allotment of Harijan teachers should invariably be made on the posts of teachers in urban areas.

(6) The present provision of posting women teachers generally at the place of service of their spouses and if not serving at the same place, to facilitate their transfer at a possible common place of service is found to be proper. If one of the serving

couple is a teacher and the other is an employee of Government Panchayat or a semi-Government body, we recommend that the policy of their simultaneous transfer should be strictly implemented.

(7) Provision should be made to continue the service tenure of a teacher at a particular place upto 10 years instead of 5 years as at present.

(8) Care should be taken to ensure strict implementation of whatever norms are prescribed for the transfer of teachers. The Committee has found the supervision and inspection regarding the transfer of teachers to be comparatively inadequate. The committee recommends that the Standing Committee of the State Panchayat Council should exercise close supervision and the Director of Education should carry out proper checking in this regard.

(9) It is essential to maintain certified cards and exhaustive pucca registers showing the details of teachers' service, individual problems and conveniences, different places of transfer and the clear reasons for transfer from or to a particular place.

(10) It is necessary for the office of the Education Committee to send proposals of transfers to the Transfer Committee ten days prior to the meeting. Similarly it is equally necessary to decide the cases of transfers in the meeting itself after due discussion and deliberation and to record in the minute book, in clear and specific terms, and the dissenting opinion if any.

(3) The existing powers of the Administrative Officer to take disciplinary action against teachers and other teaching staff may be retained. However, the existing pattern of the tribunal for hearing appeals against such disciplinary actions should be revised and the reconstituted Tribunal should include as its members; the Chairman of the Education Committee, the District Development Officer and The District Education Officer.

7.13 At present the candidates aspiring for posts of teachers receive training in the Training Colleges at their own expense and they become eligible for appointment only if after training, they are selected in the interview. In this connection several representations have been made before this Committee that the persons who do not succeed in the final selection test have to bear the expense of the training without any compensation therefrom. Moreover, they have to undergo the loss of relative time-lag in finding another job. The Committee suggests in this context that it will be desirable to first interview the candidates for the posts of teachers and to depute for training only those who are selected and to relieve only those candidates who fail to pass the test after completing training.

It is represented before the Committee that when untrained teachers with long service are deputed for training, the payment of their monthly salaries ceases forthwith and their families are driven to a helpless condition. In such cases, the Committee recommends to a advance during the period of training monthwise interest free loan equivalent to the amount of the last pay drawn by the concerned trainees and to increase the rate of stipend suitably.

The Committee feels it necessary to impart training to the teachers by organising refresher courses every four year so as to enable them to keep in touch with new trends and latest methods in teaching. Such training should be with full pay and stipend.

## CHAPTER VIII

# SAFEGUARDING OF INTERESTS AND ECONOMIC DEVELOPMENT OF AND SOCIAL JUSTICE TO THE WEAKER AND BACKWARD SECTIONS OF THE SOCIETY

### 1. GENERAL

8.1 It has often been represented before the Committee by the representatives of the backward and weaker sections of the society, that the impression about Panchayati Raj institutions and their administration is not good among the people of such sections. The Committee has found that such expressions are made mostly against gram Panchayats. The sum and substance of all these representations seem to be this that those representatives of castes Hindu villages who become members of gram Panchayats do not pay enough attention to the people of backward classes of the society and several types of discriminations and injustices are meted out to such classes. Looking to the other side of these representations, it appears that Panchayats at the upper level, and particularly District Panchayats have paid considerable attention towards the uplift of the backward and weaker sections of the society and have implemented a good number of programmes. The State Equalisation Fund has mostly been utilised for the welfare of such areas and classes. For the amelioration of such classes, District Panchayats have framed and implemented various minor and major schemes. However, the Committee is not unaware of numerous cases where discrimination against small and weak people like Harijans and adivasis is made in respect of the use of necessary facilities of the village and, therefore, the Committee desires to make much definite and clear recommendations for safeguarding the interests of such classes. The representatives and backward classes have made some extreme types of recommendations before the Committee. Their proposals are Panchayat Raj should be abolished; the functions, duties schemes and rights relating to backward classes should be withdrawn from Panchayat Raj institutions and should be implemented through Government or an autonomous body consisting of backward classes; a statutory committee under the Chairmanship of the Collector outside the scope of the Panchayat Raj at the district level should be constituted for the safeguarding the interests of such classes; and the representatives of backward classes belonging to Panchayat Raj institutions should be given the right to exercise "veto" on their welfare, etc., The Committee cannot agree with these proposals, because it does not believe that advancement of such classes would be achieved in a better way by the Government machinery as an alternative to Panchayat Raj institutions. In order that such classes may economically develop and get social justice within the

framework of Panchayat Raj institutions, the Committee makes some of the basic recommendations as under :—

## 2. THE COMMITTEE FOR SOCIAL JUSTICE-ITS SCOPE

2.2 In the chapter dealing with constitution and composition, we have recommended to constitute in each of the three tiers of Panchayats a committee for social justice representing the majority of members of such weaker sections. We have made this recommendation under the presumption that if the head of the respective Panchayats becomes the Chairman of such committee for social justice and the administrative head of the tier concerned becomes its secretary, that would lend status and prestige to such committee and would be helpful in its working. The following may be items included in the scope of the committee for social justice :—

(1) Matters of giving common or individual facilities to the people of weaker sections of the society including schedule castes and scheduled tribes; planning and implementation of schemes and for them-this would include all matters relating to house sites, village sites, loan, subsidy, education, etc.

(2) Investigation into and disposal of cases of injustice and discrimination being done to weaker sections including persons of schedule castes and scheduled tribes.

(3) Framing, management and implementation of schemes out of the amounts kept in reserve in the proposed Equalisation and Up lift funds and their own resources.

(4) All other situations and matter arising in respect of such classes.

The committee specially recommends that the Committee for social justice may be given an autonomous and absolute scope in respect of the matters described above. The Committee proposes that such autonomous status may be given on the line of the present district Panchayat Education Committee.

If any dispute or difference of opinion arises as to whether any question or matter falls in the scope of the committee for social justice, we recommend to make a provision that the decision of the committee for social justice of the State Panchayat Council shall be final.

It should be clearly provided that any appeal or revision application against any decision of the committee for social justice can be filed to the committee for social justice at the next higher tier. The committee suggests that such appeal or revision application against the decision of the district level committee for social justice can be filed to the Committee for social justice of State Panchayat Council,



8.3 The Committee believes that backward classes would get considerable protection if a provision is made to the effect that when in any Panchayat or in its sub-committee a member of scheduled caste or scheduled tribe brings any proposal or resolution relating to such class and it is rejected by the Panchayat or the committee, a reference in that regard should authoritatively be made to the Panchayat of the next higher tier and such resolution should be immediately reconsidered by the Panchayat of the next higher tier. In case of District Panchayats it would be proper if such reference is made to the State Government or the competent authority.

### 3. ECONOMIC DEVELOPMENT OF WEAKER SECTIONS

8.4 The Committee thinks that it is high time for rooting out the spirit of showing mercy towards the weaker sections of the society. The policy of the State and Panchayat Raj institution should prevail for accomplishing economic development and uplift of the weaker sections of the society and not for making efforts for their welfare only. So long as the spirit of welfare lasts, weaker sections of the society would go on depending upon mercy of the higher sections of the society and their independent existence and individuality would not grow. The Committee firmly believes that the real solution lies only in the economic development of such classes and in order to achieve that goal, it puts forward following recommendations suggesting the concrete programmes.

8.5 Very meagre and unsatisfactory amount is provided in the five year plans for the economic development of the weaker sections of the society. The Committee thinks it inevitable to provide atleast four to six fold amount than the provision made at present for undertaking on wide scale the programmes of economic development of such people. The fact that this is a fundamental issue and its acceptance would radically change the routine priorities of the Five Year Plans is not out of sight of the Committee. In order that in Five Year Plans the State's approach towards the economic development of such sections may be clear, the Committee insistingly recommends to make necessary pre-planning.

8.6 For framing implementing specific programme of economic development of the weaker sections of the society, the Central council of local self-Government bodies had recommended in 1960 to allocate certain per cent of amount of the resources of the Panchayat committee (Taluka Panchayats). On the basis of recommendations made by the Gujarat Democratic Decentralization Committee, the State Equalization Fund and the District Equalisation Fund have been created in order to remove social and economic inequalities prevalent among various areas. But due to this, schemes necessary for the economic development of the weaker sections of the society living in good areas of the State and the District cannot be implemented. The Committee is of the opinion that no concrete programmes can

be implemented for the economic development of such sections unless in particular a definite fund of permanent nature is created for the uplift of Harijans living scattered everywhere in the State. More or less the same approach shall be kept towards other weaker sections of the society. As the members of scheduled tribes reside at one and same place in particular areas of the State, the arrangement of the existing State Equalisation Fund for this economic development can be additionally utilised. In order that people of all the weaker sections of the society may get their social justice and can have their proper economic development, the Committee makes the following recommendations :—

(a) The Committee holds a firm view that such classes would get justice only if the Panchayat at every tier allocates from its own resources certain per cent of amount for economic advancement and social growth of scheduled castes and scheduled tribes and frames and implements definite schemes in that regard. We recommend that Panchayat at every tier, may allocate by keeping in reserve for this work at least five per cent of its gross own resources or at least twenty per cent of the net own resources remaining after deducting committed administrative and other recurrent expenditure from own resources or funds in proportion to the population residing in areas of scheduled castes and scheduled tribes, whichever amount is more. It is proposed that amounts kept in reserve should be used only for the social and economic development of the population of scheduled castes and scheduled tribes. We suggest that in tribal areas also where families of scheduled castes reside, special attention may be paid to implement schemes out of the said amounts for the uplift of such families. A special fund may be created and such amounts from the own resources of the District Panchayat may be credited to the said fund by providing it in the budget of every year in the beginning of the financial year. This fund may be called the District Harijan and Adivasi Advancement Fund and it may be non-lapsable. Gram/Nagar/Taluka Panchayats may also make provision in the budget of own resources on the line of District Panchayats and may frame and implement proper schemes for the advancement of such local sections and if there is saving in the amounts kept in reserve at the end of the year, they may be utilized for this very work in the next year or years. In short, it should be clear that this allocation is not liable to lapse. If any Gram/Nagar/Taluka Panchayat often defaults in framing and implementing schemes for such classes from such allocation, the District Panchayats and the State Government should have a right to get such amounts credited to the District Harijan and Adivasi Advancement Fund and to utilise them for the advancement of such classes residing in those areas. Similarly it should also be provided that if grant-in-aid of any Panchayat is forfeited because of discrimination meted out to Harijans, Tribals by such Panchayat or by Caste Hindus of that area, such amount of grant-in-aid may also be credited to the said fund and utilized for

the advancement of such sections of that area. Any gift or donation or other assistance also received for the schemes of advancement of the backward classes may from part of the fund.

(b) In order to remove the social and economic inequalities prevailing among the areas at the state level the State Equalisation Fund has been created. The Committee thinks that the break up of the present State Equalisation Fund is not realistic. We suggest that the district wise break up of such State fund may be made by taking into account the districtwise population of the weaker sections in proportion to the total population of such weaker sections in the State. The committee believes that ultimately the real criterion of economic and social development of each district depends only upon the proportion of weaker sections in that district. The weaker sections of the society may be defined on the following basis :—

*Weaker Section*

- (1) Members of scheduled castes.
- (2) Members of scheduled tribes.
- (3) Members of Denotified and nomadic tribes.
- (4) Landless agricultural labourers.
- (5) Village artisans.
- (6) Destitute persons.
- (7) Small farmers having one acre land of permanent irrigation or one and a half acres of seasonal irrigation or three acres of dry farming or up to five acres of desert land.

It seems proper to accept the above provisional definition until any definition of small waeker sections is fixed by the High Power Commission appointed by Government. The Committee recommends that the benefits for the weaker sections may be given also to persons at Nos. 6 to 7 above, but for the districtwise break up from the State Equalisation fund, only the total population of persons at Nos. 1 to 5 may be taken into account. The Committee suggests to restrict the use of the State Equalisation fund for framing and implementing schemes for the advancement of the weaker sections of the society as defined above. "The State fund for advancement of weaker sections" may be the new nomenclature of the State Equalization Fund.

(c) The Committee specifically recommends that it may be clearly provided that more attention should be paid to relatively more backward communities like Bhangi, Khalpa, Chamar, Nadia, tribal agricultural labourers, Halpaties, Kotwalia, Kolga, etc. among scheduled castes and scheduled tribes and they may be the prime beneficiaries of at least the double amount in proportion

to their population, from out of the specific provision kept in reserve for the weaker sections.

(d) The present provision of the District Equalisation fund and the present arrangements of giving therefrom grant-in-aid to Gram Nagar/Taluka Panchayats having socially and economically weaker sections may continue, because the Committee believes it necessary that there should be scope for development of such backward areas even after making separate provisions for safeguarding the interests of the economically backward classes.

8.7 The Chairman of the All India Panchayats Parishad, Shri S.K. Dey has emphatically recommended in his report presented after his study-tour in last year in Gujarat as under :—

“What is particularly important is to see that the youth belonging to the weaker sections of the village community who, as a rule, have a natural dexterity and skill with them, acquire higher skill free of charge. The present trend throughout the country side-calls for a new class of artisans and technicians who can settle down as service agents either as private entrepreneurs or as co-operatives with financial and technical support from the Panchayati Raj System.”

In order that the artisans of weaker sections of villages may get necessary industrial training and the Panchayati Raj institutions may get ready for framing and implementing suitable types of training schemes, it would be useful if the Industries Commissioner of Gujarat State, suggests model schemes in collaboration with the Registrar, Co-operative Societies, the Director of Technical Education, the Directorate of Man Power and Training and the respective Corporations.

8.8 The Committee believes that in order to provide to village artisans necessary raw materials in enough quantity and at fair prices, Government should make definite arrangements through the Panchayat Raj institutions; e. g. if forest wood to carpenter, iron to blacksmith, leather to shoe-maker, Cassia Auriculata (आरु) to chamar, etc. is provided at concessional rates, the present cut in their rates of wages would be reduced and their standard of life would improve. In order that such small artisans may not have to invest their capital in such raw-materials or required implements, the Committee recommends that provision should be made for giving loan at reasonable rates to such artisans from the Revolving Loan fund suggested by us.

8.9 It is necessary to see that the waste land on the outskirts is not vested in Panchayats but is developed and is used to rehabilitate the weaker sections thereon. Similarly the Committee proposes to provide that keeping aside the minimum requirement for pasture,

land the Government should resume the remaining land from Gram Panchayats for the following purposes and should assign such land to District Panchayats to fulfill the said purposes :—

(1) For making such land cultivable and for granting it to agricultural labourers.

(2) For keeping such land reserved for small village industries by Potters, Chamars, Ghantiyas, etc.

*Revolving loan fund for advancement of weaker section*

8.10 The Committee recommends that in order to make viable with self-respect the above defined weaker sections of the society, a revolving loan fund should be created jointly from the amounts allocated to out of the District Harijan Adivasi Advancement Fund and the State Fund for advancement of the weaker sections. It is worthy of note that Shri S. K. Dey has made a useful suggestion for creation of such a revolving fund for giving financial assistance for employments such as poultry breeding, animal husbandry etc. In tribal development blocks, such revolving loan fund is allowed to be raised under Taluka Panchayats and loan therefrom is granted to tribals at a cheap rate of two per cent interest. The Committee specifically recommends that on the same lines a scheme of giving loan from this fund to the maximum of Rs. 1,000 per family should be implemented. It would be desirable if District Panchayats are allowed to collect appropriate amounts every year and raise such funds as the local circumstances permit. District Panchayats should also be allowed to take loans from banks for this purpose when needed. The committee recommends that the priority in granting loans from this fund should be given to Harijans and Tribals even among the weaker sections.

8.11 The Committee believes that for the advancement of weaker sections of the society at the Panchayat level, a good number of programmes can be undertaken from various funds and the reserved amounts of Panchayat's own resources for this purpose, it would be useful if the State Council for Panchayats frames sound model programmes and schemes and gives proper guidance through its Committee for social justice to Panchayats at all the three tiers. The Committee would like to suggest a list of such model schemes in the Appendix.

8.12 The Government is considering the setting up of various corporations for the economic development of Tribals, Harijans and other weaker sections of the society. In that context the Committee would like to recommend that there should be a permanent liaison and co-ordination between the corporations that may be set up and Panchayats at all the three tiers. The Committee specifically recommends that Panchayati Raj institutions may work as an agency

of such corporations in some matters while in some other matters Panchayats may hand over work in their areas to such corporations with proper financial provisions and thus the two way traffic may be kept open and scope may be created to implement the plants and coordinated programmes for the economic development of the weaker sections.

#### 4. BHANGI KASHTA MUKTI ETC.

8.13 (a). The State Government and the Panchayat Raj institutions have firmly resolved to actively implement the programme of Bhangi Kashta Mukti and to abolish before 15th August, 1973 the shameful practice of carrying night soil as head load by the Bhangis. Therefore the Committee does not consider it fit to make permanent provisions in the Act. However, in order to cover exceptional cases the Committee makes the following suggestions and earnestly recommends to make provision for the same in the Panchayats Act:—

(1) Within one year after such provisions is made in the Act, all the private and public basket latrines must compulsorily be converted into flush latrines. In cases where this is not done, a special provision may also be made that the persons concerned shall have to face demolition of such latrines.

(2) A statutory provision may be made prohibiting basket latrines in new buildings.

(3) The customary practice may be abolished by law and in lieu of that, a provision should be made enabling the Panchayats to get the basket latrines cleaned in the respective areas by levying special conservancy tax. Of course, this provision will operate only for a short term in view of the time limit prescribed for abolishing basket type latrines. The Committee thinks that the rates of special conservancy charges which are very low under the present taxation rules should be raised 6 to 8 times to make them realistic.

(4) Scavengers will have to be discharged due to the Bhangi Kashta Mukti programme but in order that such workers may get proper employment, the Committee suggests that efforts should be made for their absorption as road sweepers, drainage staff or in other vacant posts in class IV service in the respective local self Government bodies and for this purpose necessary action may be taken to issue orders to the local self-government bodies to discontinue recruitment on these posts forthwith. Even though such provision is made, all the scavengers will not be absorbed on the posts existing at present and therefore the local self government bodies will be constrained to create some additional temporary posts for some years. For creating such new posts, the

Committee recommends to adopt the pattern of giving Government grant-in-aid as under for four years :—

First Year	..	..	..	100 per cent
Second year	..	..	..	75 per cent
Third year	..	..	..	50 per cent
Fourth year	..	..	..	25 per cent

It is necessary that Government formulates a special development scheme to settle such scavengers in some other appropriate occupations and efforts are made to provide suitable occupations to such workers. The Committee also recommends that a special scheme may be implemented for giving admission to children of scavengers in Ashram Schools for primary education and proper training.

8.14 It is a tragic fact that members of scheduled castes could not dissociate themselves from the inhuman practice of disposing carcasses, in rural areas. These castes should at all costs be free from that liability also on the lines of Bhangi Kashta Mukti. The present arrangement for disposal of carcasses is horrible. It has been represented before the Committee that Gram/Nagar Panchayats do not actively discharge their duties in respect of locating places and making arrangements for burying the carcasses or for tanning places. The Committee has found that the provisions of removing carcasses made in the bye-laws under the Panchayats Act are not complied with by many Gram / Nagar Panchayats and therefore the above state of affairs has continued. So the Committee recommends that Gram / Nagar Panchayats may promptly comply with the bye-laws and Taluka / District Panchayats may enforce them even by taking rigorous steps. It seems that according to the provisions of the present bye-laws Chamar families are bound to pay appropriate sums to owners of the cattle for the disposal of the carcasses. As the primary liability of disposing of the carcasses is that of its owner, the owners should pay fair amounts to the Chamar community willingly and that practice is fair and realistic. For this purpose, the Committee recommends necessary amendments in the bye-laws.

##### 5. SOCIAL JUSTICE-REMOVAL OF DISCRIMINATION

8.15 It should be strictly enforced that whenever a common facility is provided in a village, backward areas like Harijanvas and Adivasi areas should be the first beneficiaries.

8.16 The Committee recommends that whenever a new village-site is established and plots are allocated in existing village-site, it should be strictly observed that no separate Harijanvas is established thereof. Government has undertaken an ambitious programme for allocation of village plots to the agricultural labourers. The Committee is pleased to take a note of it and interalia recommends that grant of land for housing purposes to all the homeless Adivasi

agricultural labourers and Harijan families should be considered as a primary duty of each Gram-Nagar Panchayat. To achieve this aim, fifty per cent of the plots as required, in the existing as well as proposed village-sites should be reserved for such families. Out of these 30 per cent of the plots should be reserved for the members of scheduled castes or tribes and 20 per cent should be earmarked for the economically backward and other weaker sections of the society.

8.17 A social justice committee of the respective or higher level should make an investigation into the cases of discrimination by other members of the Panchayats towards the members of scheduled castes and tribes, through its sub-committee or its members. The committee recommends a provision to the effect that whatever report and recommendations are made as a result of such investigation should be duly considered by a competent authority and further proceedings should be initiated by him.

8.18 Present water-works committees have not always proved efficient and effective. We do not find any specific purpose for having such separate committee. Hence we recommend that a water works-sub-committee should be appointed by the social justice committee at district level from among its own members and an intensive programme of visting different village water works should be entrusted to it. A noteworthy progress will be made in this field, if this is done. The Committee recommends to introduce a presumptive clause to the effect that where Harijans are not able to fetch water from community reservoirs it shall be presumed that this is because of the oppression and opposition from caste Hindus and urges that a statutory provision be made to discontinue forthwith the statutory grant and grant-in-aid given to such Gram / Nagar Panchayat.

8.19 In some villages, caste Hindus form a Trust with regard to water-works and thereby stop Harijans from fetching water from such reservoirs. The Committee recommends that over and above the steps to be taken under any other laws against such an action of the trustees of a public trust, immediate action either to withdraw the permission of utilising the public lands belonging to Government or Panchayat for the purpose of public water works or to stop its unauthorised use, should be taken.

8.20 The Committee recommends that the provisions of section 118 (6) and 138 (5) of the Gujarat Panchayats Act should be made rigorous as per section 89 (5) of that Act. Also we recommend that whichever powers of the State Government are at present exercised by the Government or the Development Commissioner under section 89 (5) and 118 (6) should be kept intact and in addition those powers should be entrusted to the social justice committee at district level. Instructions have been issued in large numbers for removing discrimination by Panchayats against the backward and weaker



sections of the society especially Harijans, by the Government till now. The Committee thinks that those instructions would become effective if they are supported by the proposed provisions of the act. Moreover, the Committee recommends that the different orders and instructions issued by different departments and offices of Government with regard to the removal of discrimination observed by Panchayats against such classes should be compiled and a self-contained manual declaring uniform policy of Government in this regard should be published.

8.21 A statutory provision is required to be made with regard to the constitution of social justice committee by State Council for Panchayats from out of its own members. Chairman or Vice-Chairman of the Council should be appointed as the Chairman of this committee.

We propose that the said committee should make a study of how the Panchayat Raj institutions treat the weaker sections of the society and what role they perform for safeguarding their interests and for their economic development and also in the field of social justice, a special review in particular should be made as to whether the recommendations of social justice committee are properly implemented or not. These institutions should also arrange local tours to gather necessary information and should make proper recommendations to the State Government where required.

8.22 The Committee makes a general suggestion that a specific provision should be made in the Panchayats Act so that the current provisions pertaining to State services automatically become applicable to Panchayat services so that the members of scheduled castes and tribes may get not only adequate chances to join Panchayat services but may also get proper security of service. Also the Committee recommends that the set-up organised at the state level for enforcing reservation given to such classes with regard to their recruitment in different cadres of state services should also keep vigilance in the matter of such enforcement of reservation in Panchayat services. The Committee thinks that the interests of the members of such classes in Panchayat services would be safeguarded under such an arrangement. Scheduled castes and tribes have not got proper representation on State Panchayat Service Selection Board and District Panchayat Service Selection Committee. It is a matter of satisfaction that a tradition of appointing a representative from these classes on the state level Selection Board has been established. Yet, statutory provisions giving representation to such classes are required to be made. The Committee recommends that a statutory provision that out of the three members of State Panchayat Service Selection Board one should be from scheduled castes or tribes should be made. In cases where out of three members there is no member on District Panchayat Service Selection Committee from either of these classes, a statutory provision as to appoint an individual

from either of these classes deemed fit by the Government. as a fourth member on the committee should be made. The Committee thinks that by such provisions, members from these classes would automatically get reservation for proper place in Panchayat Services.

8.23 According to this Committee the taxation structure of the Panchayats should be progressive and care should be taken to see that the weaker sections of the society bear as little incidence of taxation as possible. We have made proper recommendations under chapter "Financial Resources" in this regard.

8.24 The Committee thinks that the Schedule of functions of a Panchayats, does not contain adequate and specific provisions with regard to the duties and functions towards weaker sections of society such as Harijans, Adivasis etc., Hence the Committee recommends a specific provision in the scheduled of the Panchayats Act, as per appendix-XIV.

8.25 It has come to the notice of the Committee that Harijans and Adivasis experience great difficulty in getting certificates showing the castes they belong to. The Committee recommends that a specific provision should be made enabling all the members belonging to these castes and holding office on any of the three tiers of Panchayats to issue such certificates.

## 6. ESTABLISHMENT AND OTHER FACILITIES

8.26 The Committee has suggested formation of social justice committees almost autonomous in their jurisdiction, so that adequate attention and priority may be given to the problems of the weaker sections of society. Looking to the nature and quantum of functions and duties to be entrusted to the District Social Welfare Officer as a result of the above suggestion the Committee thinks that the respective officer should necessarily be a Class-I officer. And hence the Committee recommends that in all the districts of the State the post of District Social Welfare Officer should be upgraded to a Class-I post. According to the committee a preferential clause should be introduced with respect to this post, so that in particular, graduates from Gujarat Vidyapith, Gandhi Vidyapith or those having a degree in rural faculty of university or in social works may get selected. A provision should also be made that if necessary experienced and deserving officers from the cadre of Deputy District Development Officers may be selected and appointed on these posts. This officer should be designated as the "District Social Justice Officer".

8.27 Formerly there were two posts, that of the social education officer and Chief female social worker to look after the programmes of women, children and other classes under the auspices of community development block at taluka level. Both the posts have been

abolished in most of the talukas in the State. As a result, at present no administrative set up exists at a taluka level to look after the women's and children's programme and also to exercise proper supervision over the activities for the welfare of the weaker sections of the society. We have suggested to constitute a social justice committee at a taluka panchayat level so that the weaker sections of the society may progress economically and may get social justice. In this context, to undertake the functions of social justice at a taluka level and also to look after the women's and children's programme, the Committee recommends to create a post of Extension Officer (Social Justice). We recommend that the special provisions suggested for the post of District Social Welfare Officer should also be made applicable in respect of the recruitment to this post to the extent possible.

8.28 The Committee suggests that in order to enable the social justice Committee, its office bearers sub-committees and its officers to undertake surprise visits and extensive tours they may be provided with the facility of special vehicles like jeep, stationwagon and motorcar as well as with the facility of separate telephone at the office and at the residence, at the district level.

## CHAPTER IX

### ADMINISTRATIVE SET-UP OF PANCHAYAT

#### 1. AGLIMPSE OF ADMINISTRATIVE SET-UP OF PANCHAYATI RAJ

9.1 It has been generally remarked that the administrative set up of Panchayati Raj is not as efficient, disciplined and systematic as that of the Government. Number of representations are also made as regards the unhealthy state of affairs prevalent in the administrative set-up of Panchayati Raj. The Office-bearers and officers in Panchayat Raj do not have proper idea and understanding in respect of their functions and field of work and so at times works are performed in a haphazard manner. It is also said that such a situation results in mutual personal conflicts and tensions and no harmony is maintained among the three tiers of Panchayats. It has also been noticed that in some Panchayats the officers and employees in different cadres of Panchayat Raj possess the tendency of shirking their duty. At some places disparity and disharmony prevails in the administrative set-up of Panchayats. As a result of this, complaints regarding the delay in taking decisions and stagnation in work are received. It is also experienced at some places that the decisions are not taken on merits and some types of defects and disparities are observed in the administrative set-up of Panchayat Raj.

9.2 It seems necessary to give brief account of the different types of tendencies of shirking at different places. In some cases instead of taking decisions at their level, officers have got the tendency to pass on those cases to higher authorities in the name of seeking guidance. It has also been said that in cases while taking decisions attempts are being made to involve those who are not at all concerned with the matter on hand or vague and indecisive instructions and recommendations are offered. It has also been represented that in some cases officers have the tendency to be "Yesmen" and also have the tendency of shirking from their duty. Some officers choose the easy path of satisfying improper demands whereas others try to give false promises and temptations or some endeavour to win over or please a few important persons. Some officers when they find it difficult to work under Panchayats or sometimes when they can not maintain their moral they either adopt the attitude of "no concern" towards Panchayat Raj or become indifferent and adopt "hands off" policy. Such officers in Panchayat Raj would generally wish to be repatriated to the State service and they indulge in criticising the Panchayati Raj either in private or in semi public and try to resort to some loopholes. It has been stated that in some cases officers like and wish that their subordinate employees may take up their work directly with the office bearers and in that manner they want to shirk from work or officers have got the mentality of blaming privately their subordinates. Complaints have been received that in some extreme

cases, officers openly come in conflict with the office-bearers and even join hands with the local groupism.

9.3 On the other hand, it is also said that the behaviour and work of the elected office-bearers are also unbecoming one. It has further been stated that in some cases such office-bearers wish to run the administration by issuing oral orders and without accepting its administrative or financial responsibility while in some other cases they get the things done as they desire through the subordinate without having brought the matter to the notice of the officer concerned. It is also said that some office-bearers are not prepared to pay any heed to and understand the opinion, and view points of the officers and so they make insult of the officers in public and impose their wilful and arbitrary decisions. There have been complaints also that these office-bearers treat the Panchayat officials as inferior to Government officers. It has also been stated that these office-bearers take more interest in routine administration rather than the development and extension programmes. The activity of frequent transfers of officers in the field of Panchayat Raj is said to have been accelerated due to the attempts of some office-bearers.

9.4 The Committee wants to make it very clear at this stage that the statement that this situation is widely prevalent in the Panchayat Raj administration is not true. Moreover Government and other administrative organisations cannot be said to be completely free from such shortcomings and defects. However, the Committee wants to scrutinise and review the whole situation comprehensively on this matter and as a result thereof wants to suggest some measures with a view to bring necessary improvement in the Panchayat Raj administration and make it efficient, sound and responsive to the need.

9.5 The Committee has endeavoured to analyse the various aspects and circumstances responsible for the administrative irregularities, shortcomings and defects prevalent at different places in Panchayat Raj administration and the factors responsible for such an unhealthy state of affairs have come to the notice of the Committee. Such aspects and circumstances are as follows.

9.6 In the beginning Panchayat Raj was a new experience for the officers as well as for its office-bearers. It is well-known that whenever an officer is deputed in Panchayat Raj for the first time or a new office-bearer takes over the charge, they do come across new and peculiar experiences of Panchayat Raj administration. It is but natural that in the beginning all of them may not have the clear and distinct idea of their respective functions and field of work. For the officers of field administrative set-up this is the first experience of working under the elected representatives. After independence, the first experience of working under the democratic set-up

might have proved hard and difficult even for the high officials of Government. It is quite human that while receiving such a first experience, officers at the district and particularly at taluka level may get confronted with certain problems and difficulties. Looking to the officers accustomed to take decisions independently, it is natural that they would find it somewhat strange and uneasy while working under the representatives of the people. At the same time it is also quite natural that the office-bearers may also assume the whole responsibility at the respective stage of Panchayat Raj administration and expect it to march ahead with them. It is also natural and comprehensible that some elected representatives may become anxious to assume the reins of power exactly in the fashion of officials of old days. Some times this may result in some conflict as regards the mutual powers and position and may create unhealthy competition also. It is natural that the inevitable and systematic introduction of politics in field administration may provide vivid experiences to all. Particularly when the officers and office-bearers possess different mental attitudes, the atmosphere of mutual distrust and conflicts and tensions may be created. There is some truth in the presentations that during the last decade series of such experiences have been gathered at each tier of Panchayat. On getting experience and proper understanding the situation of such conflicts and tensions though not abolished completely gets softened except in few cases is really a good sign for Gujarat Panchayat Raj according to this Committee.

9.7. The correct idea as to how different and unique Panchayat Raj administration is from the routine or stereotype administrative set up can only be obtained by experience alone. However, with a view to giving some idea of the basic differences prevalent between the said two administrative set ups to all those concerned with them, Committee would like to write something about it. The routine administrative set up has to perform minimum functions in the State whereas Panchayat Raj administrative set up has to perform various functions in the wide developmental field. It will be enough if the traditional administrative set up sees that the law and order in the society is maintained. However, the seeds of basic social disharmony are already there in the very base of the developmental administrative set-up. In the routine administrative set-up while taking decision some guiding precedents are always there, whereas Panchayat Raj administrative set-up is just like an unplied ocean where always a new situation is created, and authentic specific guiding provisions are not readily available every time. The demarcating lines in respect of policy and administration are not clear in this new administrative set-up. The limits of checks and controls and those of responsibilities are many and vague also. The fear and prejudice like those trading in the unknown and unplied ocean sometimes make the administration stagnant. Hence, if the administrator proceeds rashly in his work he commits error and if he desires to proceed cautiously, the administration either becomes sluggish or stagnant.

In the routine administration stress is on safety. Here, the order of the higher authority are taken into account more rather than the feelings and demands of the local people. Efficiency which can be measured is considered important and not the efficiency accepted by the people. The quantum of work is considered important and not how that work is performed. When an error is committed an emphasis is placed on assigning its responsibility rather than improving the same. In the routine administrative set-up even if the works are to be performed for the welfare of the people, they are not to be performed either with their co-operation or in their presence. The extract from the article of Sir Harold Banvel "Administrator in Local Self Government" will reveal how difficult the work of the administrator in Local-Self Government is :—

"This necessitates an awareness of public opinion, a sensitiveness to public sentiment. Work carried out in this public atmosphere is always subject to criticism and local views, helpful or otherwise will be expressed in the council. The Civil servant has to advise in the face of possible Parliamentary Criticism : the local Government officer has to advise in the face of the public with whom he and his council live, move and have their being, and amongst whom he will ultimately have actually to provide the service in question."

"There is a difference in method : the civil servant is anonymous it is the political head who is responsible : in contrast, while the council is responsible to the public, the officer works in the public gaze. He is well known and is subject to personal criticism. He has the difficult role of being prominent, while not dominant."

The traditional Civil Servant is habituated to think that he is obliging the people, while from a Panchayat Raj servant it is expected by all that he works with a view to seeing that people avail of their rights.

It is sufficient if a traditional type of administrator performs his duties keeping his allegiance to the Constitution, Government and his superiors. It is certain that unless an officer of the Panchayat Raj Administration keeps faith and trust in local democracy, public strength, science and extension he won't be able to get success. It is necessary that the officers and staff working in the Local Self Government institutions deeply understand the programmes, organisation and local administrative set-up. For this purpose, it is necessary to appreciate, without being involved in it, the currents of local politics. Thus, the Panchayat Raj Administration provides glimpses of various experiences and varied atmosphere even to the highly experienced and traditional administrators.

9.8 The pattern of Panchayat Raj administration is not so easy and comprehensible as that of the traditional Government machinery.

In the age old administrative machinery, the lines of administrative control and responsibilities are straight, clear and well drawn. As against this, in any machinery dealing with the developmental programme the lines of control and responsibilities take various forms. A chart showing comparison between various patterns of the lines of administrative and technical control in the traditional administrative machinery, community development, set-up and the Panchayat Raj administration, is given in the Appendix-XV. It will be seen from this chart that the lines of administrative control in various administrative set-ups vary to a great extent. For instance, any development officer is under the administrative control of the concerned Taluka Development Officer, technical control of the District Officer of the concerned department and for policy matters or politically he is under the control of the President of the Taluka Panchayat. It should be clearly understood by all that an extension officer cannot implement the orders of the Taluka Development Officer with the same ease and clarity and as casually and immediately as an Avalkarkun implements those of a Mamlatdar. It should be remembered that in the traditional administrative set-up a superior's order means the last word, while in the Developmental and Panchayat Raj Administrations, before issuing orders an officer has to take into account all the matters, viz., local public opinion, policy of the Panchayat, policy of the concerned Department of the Government and concerned technical, administrative and financial matters.

9.9 Sometimes there are fundamental differences in the priorities given to the matters by the State and the Panchayat Raj. It so happens that the State Government, may have decided special priorities after framing up certain policy and programmes, while on the other hand, some Panchayats may have decided to undertake those works on priority basis, which are concerned, with the local development and special other programmes, and schemes. As a result, such a situation may arise, wherein the priorities at the State and those at the Panchayat levels are given to those matters which are exactly opposite to each other and the officers and the incumbents may remain engaged in activities which are meant to achieve opposite ends. The Officers of the Panchayats, have to consider the orders and instructions of the Government department on one hand and to take into account the feelings and demands of the local incumbents on the other. As a result of this, conflicting and inconsistent situations arise in some places.

9.10 The prevalent three tier system of Panchayats which provides internal representation has been responsible in many cases for creating inconsistent or weak administration. The office bearers of the lower level Panchayats are sitting as members in those of the upper level. Under the circumstances, it is likely that the office-bearers of the upper level Panchayats may have to be under the constant pressure of the members. As a result, sometimes the conflicting and inconsistent situations also arise if the administrative



department of the upper level Panchayats, insist on having proper inspection, control and regulation over the Panchayats of the lower level.

9.11 The various sorts of parallel experiences of the officers and the staff in the fields of Panchayat Raj and the State administration create an administrative Relativity Complex. The officer in the Government set-up have the independence, facility and scope of work, while the same officers if deputed to the Panchayat would find different sort of situation that is to say, they would find different rules and regulations. There is also an impression that the Government servants get some facilities and benefits much more and earlier than those of the Panchayats. As a result in certain circumstances it so happens that the officers do continue to take interest in their Panchayat duties and intend to return to the Government. Shri Iqbal Narayan Vividly describes this position in the following words :-

"The young entrant to the Civil service is instinctively drawn to it and this in turn becomes a resistant to his adoption to the more exacting and positive but less authoritarian demands of the developmental administration which, as if to add insult to injury co-exists with regulatory administration."

9.12 In some cases the overlapping administrative powers of Government and the Panchayat Raj administrative institutions result into delay and uncertainty. It is quite true that a condition in which officers of both the fields are required to execute the same work of a department or where a Government servant is controlled by both the authorities, it may result in delay in taking decisions.

9.13 It is not possible to evaluate the working of Panchayats by traditional measures. As a result Panchayats do not get the required strength of officers and the staff. The result is unsatisfactory administration due to incomplete and insufficient establishment.

9.14 The Committee considers it necessary to take proper steps in time to remove the prevalent demerits in the Panchayat Raj Administration and make the following suggestions

9.15 The Committee thinks it inevitably essential that the office-bearers and officers of the Panchayat Raj gather and cultivate definite and clear understanding regarding objectives of Panchayati Raj, Government policy, provisions of the Act and Rules as well as their respective jurisdictions and functions. It is also essential that the departmental Heads of the State Government also get proper background and understanding like the office-bearers and officers of the Panchayat Raj Administration. Proper training is highly essential for all of them, so that the aforesaid understanding is cultivated and proper concept is created amongst them. In this connection we have already made recommendations.

9.16 All the Departments of the Sachivalaya and the Heads of departments of the State Government should know that the officers of the Panchayat Raj Administration experience number of difficulties and have to work in difficult situation. Instead of issuing official orders, the superior officers should show sympathy and understanding towards them. The Committee feels it necessary to quote the following observations made by Professor Henry Middick in his book entitled 'Democratic De-centralisation and Development.'

'Decentralisation will be a failure if the attitude of perfectionism is adopted towards field officers. Those who are hard working should not be punished for honest mistakes made in the conscientious discharge of their duties. If a large number of mistakes is made by the same person, then that is a different matter. Whatever the cause, more errors should be tolerated from field agencies than in the central department itself,

Professor Middick further adds —

'In his (subordinate's) back water, no sound or reserach, of plans or progress, penetrates, policy is not understood, motivation is lost and execution suffers. There are obvious remedies, which can be applied comparatively easily. Visits formal or informal, from Head Quarters personnel, short conferences, concentrating on giving general information and hearing the difficulties of out posted personnel, and particularly, on rasing their morale; of longer duration, refresher training courses; visits to other areas, these and other deserves, can break down the feeling of isolation, improve techniques, and above all, raise the morale of these officers.'

9.17 The Committee has noticed that sections 123 and 143 of the Gujarat Panchayats Act have been interpreted differently in different areas and by different officers and office-bearers and hence the provisions of these sections are required to be made clear and more specific. The committee has thought out various alternatives situations and relations between the President and the Development officer.

The committee after careful consideration has come to the conclusion that the envisaged set-up in which the President is the chief administrative officer of the District Local Board is not proper from the point of view of the administrative quality and quantity of work. The Municipal Commissioner is the Chief administrative officer of a Municipal Corporation and it is equally difficult and unacceptable to think of giving similar status to the Development Officer. Instead of both these extreme alternatives the committee recomends an intermidiate way with the following clear provisions,

(1) It seems inevitably essential to make specific provisions that any powers and duties entrusted to the District/Taluka

Development officer in respect of schemes, activities, functions, powers and privileges are already transferred or are to be transferred to the Panchayat Raj Institutions, or on the basis of specific provisions of the Panchayats Act or by the Government or District/Taluka Panchayat as an officer of the State Government or "Competent authority" should be exercised by him, subject to his being fully responsible to the President of the District/Taluka Panchayat and then to the District/Taluka Panchayat itself. In short, it seems proper and essential to confer overriding powers to the District/Taluka Panchayats and their Presidents over the District/Taluka Development Officers. It is also necessary to specify that these powers of the Panchayats and their Presidents should not be limited to policy or principle but in individual cases they should be able to give orders in writing. As a result of this, situation will arise in which any Development Officer or any other officer to whom powers have been conferred upon will exercise the same on his own accord, but will obtain guidance or orders from the President when necessary or will act according to the orders of the President where the latter has issued orders and in the same way, the President on his own will give guidance or advice where he finds it necessary and issue orders in those cases in which he thinks it proper. The Committee feels that the administration will run smoothly and in an organised manner as well as the democratic spirit will be preserved by such specific provisions in the Act.

(2) At present there is no provision in the Act under which a District/Taluka Panchayat can delegate its powers and functions to its President or the Chairman of the committees. We have considered the specific recommendation made by Shri Jadaoji Modi Committee that "provision should be made under which Taluka Panchayat, District Panchayat, their committee and competent authority can delegate powers to President, Vice-president, Chairman or any other officer." In this connection the committee after careful consideration has come to the conclusion that there are number of functions and duties of District/Taluka Panchayats in which it is desirable that office-bearers themselves take decisions. At present decisions are taken in anticipation of approval of the Committee or the general body which creates audit objections. In this context, we feel it highly imperative to make a specific provision in the Act enabling the Panchayats to assign any of their powers and duties to the abovesaid office-bearers.

(3) It should be specifically provided that the President or Panchayat could not issue any instruction or impart guidance in individual cases where powers for semi-judicial matters have been delegated to the District Development Officer for, in such cases, it would be against the principle of law, if the discretion of the authority declaring the award is influenced in any way. In order to tide over such a situation, an alternative to assign such powers

of District Development Officer to the Executive Committee or the President of the concerned Panchayat may be considered, where necessary.

(4) A specific provision should also be made to the effect that the Panchayat or the President has no power to interfere in the cases where the State Government decides to assign any activity, scheme or function to the District/Taluka Development Officer instead of allotting the same to the Panchayati Raj institutions. For example, if the powers in respect of according sanction to the entry of the title of the land are not vested in the Panchayat, but are independently and directly delegated to the officer of the Panchayat to exercise the same under control of the Government, the Panchayat or the President has no power to issue orders or suggestions in that regard.

9.18 Definite and specific procedures should be laid down under Act and rules as follows :—

(1) The spheres of work for the officer and office-bearers should be defined clearly. The first and foremost duty of the officers is to give true advice and then to implement the decision that may be taken by the local body. The office-bearers should accept the responsibility to take final decision.

(2) The office-bearers should accept their responsibility to give written orders to the officers instead of giving them orally and before issuing final orders they should take into considerations the written suggestion given by the officers. Care should be taken to ensure that the technical officers are consulted and their written opinion should invariably be maintained on record.

(3) It should be made clear that irrespective of the final decision of the Panchayat, the responsibility of the officer or employee should depend upon the fact as to whether he had given correct guidance and advice. At the same time, the officer concerned should give his advice promptly.

(4) The directives and orders issued by the officers of the Panchayats should be in consonance with the decision taken by the Panchayat or the committee concerned. The concerned office-bearers should be informed of all such written or oral directives.

9.19 Traditions, according to the Committee, are the soul of the Panchayat Raj administration and they bear unique importance. The Committee, therefore, emphatically recommends to strengthen some of the traditions as detailed below :—

(1) It should be remembered by one and all that what is important in the Panchayati Raj administrative set-up is the execution

of work assigned to them and not the designation or position. This does not mean that the respect for one another should be slackened, instead, better work could be ensured only when such spirit is nourished.

(2) Everybody should cherish the ideology that the viewpoint of the opposite party also might be correct and therefore, it should be considered with understanding and respect. The attitude of briefly ruling out any of the proposals of the opposite party should be rooted out wherever obstacles and hindrances are experienced due to laws or rules and regulations, one should heartily endeavour to get them suitably and practically modified. Recurrence of such situation cannot be averted by sitting idly.

(3) No section of the Act should be construed only with a viewpoint of right. However, it does not mean that demand or proposal for an illegal or undue act should be accepted even though the opposite person has no rights. It is desirable that everyone should understand the attitude to the effect that under the Act only one, the concerned party has particular right and not the others, is not in the interest of the Panchayati Raj administration. On the contrary, due to such rigid attitude and mentality the persons concerned have to suffer themselves.

(4) The tradition has a highly important place in the Panchayati Raj administration. It is desirable that the Presidents of the Panchayati Raj institutions create an atmosphere which can produce healthy traditions evolving routine procedure for taking important decisions on any matter between the officer-bearers and Officers.

(5) The constitution of the administrative code of conduct is not only as much important as the healthy traditions, but it may be considered part and parcel of the Panchayati Raj administration. A convention should be established that certain undue pressurers should be taken care of by high level officers and other officers should not have any hint of the same. Similarly, it should be clearly established that the person concerned should do his own work. It is necessary that the officers, instead of only following the above directives or suggestions in response to each representation or suggestion may cultivate an outlook to represent properly to make certain changes or suggestions whenever necessary.

(6) Consultation is a unique feature of Panchayati Raj administration. The more the officer-bearers and Officers come into close contact with the one other, the greater will be mutual understanding. But the exchanging of views does not mean relaxation in the matter of principle or in basic matters.

(7) Panchayati Raj administration is not the result of the efforts of any one person but in that administrative machinery

team spirit or collective action is or should be powerful. In conventional administration subordinate officer or employee goes ahead obeying the orders of his superior, while in Panchayat Raj administration instead of hierarchy of higher and subordinates, machinery of office bearers or officers of the same cadre at any one level is more prevalent. Similarly, departmental tendencies or mentality would seem queer in the Panchayati Raj administration and hence those tendencies or mentality should be given up.

(8) In Panchayati Raj administration the officers have to perform dual duty. Firstly, as a true advisor he has to give advice to the office bearers and thereafter, when decision is taken on the matter the decision has to be implemented. If such a decision is illegal, the concerned officer can of course submit that it cannot be implemented and for that purpose he can certainly obtain guidance of higher authority. However, such a submission should undoubtedly be discreetly modest. But in implementing administrative matters hindrances cannot be created on the ground that such a decision is not feasible, practical or suitable.

(9) When an officer is deputed to any District/Taluka Panchayat it is necessary that he should get well acquainted with the prevalent traditions, procedures and transfer of powers. This will remove misunderstandings from the very beginning.

(10) When officers of the Panchayat seek guidance or clarification or orders relating to policy on any point at higher level, it is desirable and essential that office bearers of the concerned Panchayat is kept well-informed.

9.20 Employees of Panchayat Service should not feel that they are getting less facilities and amenities as compared to the Government employees. The Committee suggests that the Panchayat Service should have the same conditions of service and opportunities for promotion and legal provision should be made so that Panchayat Service employees automatically get benefits and facilities similar to those of Government employees. Suitable recommendations have been made previously in this chapter so that the moral of Panchayat Service can be raised.

9.21 It is necessary that Government Departments and offices should think of relaxing restrictions and limitation as far as possible. As stated above, in the Panchayati Raj administration uncalled for emphasis on restrictions and limitations create undesirable disharmony and conflicts. Along with this it should not be forgotten that in the Panchayati Raj administration inspection, inspection, guidance and suggestions play more important part than control order or restrictions. It seems necessary to accept the principle that the efficiency of Panchayati Raj administration depends on quantum of supervision and guidance. Immediate suppression or suspension of

any resolution passed or decision made by any Panchayat going against the policy of Government is not solution in the right direction nor a long term remedy. In such a situation it is desirable that the highest local authority should pay visit, understand the situation and try to think out and implement the right solution for removing tense atmosphere. Desirable results can be achieved if the concerned higher authority by immediately taking interest tries to find out a proper solution of the complaint when feelings or discord arise between the officer and higher officer.

9.22 The change suggested by us that instead of three tier inter-linked system of Panchayats, the people should form Panchayats at each tier by direct elections would, it is expected, prove to be very useful and effective. Similarly, the Committee believes that recommendations made by it in Chapter 6 to avert the overlapping of administration would also help in removing administrative delays and ambiguities. Similarly we have suggested elsewhere that Panchayat Officers should be relieved of the task of taking action in suitable cases against office bearers of Panchayat and such matters should be entrusted to an independent tribunal. In that context also we believe that conflict arising in relations between the office-bearers and officers would be lessened.

9.23 The Committee believes that the administration of Panchayats would run more smoothly and would improve if officers deputed to Panchayats possess suitable experience and mental attitudes. The Committee has made suitable recommendations in this behalf further on.

9.24 The Committee particularly recommends a system of arranging individual and joint meetings under the auspices of State Council for Panchayats in order that understanding and co-ordination between the Presidents of District Panchayats, District Development Officers and the Heads of Departments, would increase. The Committee believes that three day camps of such officers and office-bearers arranged once a year would be useful.

9.25 The Committee recommends that research should be undertaken by neutral bodies like the universities and research centres for examination, analysis and solution pertaining to areas of conflict between the officers and office-bearers and the necessary follow-up action should be taken with unbiased and open mind.

9.26 One can understand that in the Panchayati Raj administration lines of control would remain vague to some extent but such efforts should be made to make them clear and direct. The Sadi-kally Committee appointed by the Rajasthan Government has rightly stated that :—

“The present provisions about the administrative control have also been a fruitful source of misunderstandings. Following

\* Government of Rajasthan : Report of the Study Team on Panchayati Raj, 1964, para 21.6.

provisions in law about administrative control over the staff, the Pradhan wants to establish a direct link with the officials of the Panchayat Samiti, which the Vikas Adhikari generally resents. The Vikas Adhikari generally expects that the Pradhan should exercise his powers over the lower officials only through him."

On closer consideration in this direction, the Committee feels that the technical and administrative officers at the district level should be invested with special powers to appoint and to take actions against employees working under them.

9.27 Each District/Taluka Panchayat should prepare a chart outlining the powers, functions and duties assigned to each category of the staff so as to avoid any type of misunderstanding or complication in respect of the said powers, functions and duties.

9.28 Recommendations for the adequate establishment-cum-administrative set-up required for the Panchayats are dealt with in the next section.

## 2. PANCHAYATI RAJ ESTABLISHMENT-cum-ADMINISTRATIVE SET-UP.

9.29 With a view to review the administrative set-up of the District and Taluka Panchayats and make recommendations thereon, the Government had appointed in 1969 a Committee under the chairmanship of the then Development Commissioner Shri Rasiklal Shukla. This Committee went through the various aspects and administrative issues of the Panchayati Raj and submitted its Report in August, 1971. Proposals received by Government from various district and taluka Panchayats were not taken into consideration till the general recommendations of the Shukla Committee were received. This procedure was adopted for the reason that piecemeal and fragmentary accumulation of recommendations would not bring about an overall picture of panchayat administration. Hence, all the recommendations regarding increase in the strength of the establishment were kept pending till the submission of the said Committee's report. During visits of the high level team appointed under the chairmanship of Shri Mathurdas Shah concrete proposals for sanctioning additional establishment were placed by the officers and office-bearers of the District Panchayats and most of these proposals were found to be worth-considering and acceptable also. However, they were all kept pending till submission of the Shukla Committee's report.

It was really an unfortunate coincidence that when this committee's most vital proposals regarding the expansion of the establishment of the Panchayats which ought to have been sanctioned much earlier, were taken up for consideration, great stress was being laid on the implementation of the policy of economy in administrative expenditure. Still, however, in view of the fact that the said



proposals were basic and indispensably essential; were further continued. Mean while, with the appointment of this High Level Committee by the Government on Panchayati Raj, the work of examining them comprehensively has been entrusted to it.

9.30 Whenever any proposal for the expansion of establishment is made, generally it is viewed to be not essential in the context of the policy of administrative economy. In this, connection, the Committee wishes to make it quite clear that the proposals regarding the administrative set-up of the Panchayats should be considered with a very open mind and a realistic approach. The fact that during every Five Year Plan, the scope of developmental activities have progressively increased, should not be lost sight of. Panchayati Raj institutions are public institutions and as such they are required to take into account the popular sentiment and demands, both seriously as well as sympathetically, as this is a peculiar characteristic of such bodies. It is but natural that people would expect speedy decisions and action from the Panchayati Raj machinery which is close to the domestic rule. It is understandable that the elected office-bearers of the Panchayati Raj may be keen to make progress by toning up the administration in the direction of the popular sentiment. The Committee holds that in case the machinery of the Panchayati Raj does not extend its scope to the extent and direction as desired in the context of this wider perspectives it would become static and lifeless. To cite a concrete example, the question of filling up the third post of the Deputy District Development Officer comes up to the fore. In the beginning of the Panchayati Raj, each district was allotted, three posts of the Deputy District Development Officers by Government out of which it was decided to keep one post in abeyance. Panchayats had agreed to this, for the time being. In the last ten years the schemes and activities under the control of Panchayats have greatly multiplied. It is represented before the committee that though the position has changed as noted above, the said proposal has not received Government's sanction so far and this has adversely affected the Panchayat administration to a substantial degree.

9.31 With the abovementioned larger perspective in view, we agree in general with the recommendations made by the Shukla Committee for increasing the number of posts on the establishment-cum-administrative set-up of the District and Taluka Panchayats. However, we do not find it necessary to sanction (at Government cost) some of the following additional posts proposed by the said Committee. Along with this, some other observations are also made by this Committee in the following paragraphs :—

(1) The Shukla Committee has, under Recommendations No. 30 and 31 recommended for sanctioning the additional establishment to deal with matters connected with encroachment, breach of agreement and the collection of revenue. Since, in the pattern

suggested by us the entire revenue machinery upto the District level is proposed to be transferred to Panchayati Raj bodies, such functions will be covered by the enlarged existing establishment of the Panchayats which would absorb in themselves the revenue establishment also.

(2) Similarly, the additional establishment as proposed by the said Committee *vide* Recommendations No. 37 to 40 for carrying out the work of organisation and method as well as inspection is also not necessary as the same functions will be discharged by the new enlarged establishment as a result of the combination of the Panchayat and revenue administrations.

(3) The posts of additional Circle Inspectors as suggested by the Shukla Committee under Recommendation No. 79 will, too, prove unnecessary under these circumstances.

(4) The said Committee has proposed to create a post of watchman under Recommendations No. 54 and 82. We recommend that the post should be maintained from Panchayats' own funds, if required by local circumstances. Similarly, it is desirable that the post of Receptionist as well as additional posts of peons for attending to the visiting guests are maintained from the Panchayats' own funds.

9.32 The Committee agrees with the principle of the Shukla Committee to fix the number of the various Extension Officers according to the size of the Taluka and the proportion of work required to be done. The Committee presents the following observations against the recommendations made by the Shukla Committee in respect of the various Extension Officers :

(A) Shri Shukla Committee has recommended to allot two posts of the Extension Officer (Panchayat) when the number of the Gram Panchayats exceed 50. However, we are of the view that this will not be adequate. In order to ensure expected efficiency in the working and administration of Gram Panchayats, it is equally necessary to take care of, look after and to guide constantly as their inspection, control and checks are required to be carried out. It has been revealed from the experience and study of the Committee that the Extension Officer (Panchayat), mainly remains engaged in the administrative work and he, therefore, cannot undertake proper inspection and visits of Gram Panchayats. After studying the job-chart of the said officer, the Committee feels that not even a single efficient Extension Officer (Panchayat) could be capable enough to inspect satisfactorily and keep an overall watch over more than 30 Gram Panchayats. Shri M. N. Heble, the Commissioner, appointed for the reorganisation of Maharashtra administrative set-up has also suggested (in para-10.13 of the report) that one post of the Extension Officer (Panchayat) should be created for every 30 to 35 Gram Panchayats and the Extension Officer (Panchayat) residing at the headquarter of the taluka should not be entrusted with the work

of more than 15 Gram Panchayats. The Committee, therefore, urges to create the posts of the Extension Officer (Panchayat) on the following basis :—

Number of Gram Panchayats	Staff
1. Upto 30	1 Extension Officer
2. From 31 to 60	1 Extension Officer and 1 Additional independent clerk.
3. From 61 to 90	2 Extension Officers.
4. More than 91	3 Extension Officers and 2 Additional independent clerks.

(B) Shri Shukla Committee has also recommended (Sr. No. 75) that one post of the Agricultural Extension Officer should be created in every Taluka and the Development Commissioner should be allowed to create more posts as per the requirements, in consultation with the Director of Agriculture. The Director of Agriculture should classify the Talukas into Class-I and Class-II talukas, considering the number of villages situated in every taluka and the number of agriculturists in the taluka, nature of cultivation, etc. and allot the posts of the Agricultural Extension Officer of Class-I or Class-II, accordingly.

(C) Shri Shukla Committee has recommended to allot one post of the Extension Officer (Co-operation) in each Taluka and create additional posts according to requirements. Although, we agree with this principle, even for the post of the Extension Officer (Co-operation), the taluka should be classified into Class-I and Class-II talukas by the Registrar of the Co-operative Societies, bearing in mind the number, position and work-load of the co-operative societies and two posts of the Extension Officer (Co-operation) should be allotted to the Class-I talukas.

9.33 Shri Shukla Committee has recommended to authorise the Development Commissioner to create some of the posts, such as, Tagavi Clerk, Record Clerk, General Duty Clerk, Typist, etc. subject to the definite standards that may have been prescribed in that regard. We, however, feel that such powers should be delegated to the District Panchayat subject to the annual limit of Rs. 50,000. We also recommend that all powers should be vested in the District Panchayat for creating posts from their own funds, subject to the special or general orders of the Government.

9.34 In addition to the proposals of Shri Shukla Committee for raising the strength of the staff, we have also proposed for increasing the strength of the staff as follows for the reasons shown elsewhere in this report. We recommend to consider those proposals sympathetically and implement the same.

The Committee does not think that all the existing administrative requirements of the Panchayat Raj administration at district level would be fulfilled by sanctioning the post of the Deputy District Development Officer held in abeyance. Important work in respect of planning and review of the Five Year Plan at district level, co-ordination between the Government and Panchayat administrative set-up, redressal of the people's grievances, etc. is going to be increased, for which, we recommend to establish a special administrative machinery at district level. According to our proposal the revenue machinery upto the district level is to be under panchayats. It would be necessary to place in charge of the Collector, the post of the Resident Deputy Collector who assists the Collector in respect of the revenue work at the district level, hence, the District Development Officer will have to be given the services of the Class-I officer in this respect. Various programmes of the Government such as, rural employment and nutrition programme, etc. have already expanded considerably and still they are going to be further expanded. In order to cope-up with the work of all the areas under such programmes, there is a dire need of increasing the number of responsible officers at district level and such need will go on increasing in future. In addition to the filling of the post of the third Deputy District Development Officer held in abeyance, the Committee recommends that at least one more post of the Deputy District Development Officer should be created in every big District of the State and one more post of the Chitnis should be created in every district. Against this, it may be considered to exercise economy in the expenditure by holding in abeyance one out of the two posts of the Chitnis and Head Clerk in the Collectorate.

9.35. The pattern of District Planning Administration as suggested by Panchayati Raj Administration Evaluation Committee is as follows :—

<b>District Planning Officer</b>			
<b>District Statistical Officer</b>			
<b>District Statistics Office</b> Research Assistant            1 Statistical Assistants        2 Clerk Typist                    1 Peons.                            2	<b>Planning branch</b> Research Assistant        1 Clerk-Typists                2 Draftsman                    1		

The work of District Planning Officer can be handled by creating an additional post of Deputy District Development Officer as suggested above by us. We also believe that suitable officers from amongst District Statistical Officers should be posted on not more than 25 per cent of the posts of this Deputy District Development Officer (Planning and Programme). It will be proper if on the remaining posts, suitable officers from amongst Deputy District

Development Officers may be appointed by selection. We are of the opinion that the recommendation of Evaluation Committee in respect of establishment as mentioned above should be accepted.

9.36 Commissioner Shri M. M. Heble appointed for the re-organisation of Maharashtra Administration has in para 10-45 to 10-47 of the Report, strongly recommended that taking into consideration the importance and manifold responsibilities and duties of Block Development Officer, his post should be upgraded to Class I post. The responsibilities and duties of Taluka Development Officer of Gujarat are not less than those of Block Development Officer of Maharashtra. Moreover, in the context of our recommendations to the effect that in Gujarat the functions of revenue department upto the District level should be entrusted to Panchayats and Development Officer, we propose to sanction the establishment of officers at taluka level as follows. Talukas of the State should be distributed into two divisions. Following should be included in Class I Talukas.

(A) Present projects of Adivasi blocks, wherein there are posts of Project Officer, Class I at present. (B) Other talukas having heavy works should be included. Taking into consideration the number of villages, population, annual budget, pressure of work relating to revenue and load of administrative work, remaining talukas should be placed in Class II as may be decided by the Government.

In Class I Taluka, Class I Officer should be appointed as Chief Administrative Officer that is Taluka Development Officer-cum-Revenue Officer, while Class II officer should be placed under him as Deputy Taluka Development Officer. In Class II Talukas, Class II officer should be appointed as Chief Administrative Officer, while as recommended by Shri Shukla Committee a post of Assistant Taluka Development Officer of Class III in the scale of Superintendent of Rs. 250—480. By implementation of the recommendation of the Committee no administrative expenditure will increase but there is a possibility of lessening the same.

9.37 In addition to this, the Committee has recommended in different chapters to sanction additional establishment as detailed below, which is necessary to be mentioned her

Serial No.	Details	Para number of the report
1	2	3
1	Proposal to create more posts of Talati-cum-Secretary.	3.47
2	Proposal to continue on permanent basis the posts of Kotwal.	3.48

Sr. No.	Details	Para No. of the report
3	Proposal for the additional posts of primary teachers.	7.4
4	Upgrading the post of district officer for social justice from Class II to Class I.	8.26
5	Creation of posts of Extension Officer for Social Justice at taluka level.	8.27
6	Establishment of New Panchayat Raj Training Centres, Extension of Orientation and Study Centre of Junagadh and Establishment of Training Centre for Panchayat diploma.	9.64, 9.66 and 9.67
7	To sanction independent post of full time Secretary for Panchayats department.	13.8
8	Establishment of offices of Divisional Commissioner (concerned offices at State level can be abolished.)	13.12
9	Formation of tribunals at State and Divisional levels.	13.19
10	Proposal for permanent Panchayat judge for proposed Nyaya Panchayats and required establishment.	14.10

### 3. CADRE AND SPECIAL COMPETENCE OF THE OFFICERS OF PANCHAYATS

9.38 It has been represented before us that the gazetted officers sent on deputation to Panchayats are not of equal status and competence as compared to those under Government departments. When the concerned Secretariat Department or office has to take final decision by itself without any consultation about the deputation of officers under them, it is natural that they may adopt the policy of keeping good officers on the posts with them and deputing the officers of lower calibre to Panchayati Raj Institutions. However, to make a statement that each office or department always allots to Panchayats officers of lower calibre and competence is always very easy and natural.

In order to ensure that the services of officers having suitable experience, competence and aptitude may be made available to the Panchayat Raj Institutions, we have considered some alternatives as under :-

(1) Separate cadres of administrative and technical gazetted officers should be formed for the Panchayat Raj Institutions.

(2) While deputing officers to Panchayats or withdrawing them, the concerned Panchayats should be consulted and officers should

be deputed or withdrawn in accordance with the opinion of Panchayats.

(3) Appropriate alterations and additions should be made in existing set-up and criterion.

9.39 It is said that the formation of cadres of administrative and technical officers for Panchayati Raj Institutions as distinct from the officers of the State will provide the services of officers experienced in rural administration to local self-Government institutions. Moreover, opportunities and scope will be available to the staff in Panchayat service for promotion on gazetted posts under Panchayat. Such officers will be expert in dealing with the popular office-bearers and institutions and to that extent, it is expected that the administration of Panchayati Raj Institutions will be more efficient and effective. After deep consideration of the matter, the Committee has found that the formation of separate cadres of officers for Panchayats will create permanent differences between the State and Panchayat Raj, which will not be in the interest of the State in a long run. The popular view point and approach available to the State level officers while working in Panchayat Raj administration will be no more there by this arrangement. It is evident that a separate administration of Panchayat Raj can never be on a higher plane than the routine administration and due to this reason the officers of such separate administration cannot project the local view points with forcefulness or self-respect before the Heads of Departments or the Secretariat Departments. If the Panchayat Raj administration is made a little light and aloof from the Government administration, competent and wise officers will be inspired to join the services of State administration and consequently the administrative set-up of Panchayat Raj will suffer. The Committee is impressed by the motive-force of idea of separate administration. But its practical implementation will be possible only when the Panchayat Raj will also be given to discharge the responsibilities and activities almost similar to those of the Government. The Committee will not be surprised if at such a stage All India Local Self Government Service may have to be constituted.

9.40 The principle of obtaining the consent of the concerned Panchayats prior to sending the officers on deputation to Panchayats seems quite good as an ideal. But in practice, its implementation is very difficult. In view of the number of posts of gazetted officers under District/Taluka Panchayats in the State, it will not be possible to issue transfer orders in effect, if the standard of getting the consent of concerned Panchayat and officer in every case is to be adopted. Not only that, the principle of allotting the officer of their choice to every Panchayat is also not reasonable. Because most of the Panchayats would prefer to have the services of good officers and most of them would not like to have the services of weak officers. The Committee feels that if the principle of Panchayat's selection

is implemented, there will be routine conflicts between the various Panchayats and officers will be involved in the local politics. In this respect, the Committee would only like to point out that in case District/Taluka Panchayat does not wish that its particular officer should be transferred sufficient reasons should be submitted in support thereof, and in case of proposal of the appointment of officer on any vacant post the criterion as to sending the proposal consisting of three to four alternative names should be furnished. The proposals received from the Presidents of Panchayats should be taken into account at the time of transfer of officers.

9.41 Some suggestions have been furnished before us for inserting certain procedures and practices in the existing criterion. One suggestion is that the criterion as regards consulting the Gujarat Public Service Commission and/or Gujarat Panchayat Service Selection Board prior to deputing the officers to Panchayats should be adopted. The Committee does not find it proper or practical to involve these service Advisory Bodies in the matter of transfer. The transfer and deputation of officers is an administrative matter and it does not involve any condition of service. Therefore it is desirable that the powers in this regard may remain with administrative officer *i. e.* Government or Head of the Department. However, in order to ensure that the officers sent on deputation may have sound merits and efficiency, the Committee makes the following special recommendations :—

(1) The proposal for sending on deputation or withdrawing an officer from deputation to Panchayats may be submitted by the Departments of the Sachivalaya or Heads of the Departments to the Minister for Panchayats or the officer as may be decided by his general or special order, and after getting approval, orders in this regard may be issued. This procedure should be adopted. At present the same procedure is being followed for the deputation of Deputy District Development Officer and comparatively it has proved satisfactory. As we have suggested above, if this procedure is followed in respect of all the officers sent to Panchayats on deputation, Panchayats will get the officers having the same merits and efficiency as the officers of Government departments. Further the services of those officers who have proper interest and aptitude for Panchayat Raj administration would also be available. This is the belief and assessment of the Committee.

(2) As suggested by Panchayat Raj Administration Evaluation (Shri Dahyabhai Nayak), Committee a clear provision should be made that no officer who has not taken training in refresher courses of the Panchayat Raj should be deputed to Panchayats.

(3) Criteria and standards regarding the transfer of officers fixed by the State Government should be strictly observed. Even in the cases where any Department or office may make exception in this criterion or standard and may find it necessary to transfer



a deputed officer from one Panchayat, a policy for getting the approval of Minister for Panchayats or the officer earmarked by him, may be adopted.

(4) During the course of experience it is learnt by the Committee that some officers are appointed under Panchayats for a number of years, while some others are not at all sent to Panchayats. On account of this a feeling of discrimination prevails among the officers. Apart from this those officers get experience of Panchayats or Government machinery only. In order that such officers can get experience and knowledge of both the fields the Committee suggests that the principle of transfer of officers after every five years on the posts under Panchayats and Government should be adopted.

9.42 We have carefully studied the recommendations of the Panchayat Raj Administration Evaluation Committee for the appointment to the post of District Development Officers. As per recommendation made in para No. 8.25 of the report of the Committee, 50 per cent of the posts of the District Development Officers should be filled by appointing Indian Administrative Service Officers while the remaining posts should be filled by appointing officers having experience of more than eight years of Development Service Class I cadre and by promoting officers having experience of more than eight years on the equivalent posts of other Class I cadres of the State.

At this juncture we think it proper to remind the recommendations made by the Gujarat Panchayats Act Amendment (Shri Jadavji Modi) Committee for filling the posts of District Development Officers (Para 4.14 of the Report) :—

“The post of District Development Officer is the key position in the Panchayat set-up and for the same reason the Democratic Decentralization Committee after careful consideration, recommended to appoint senior time-scale Indian Administrative Service Officer to the post and accordingly provision was made in the Act. By the recent ordinance Section 142(2)(b) of the Act relating to this has been deleted. This means that the Government is thinking to change the policy relating to this. If it is so and if the status of the post of the District Development Officer is reduced at the same time the whole Panchayat set-up will have far-reaching effects. It is necessary to retain the status of this post because now all the developmental activities undertaken in rural areas are done through Panchayats and many Class I Government Officers have been appointed under the Panchayats. We, therefore request to Government that a senior time-scale I. A. S. Officer should be continued on this post.”

9.43 After careful consideration of the whole question, the Committee is of the opinion that it is not practicable or desirable to

reduce the cadre of the post of the District Development Officer below the rank of Indian Administrative Service Officer.

9.44 As the Dangs and the Gandhinagar Districts are like Talukas from the view point of population and area, Senior I. A. S. Officer will not be required for those Districts as District Development Officer. In the Dangs District Gujarat Development Service Class I Officer has been appointed as District Development Officer with selection grade. The Committee recommends that the post of Gandhinagar District Development Officer should be filled up accordingly.

9.45 The post of District Development Officer is the key stone in the administrative set-up of the whole Panchayat Raj, the Committee believes that if for this post services of appropriate officer can be made available, the success of Panchayat Raj in that District would be undisputedly a certainty. The Committee thinks that in the overall administrative machinery of the District level, the District Development Officer holds importance similar to that of the Collector and calls for particular insight and vision for the rural development activities from the view point of successful implementation. For this reason the Committee has thought out various alternatives so that services of experienced, well-conversant, active and dutiful officer would be made available for the very important post of the District Development Officer. One of the alternatives is that the District Development Officer should have put up more service and experience than the Collector. The other alternative is that special pay similar to that of the Deputy Secretary should be sanctioned for the post of District Development Officer. Considering this the Committee thinks that it is not necessary that District Development Officer should be senior to the Collector. But it is more important that the officer should have proper tendency and liking for working with the representatives of the people, should be able to guide in the planning of various schemes and speedy implementation of the sanctioned programmes. Similarly, on the developing area of democratic decentralization the post of District Development Officer is to attain more responsibility than that of the Collector. Though the Committee is of this opinion, it does not think that good officers for Panchayat Raj Institutions would be available only if temptations of special pay are put forward before the officer to be deputed to the Panchayat Raj. Panchayat Raj is an integral part of the broad administrative set-up of the Government and for deputation to it, obtaining official concurrence of the officers and sanctioning special pay for them is not the best way for availing services of good officers. After thorough consideration of the whole question the Committee suggests that the standard for appointment to the post of the District Development Officer should be accepted, according to which an officer having invariably minimum two years administrative experience as Deputy Secretary, Head of the Department or as Collector should be appointed as the District Development Officer. No doubt, the Committee recommends that suitable liking, tendencies

and efficiency of the person to be appointed to the post of District Development Officer should certainly be taken into consideration.

#### 4. THE MORALE OF PANCHAYAT SERVICE

9.46 In any administration high moral of the employees is the first condition for efficient administration. It is essential that the employees of the Panchayat service should perform their duties with efficiency and devotion. The employees of Panchayat service have made before us several official and non-official representations for safeguarding their interests, of which some according to the Committee, have considerable substance. The Committee does not prefer to take up individual cadrewise problems because that work is very extensive and complicated. It is not possible for the Committee to cover it in the context of comprehensive scope involved. The Committee has carefully considered the general points relating to the Panchayat Service and recommends to take some concrete steps for the same as follows :

9.47 Appointment of a State level Tribunal for hearing and disposing disputes and complaints relating to officers/employees of the State Services is under consideration. In view of this, formation of such type of Tribunal for employees under Panchayat Service seems necessary. The Committee feels that moral spirit of Panchayat Service will be uplifted if employees under Panchayat service are allowed to lodge appeal or complaint before such Tribunal for protection of their rights and interests. Besides, this will end various lengthy procedures and appeals in courts of law. In order that this purpose is served, the Committee has recommended in Chapter XIII to form divisional level Tribunals for hearing complaints and appeals in respect of employees under Panchayats.

9.48 The existing provisions of Gujarat Panchayat Services Selection Board and District Panchayat Services Selection Committees for giving advice in matters of recruitment and other service matters in respect of Panchayat Service are adequate and should be continued. Formation of tribunal at divisional level has been suggested above which would enable employees under Panchayat service to make complaints/appeals against punishment inflicted upon or injustice done to them. In view of this, it does not seem necessary to continue the provision of seeking advice of Panchayat Services Selection Board before inflicting punishment upon employees under Panchayat Service. The Committee recommends that the separate establishment of State level departmental inquiry officers created to make departmental inquiry against employees under Panchayat service for their misconduct or negligence should be continued and strengthened as and when necessary.

9.49 Before Panchayat Raj came into existence, there were employees under converted Gram/Nagar Panchayats and other

Gram Panchayats and such posts maintained from their own funds are still in existence. which have been kept separate from District Panchayat service. As a result of which such employees are not transferable. It was represented before the Committee that there is lethargy and frustration among such employees as scope for their promotion is also very limited. The Committee suggests that proper arrangement should be made to bring such posts maintained from their own funds to the proper cadre of district level and after proper ratio of posts such employees may be given opportunity for promotion under Panchayat Service and thereafter gazetted posts of State Services.

9.50 The Committee is happy to note that in Panchayat service common cadres for posts of clerical category and for accounts posts have been formed which are very useful. The Committee is also pleased to note that provisions giving opportunity to employees under Panchayat service for getting promotion to 50 per cent posts of Taluka Development Officers is made. It is likely that in most of the cases it may not be feasible to give promotions to technical personnel on posts of Taluka Development Officers as they are of administrative type. Similarly, it can also be understood if many of the technical personnel desire to get promotion to gazetted class II posts under Technical Department. In 1965 when options were to be given for Panchayat service it was decided under assurance given by Government that Government employees allocated to Panchayats should be given promotion to gazetted posts in their parent departments. In this connection it seems essential and proper if employees under Panchayat Service are given following opportunities for promotion :—

(1) Employees of administrative category should be given promotion to the posts in Gujarat Development Service Class II.

(2) Employees in Accounts Section should be given promotion as per their choice to posts in Gujarat Development Service Class II or Accounts Officer Class II.

(3) Extension Officers inclusive of other technical personnel should be given promotion as per their choice to gazetted technical post of that department or to that of Development Service Class II.

9.51 The suggestion we have made conjures up a picture that employees under Panchayat service get double opportunity for promotion but if promotion is made whereby every employee under Panchayat service is asked to exercise option within prescribed time-limit of selecting specific line of promotion, there would remain no possibility for double opportunity of promotion. The Committee urges that for purposes of promotion to Gazetted posts at State level a combined seniority list of employees under departments of State Government as well as of corresponding employees of Panchayat Service should be prepared as also a combined seniority list of employees under Panchayat service

for promotion to Gujarat Development Service Class II should also be prepared and should be implemented as early as possible. Though Section 203(4) of Gujarat Panchayats Act provides for promotion of employees under Panchayat services to State services no concrete action for promotion has been undertaken by framing rules in that regard. This has resulted in an atmosphere of frustration and lack of spirit among employees under Panchayat service. This has aggrieved the Committee very much and it urges to take proper action within the time limit of three months.

9.52 Government has decided to form an administrative cadre combining cadre of Deputy Collectors and Gujarat Development Services Class I which, the Committee believes, is in the wider interest of the State as well as Panchayat Raj. It would not be practical if common cadre of class I is formed and cadres of Mamlatdars and Taluka Development Officers, class II remain separate. Besides, there would be no question of keeping separate cadres in view of our recommendations to abolish posts of Mamlatdars. Shri S. K. Dey, the Chairman of All India Panchayat Parishad has made the following recommendations after making a study of Panchayat Raj in Gujarat :—

“I would strongly urge that in line with the circular, which I believe, has been issued by the Community Project Administration as early as 1953, called the blue pamphlet, the Block Development Officer in particular be made part and parcel of the cadre of the State Administrative Service. Block Development Officer can be carried through a special programme of training, as and where called for, to fulfil the requirement of General Administrative Service”.

The Committee, therefore, recommends to constitute Gujarat Administrative Service, Class II by combining both the cadres of the said Class II.

9.53 Staff of the Panchayat service should not feel that they are getting less facilities and comforts than the Government employees. The Committee suggests that statutory provisions should be made to the effect that the benefits and facilities in regard to conditions of service whenever extended to the Government employees may be automatically applicable to the employees of Panchayat service, at the same time so that the Panchayat service personnel gets, equal opportunities in service matters. It is also required to make specific provisions so that the sufficient provision of loan may be available to the staff of Panchayat service for house building, purchase of motor-cycle, fans, etc. Committee recommends to inspire and encourage the District Panchayats to implement the different schemes of competition and prizes so that the staff in Panchayat Service may get proper and effective inspiration for work.

9.54 Committee suggests to make a provision so that the employees in Panchayat service, may get reasonable stipend like the

employees of State Service during the training period and in case, any employee of the Panchayat does not get pay during the pre-service training according to the conditions of service, he may receive as loan or advance full amount equal to the pay every month and get the facilities of easy instalments for repayment.

9.55 In some cases Panchayats are anxious to build quarters for the employees in Panchayat Service. But as Government does not allot land free of cost, work does not proceed further. The Committee recommends to consider the Panchayat Service as a part of the general services of the State and to give proper encouragement to panchayats by granting the Government lands free of cost for the construction of staff quarters.

9.56 With the creation of 25 per cent posts of selection grade in the cadre of Talati-cum-Mantri, the opportunity of promotion in that cadre will be increased a little with the provision for equalizing the selection grade of Talati-cum-Mantri with the pay-scale of Circle-Inspector and clerk and thereby making the mutual transfer possible among those three cadres, the clerical staff will get knowledge and experience about the field and the employees like circle-inspector and talati will receive enough experience and training to deal with the office work in office, whenever they may get promotion in future. Thus the creation of this common cadre is specially recommended by the Committee.

#### *Transfers of the Panchayat's employees*

9.57 Representations are brought before the committee about the unhappy and conflicting situations arise at some places between the officers and office-bearers for the transfers of employees in Panchayats. The situations are also found that the employees in Panchayat service are also sometimes dissatisfied and discouraged by the transfer orders.

A necessity as to the arbitration of Government also arose in some districts for the transfers of Talati-Mantri, clerks and Gram Sevaks made by the District Panchayats on a large scale. All these statements do not imply that the question of transfer is complicated and difficult only in Panchayat Services. It is well known that the problem of transfers is also troublesome and difficult in State Services and departments under the Government. However it is likely that some more severe feelings may prevail in Panchayat Service on the issue of transfers. In order to achieve the object that the transfers of employees in Panchayat Services may be justified and can be said to have been made for administrative reasons in the true sense, the Committee makes the following recommendations :—

- (1) A specific provision should be made to the effect that the rules and regulations and policy and practices as may be decided

for the transfers in State-services may become automatically applicable to Panchayat service at the same time. However frequent transfers of employees engaged in the extension work of the Panchayat Raj Administration is not in the interest of the development work. Professor William B. Palmer of Michigan University had visited Gujarat two years ago and given a short report wherein he had stated :—

“ One very firm conclusion results from my experience is that the term served by technical officers or personnel, particularly in the agricultural and health fields, has been too short to gain the necessary confidence at the village level upon which acceptance of agricultural innovation and family planning depends. ”

The Committee feels that no risk is involved if the transfers of extension officers and other staff associated with the programmes shown below, may be made at ten years interval instead of five years :—

- (1) Agricultural programmes.
- (2) Animal Husbandary.
- (3) Family planning and public Health.
- (4) Education.
- (5) Social education.
- (6) Social justice.

(2) In case it is decided at district level to make exception in the rule regulations and policy prescribed by the Government, a criterion should be adopted to the effect that the transfers may be made after considering the reasons and circumstances of the transfers as personally verified and reported by the officer as may be deputed by the President of the District Panchayat.

(3) The orders that the transfers should be made generally in vacation are clear. However in order that particular care may be taken in this regard for the Panchayat Service, a clear provision is required to be made that the transfers of the employees may be made only during vacation. And except the vacation if transfer is required to be made, it should be considered as exception.

(4) Proposals of transfer should be prepared at Taluka level. The taluka Development Officer or Deputy Engineer, Medical Officer or any other field officer working directly under the District Panchayat should prepare such proposals two months before the vacation begins. The Taluka Development Officer should send each proposal for transfer along with the remarks of the President of Taluka Panchayats. Views of both the officers should be clearly specified in the proposal. Such proposals should be sent by name to the concerned District Officer of the District Panchayat. The

procedure of taking decisions regarding transfers generally should be decided by the District Panchayat. The concerned District Officer or District Development Officer should be delegated powers to make transfer or in the alternative, for taking decision in each case the file should be placed before the Chairman of the Committee concerned or the President of the District Panchayat. A provision should be made to the effect that the District Panchayat can prescribe any one alternative out of these two. A practice should be clearly established that no transfer can be made by office-bearer without taking into consideration the opinions and views of the District Officer concerned and the District Development Officer. It is necessary to make provision to the effect that the file regarding proposals of transfer should be kept by the officer concerned at District level. This suggestion is made because it has been noticed by us that at present in certain cases officers at District level are not attending to work pertaining to transfers. As the posts of clerks are now on a common cadre, generally a practice to take into account the views of officers at District level in making transfers of clerks should be adopted.

(5) In making transfers of Harijans, Adivasis and women employees, their family and social circumstances and other convencies should be taken into account. In cases where a husband and wife or both or either of them is in Panchayat service and the other is in other Government or semi-government service, a practice that they should be provided with such special facility that both of them can serve residing at one place, should be adopted and maintained.

(6) Cards giving detailed information about duties performed by each employee at different places and his social responsibilities and needs should be maintained. Similarly, proper registers in respect of classwise transfer of employees should be maintained, wherein a permanent record of reasons for transfer should be kept.

(7) It will be sufficient if department or office concerned issues general orders of placing services of class II and class III officers/employees at the disposal of the District Panchayat. And thereafter the District Panchayat administration can make appointments of such officers/employees on particular posts within the District and can make transfers within the District. One fear expressed before us in adoption of above mentioned practice is that in respect of transfer of such officers/employees, one kind of orders will be received from state level and other kind of orders may be received from District level, causing confusion and mis-understanding. To avoid this situation, when the issue of transfer of such officers/employees is considered at District level, the Head of the department should be informed by D. O. letter about it, so that one and the same officer or employee does not get two different orders of transfer.



## 5. TRAINING

9.58 The Committee is convinced that training is the best measure for making Panchayati Raj successful. Even though it is inevitably necessary that each office-bearer and officer of Panchayati Raj Administration should be a trained one, the Committee is worried about it because the importance of training is not fully understood in its real sense. What type of training is necessary for all office-bearers and officers and employees should first be assessed and training should be co-ordinated and planned and a well-organised set-up should be established for it. It is in the same way necessary that the training centres should be established in sufficient numbers and they should become active and effective. It is also necessary that all concerned should feel the necessity of training. The Committee's comprehensive suggestions in respect of training are as follows :—

9.59 We should go ahead with the understanding that training is indispensable for all persons connected with Panchayati Raj administration. There is a provision in the Act of State of Rajasthan that if a member of Taluka Panchayat fails to take training his seat automatically becomes vacant. Looking to the importance of training, the Committee specially recommends to make a specific provision that if the heads of Gram, Nagar, Taluka, District Panchayat as well as the Chairman of the committees fail to avail of training prescribed for them, inspite of informing them three times, their membership should be considered as vacated. The Committee is compelled to make such a harsh recommendation because it is not proper that the office-bearers who are in the administration of Panchayats should not acquire proper ability to run the administration.

9.60 Only orientation or refresher training will not be sufficient for the office bearers of Panchayats. It is necessary to give job-training to office-bearers of Panchayats in the following subjects :—

(1) Provisions of the Panchayats Act and of important rules made thereunder.

(2) Organisation, procedure and needs of administration at respective level.

(3) Details of functions and duties to be performed by the office bearers and officers of Panchayat of respective tiers.

(4) Their own duties and powers.

(5) Situations and problems arising in routine working of Panchayats and their solutions.

(6) Necessary details of schemes and activities to be implemented at respective level.

9.61 The committee believes that the officers of Panchayats need training all the more as compared to the office-bearers of Panchayats. It is quite essential that the officers who are deputed to Panchayats should compulsorily undergo orientation training in Panchayati Raj before they are deputed and then alone they should start working in the administration of Panchayats. As stated earlier in this chapter, it is quite essential that the officer of Panchayati Raj should have basic information and knowledge of Panchayati Raj Administration.

9.62 It is most essential that the Heads of Departments concerned with the Panchayati Raj get orientation training regarding Panchayati Raj at the earliest. Generally the Heads of such Departments are not sent to such training centres/classes held at Hyderabad by the National Institute of Community Development. Consequently it is natural if the Heads of Departments are not able to supervise and guide the Panchayat Raj administration properly. The Committee recommends that it should be so arranged that henceforth along with a District Development Officer, a President of the District Panchayat and a member of the Legislative Assembly, the Head of atleast one Department (concerned with the Panchayati Raj) is sent to each training class to be held in future. The Committee is also of the opinion that over and above this training, it will be useful and fruitful if a camp of three-days duration is held for the Heads of Departments under the Chairmanship of the Secretary of the Panchayats and under auspices of the State Panchayat Council.

9.63 There is some provision for the Refresher Course so that the personnel of the Panchayat Service can get themselves trained. But barring some exceptions there is no extensive provision for the job-training so that such personnel can do their duties with skill and efficiency. This defect is most glaringly found in the case of Accounts Staff of the Panchayats. Training classes are organised by the Directorate of Accounts and Treasury for the Accounts Staff working under it, but there is no provision to associate the Accounts Staff of the Panchayats. There is no separate provision for the training of the Accounts Staff of the Panchayats. It may be possible to hold common training classes for certain cadres on the establishment of the Panchayati Raj and those in the Government. If necessary, common training classes may be held for the subjects which are common to the Panchayat and the Government and separate training may be imparted for the remaining subjects. If the staff of the Panchayat Services remains untrained, administration of the Panchayats cannot function properly and in future when such untrained persons are promoted on Gazetted posts, they won't be able to do their duties efficiently. The Committee expects that this would clearly be understood by all the concerned Departments. As a result the Committee recommends that a scheme necessary for training those persons who are working for the activities and are on the establishments transferred to the Panchayats may be framed and

implemented immediately by the concerned Secretariat and District level Departments of the State Government. The Committee also recommends to make provisions, under which all the Departments of the State Government review the conditions regarding the training of the Panchayat Staff and submit detailed reports before the State Council for Panchayats through the Panchayats and Health Department and proceed further according to the advice and instructions of the Council.

9.64 At present there are 7 training centres in the State to train the Sarpanchas and Talati-cum-Mantris. Keeping in view our recommendation to abolish the cadre of Gramsevak and absorb them in other cadres like that of Talati and thereby increase the strength of Talaties we think that these 7 centres will not be sufficient for this purpose. Looking to the present standard, a basic training of 6 months duration will have to be given to those Gramsevak who will be recruited as selection grade Talaties and those Talati-cum-Mantris who are, and others who will be, new recruits. In addition to impart orientation training to such new Talati-cum-Mantris, the Panchayati Raj Training Centres hold refresher courses of 21 days duration for old Talati-cum-Mantris and 3 days peripatetic training as well as 7 days institutional training for the Sarpanchas and Upa-Sarpanchas. Thus, a Panchayati Raj Training Centre cannot impart training to more than 50 newly recruited Talati-cum-Mantris in a year. At the district-level, it will be most essential to impart immediate training of one week's duration to the directly elected members of the District/Taluka Panchayats. As the direct election of the Sarpanch at the Taluka level has been suggested, it will also be necessary to train such incumbents and elected members of the Nyaya Panchayats. In the same way, it will be essential to impart one week's orientation training and hold refresher course every year for the staff of the Panchayat service. In addition to this, considering the fact that a camp for Sarpanchas will have to be organised at Taluka level, the Committee thinks it necessary that an independent Panchayati Raj training centre is established in every district. It is known from the information circulated by the Government of India that the number of Panchayati Raj Training Centres working at present in Maharashtra and Uttar-Pradesh is 14 and 35 respectively. In this connection, and as enough training has not been imparted in the past to adequate number of office-bearers and Talati-cum-Mantris and as number of new candidates are to be recruited, the Committee strongly recommends that Panchayati Raj Training Centres should be established in each district.

9.65 A specific provision should be made for training the elected members of the proposed Nyaya Panchayat. The Committee recommends that a provision may be made in the law according to which as in the case of the members of the Panchayats the seats of those members should be treated as vacant who fail to get themselves trained during the prescribed period.

9.66 It seems necessary to extend the present orientation and study centre which is being run at Junagadh. According to our suggestion made above, it is necessary to organise job-training classes for the office-bearers of District, Taluka Panchayats to give them complete understanding regarding Panchayati Raj Administration of Gujarat, its structure, rules, procedure, etc. The Committee thinks that it will be necessary to increase the strength of teachers and other amenities considerably at the said centre of Junagadh when such an ambitious training programme is to be undertaken. The Committee suggests that with a view to improving the level of training and making it more practical the standard of taking proper teaching staff, for the orientation and study centre from the Research Centres or University on deputation may be accepted.

9.67 It is necessary to give special attention towards various original experiments in training so that the level and quality of training is improved. The Committee believes that the work of imparting training will be improved to the extent that the fulltime Vice Chairman and the Secretary of the State Council for Panchayats take interest in this matter. The Committee thinks that the training will be more realistic if pre-planning of training classes is made in time and the trainees are informed well in advance. It is also equally necessary that the training periods are selected excepting the busy season of agriculture. In the training centres, there are some books written in English from various countries. But enough literature written in lucid Gujarati, explaining the Panchayati Raj Administration in Gujarat, is not available. The Committee suggests that the work of preparing such literature and manuals regarding Panchayati Raj Administration should be entrusted to this Centre.

9.68 In countries like England where democracy and institutions of Local Self Government are developed, the work of training all sorts of personnel like administrative, vocational and technical is carried out by the Local Self-Government institutions and the Federation of their staff. These organisations also prescribe the qualifications for recruitment and promotions in service. In our country also, so far as the institutions of Local Self Government in the urban areas are concerned, the All India Institute of Local Self Government has undertaken the noble work of teaching and training for the Local Self Government Diploma. The number of Panchayats in the State greatly exceeds that of Municipalities. The strength of Panchayat staff is also much more than that of the Municipalities. The Committee thinks it most important that such persons are employed in the rural local self Government institutions, i.e. the Panchayat Raj institutions who specialise and acquire skill in the Panchayat Raj Administration. This seems to be necessary from another point of view also. When the Panchayat Service Selection Board advertises for filling up the posts of clerks, Talatis, Extension officers etc. thousands of Candidates come forward for few posts. For selection purpose short written test and interviews are held, but candidates available as a result of this method are not

always having rural background, experience and aptitude, and at the same time the selected candidates take a very long time to get stabilised in the Panchayat Raj Administration. From this point of view the Committee thinks that the recommendation made by the Panchayat Raj Administration Evaluation Committee regarding Panchayat Diploma is important and useful. The Committee recommends that, in the recruitment rules of all the directly recruited Panchayat Servants, excepting the technical ones, provision should be made making the Panchayat Diploma an essential qualification. The Committee strongly recommends that with a view to running the training classes for such Panchayat Diploma a training centre having full facilities should be established under the auspices of the State Council for Panchayats. The Committee after careful consideration also recommends that a course of one year should be prescribed for the Panchayat Diploma and practical experience should also have place in it over and above the class-study. The Committee has also considered an alternative to this provision : viz. whether it will be proper to select the candidates first and then to insist that they get the Panchayat Diploma. As the Panchayat Diploma is going to be useful for the posts of various types and cadres of Panchayat Service and for administrative and clerical posts as well as those dealing with Accounts in the Panchayats of all the areas and at all the tiers of the State, the Committee prefers the alternative of laying down an essential qualification that the candidates must have obtained such a Panchayat Diploma before they join service.

9.69 The Taluka Development Officers who are direct recruits and those who are on deputation from the cadre of Mamlatdar have already obtained special training and experience in revenue matters. But especially the Taluka Development Officers who have been and are being promoted from the posts of Extension Officers, etc. have not got training or experience in revenue matters. As a result of this, they are not able to deal with revenue matters as is expected of them. Now that we have recommended to entrust all the duties pertaining to revenue matters coming under the purview of Land Revenue Code and rules to the Taluka Development Officer, it seems most essential that he gets adequate training and practical experience in revenue matters. The Committee strongly recommends that for the Taluka Development Officers who are promoted from the posts of the Extension Officer etc. training classes for about two months should be immediately arranged under the auspices of the Administrative Training School. The Committee also recommends that provision should also be made for such future promotee Taluka Development Officers to get this sort of training unflinchingly.

## 6. PLANNING, CO-ORDINATION AND ORGANISATION AT DISTRICT LEVEL.

### *Planning and Review*

9.70 With a view to making planning and framing of district level schemes as an integral part of the Fifth Five Year Plan

democratic in the real sense of the word and to making them fulfil the local requirements reasonably and realistically within the framework of broad policy of the State, the work of suggesting and framing district level schemes should be fully entrusted to the District Panchayats. It is of supreme importance to see that planning at District level does not remain merely a list of local wishes and ambitions but specific schemes in various fields are framed keeping clearly in view their size and form and with reference to the priorities fixed by the State. After his visit to study the Panchayati Raj of Gujarat in August, September 1971, Shri S. K. Dey has in the Report submitted to the Governor, most clearly recommended as quoted hereunder:—

“The State of Gujarat has initiated a Planning Organisation at the State headquarters, to draw up a Ten year perspective plan and to relate its annual plans on this wider perspective. For this to succeed in a realistic manner and at the same time to infuse a spirit of real self Government in the office bearers of the Panchayati Raj system, it is highly imperative that the planning process must start from the village upwards and all technical functionaries from the village upto the State level must be geared for the purpose with a special thrust and with the sense of identification and responsibility to be shouldered by all people elected or otherwise. In the political environment that is now emerging in the country, it is of special importance that this galaxy of elected representative be given the dog-tail of new task to be straightened, if the increasingly young and vital elements which are now coming into play in Panchayat Raj, are not to fall a prey willingly to the subversion of the very system whose furtherance is their primary responsibility, adding further fuel to the fire of party factions.”

The Committee understands that it is being considered at national and State level to evolve realistic regional planning and also to obtain willing participation and help of local bodies and officers in planning schemes of local character. The Committee also believes that Panchayat Raj Institutions of Gujarat, will be important units of plan implementation for effecting socialistic approach of the new Fifth Five Year Plan.

9.71 To achieve this objective, the Committee specially recommends as follows :—

(1) District Planning Boards should be set up under the Chairmanship of the President of the District Panchayat with the following members :—

1. President of the District Panchayat.
2. All members of the Parliament from the district.
3. All members of Legislative Assembly from the district.

4. The Collector .
5. Presidents of District Municipalities.
6. Vice-President of the District Panchayat.
7. Representatives of District Co-operative Bank, Co-operative Board and Co-operative Marketing Union.
8. Chairmen of District Panchayat Committees.
9. Presidents of Taluka Panchayats.
10. District Development Officer.
11. District level Government and Panchayat Officers.
12. Representatives of trade and industry.
13. Representatives selected from local leaders in the university, the college, Engineers, Doctors, etc.

(2) The District Planning Board should be entrusted with the work of planning all projects at District level for the whole District including Municipal area.

(3) The Committee envisages that the District Planning Board should appoint subjectwise study groups and obtain and study their reports and then prepare District level schemes.

(4) The Committee feels that it would be useful if at taluka level Taluka Planning Boards are formed as a miniature of District Planning Board and schemes are prepared after planning for the same at taluka level.

(5) The district level schemes in the Fifth Five Year Plan should be divided into two parts, one for Government schemes and other for Panchayat schemes. A group of schemes concerning a particular Head of Department under the same sector of Development should be the same for Panchayat sector. It seems necessary to delegate powers to District Panchayats for transferring the amounts allocated for the schemes within the same head.

(6) The present practice of framing each scheme with its broad approach, provisions and conditions at state level for all the districts shall have to be revised to make planning at district level more realistic. Firstly, Sachivalaya Departments and Heads of Departments should frame such schemes in different patterns for different areas of the State and not for the whole State in a common pattern and it also seems essential that District Panchayats should be given power and scope to make small changes therein .

9.72 The Committee has made special study of the review and evaluation of progress of Five Year Plan schemes entrusted to the District level Government administration and Panchayats. At present, District level schemes are reviewed by District Panchayat administration and collectors carry out the work of reviewing schemes under Government Departments. The Committee thinks it essential that all schemes in Five Year Plans at District level,

whether they are implemented through Government Departments or through Panchayats should be reviewed at one place and that too at public level. It seems essential that such a review be carried out every quarter or four times a year. It is also essential that with the review of progress of schemes, observations regarding the form and arrangements of schemes and difficulties experienced in implementation and solutions thereof are undertaken. We suggest constitution at district level of a Planning and Review Committee consisting of the following members of the District Planning Board for these functions :—

- (1) President of the District Panchayat, Chairman.
- (2) Members of Parliament.
- (3) Members of Legislative Assembly.
- (4) Vice-president of the District Panchayat.
- (5) Chairmen of the District Panchayat Committees.
- (6) The Collector.
- (7) District Development Officer.
- (8) District Planning Officer Member-Secretary.

Officerwise review of the scheme implemented under the charge of the District Level Government Officers and the Officers of the Panchayats should be undertaken before the Committee. The Committee believes that the District Level Planning can be realistic and progressive, if the officers are called before the Committee and the form and provisions of the scheme, pace of implementation, problems, bottlenecks and solutions thereof etc. are reviewed in details. It will be enough if the District Planning Board review the progress of the schemes once in a year.

The Committee thinks that at the taluka level the schemes would be implemented and reviewed daily. Still, however, it will be useful if the schemes are reviewed in the meeting of the proposed People's Co-ordination Committee. It is not considered necessary to form a separate Committee for this purpose at taluka level.

9.73 The Committee feels that upto-date and sound administrative set-up is absolutely necessary for making the District Level Planning extensive and realistic, because there is no Central Planning Co-ordination Organisation at District level. A permanent planning machinery at District level would be necessary for the following functions and duties :—

- (1) To study the Socio-Economic environment of the District continuously.
- (2) To render assistance to the District Planning Board by giving advice in formulating Five Year Plans.
- (3) To formulate well-planned and realistic programmes and schemes for ensuring balanced development in different spheres.



(4) To give technical advice to raise financial resources of all the three tiers of the Panchayats.

(5) To suggest model-schemes so as to ensure better planning and implementation of the local level schemes of the Panchayats' own funds.

(6) To undertake a regular and effective review and evaluation of all the District level schemes and programmes already implemented.

The Panchayati Raj Administration Evaluation Committee has (in para 6.12 of the Report) said : "Looking to the pressure of other duties of the Deputy District Development Officer, he would not be able to perform the function of district planning, which calls for constant attention and study". The Committee fully agrees with this and it has already been recommended earlier in this chapter to create an additional post of the Deputy District Development Officer (Programmes and Planning) at District level and also the staff as said by the abovesaid Committee.

#### *Co-ordination : Organisation*

9.74 The Committee feels that it is necessary in the broad interest of the State that due co-ordination is maintained, cordial relations are established between the office-bearers and the officers of the Panchayat on one hand and the Government machinery of that level and the local set-up of the public autonomous bodies on the other. The Committee makes the following suggestions so that the proper, sound and steady procedures should be laid down and healthy traditions should be established in this behalf :—

(1) The duties and powers of co-ordination in respect of all matters except law and order in respect of the rural community of the district, should specifically be assigned to the President of the District Panchayat. Such matters include all the activities, schemes and duties which are being undertaken and performed in the District by the Government machinery or semi-Government bodies, excluding the functions under the District Magistrate and the District Superintendent of Police. In order to fulfill this object, it seems necessary to constitute a People's Co-ordination Committee at District level. The President of the District Panchayat should be the Chairman and the District Collector, the District Development Officer and the Heads of the District level offices of the State Government as well as the District level officers of the Semi-Government bodies viz. the Electricity Board, Transport Corporation, Agro-Industries Corporation, etc. should be its members. The People's Co-ordination Committee should shoulder the responsibility of establishing necessary co-ordination in respect of planning, development and administration between the

Panchayati Raj administrative set-up, the Government administrative machinery and the District level administrative establishment of the semi-Government institutions. The Committee is firmly of the opinion that in the cases where there is a difference of opinion between different offices and departments, if the President of the District Panchayat would take up the issue at proper level, the voice of the local people will get expression and many problems regarding the development and administration at the district level would be solved with ease and promptness. A provision should be made to convene the meeting of the said People's Co-ordination Committee by the President of the District Panchayat invariably once in every quarter and he should be permitted to convene it even earlier if it is necessary to do so.

(2) The existing practice of holding meetings of the District Co-ordination Committee under the Chairmanship of the District Collector for finding out the solutions for the problems that may have arisen in respect of co-ordination between different Departments of the State Government may be continued. But if such problems are not solved at that level, they may be discussed in the meeting of the Peoples' Co-ordination Committee.

(3) People's Co-ordination Committee and Taluka Co-ordination Committee, similar to those at District level should be formed at Taluka level. We recommend that the President of the Taluka Panchayat should be the Chairman of the People's Co-ordination Committee at Taluka level, whereas the work of the Taluka Co-ordination Committee should be handled by the Taluka Development Officer.

9.75 It should not be forgotten that some scattered Municipal units are there in the continuous and comprehensive link of the Panchayati Raj. Since, on one hand there is the institution like the District Panchayat looking after the entire work of development and administration of the whole District, and on the other hand there are some municipalities existing scatteredly. Due to this no integrity is maintained in the administration of the District and no permanent link is established between the rural and urban areas. Agriculturists, agricultural labourers, artisans and other classes of population reside in the municipal areas. As there is no separate Government establishment of the District/Taluka level to make them avail of the development schemes and other activities of the State, they do not avail of such benefits. The Committee, therefore, thinks that it is the best solution that the District Panchayat may be entrusted with the work of conducting and directing the development programmes in the municipal areas. Generally, the Agricultural Officer, Cattle Breeding Officer, District Health Officer and other Officers of the District Panchayat undertake, on behalf of the Government machinery, the technical supervision over the programmes relating to agriculture, cattle breeding, public health

etc., though these functions are not officially assigned to them. The Committee recommends to do the needful in this respect also.

It seems necessary that the common problems concerning rural and urban areas of the District are solved in the Public Co-ordination Committee mentioned above. The Committee feels that this object will be achieved if the Presidents of the Municipalities of the District are invited at the Public Co-ordination Committee meeting once or twice a year with a view to consider such questions.

9.76 The Committee makes the following recommendations to achieve systematic co-ordination and organisation among the three tiers of panchayats :—

(1) The practice of holding meetings of the Presidents of the taluka Panchayats at District level every two months should be implemented. Generally the agenda should consist of the following items :—

(1) Discussion on problems related to the whole district out of the issues and problems submitted by the President of the taluka Panchayats.

(2) Review and consideration of budget, annual development programmes, implementation of the schemes, etc., in the alternate meeting.

(3) Review of general defects pointed out in audit reports of the Taluka Panchayats, recovery of taxes, encroachment and other administrative matters.

(4) Review of working in the field of economic development and social justice for the weaker sections.

(5) To obtain information and hold consultations on important programme and schemes by inviting Heads of Departments, specialists etc.

The President and Vice-President of the District Panchayat, Chairmen of the Committees and all the class I and II officers of the District Panchayat should remain present in the above bi-monthly meeting. The Taluka Development Officers should also attend one out of every two meetings.

(2) For the individual problems of the Taluka Panchayats, the President of the District Panchayat should fix a convenient date and should call the President of the Taluka Panchayat and Taluka Development Officer at the District headquarters for discussion and speedy solution of the problems.

In such cases the President of the District Panchayat should arrange to keep such office-bearers of the District Panchayat present as he deems necessary.

(3) The President of the District Panchayat should arrange once a year visit-tour of every Taluka Panchayat alongwith the District Development Officer and other officers on a day to be fixed in advance and should intimate all the office-bearers and officers of the Taluka Panchayats to remain present at the time of such visit. During such visits, he should discuss and solve the problems concerning administration and development of the Taluka Panchayat. The proposed visit may coincide with the taluka visit for on the spot disposal. The Committee considers that such group visits have a special significance.

(4) Taluka Panchayats should organise annual camps of members of Taluka Panchayat as well as Sarpanchs, Upa-Sarpanchs and Talati-cum-Mantris of the Gram Panchayats within the Taluka Panchayat area. The President of the District Panchayats, District Development Officer and other officers should attend such camps, so that necessary guidance and help can be extended upto the Sarpanch and Mantri of the Gram Panchayats regarding administration and development of Gram Panchayats, Taluka Panchayats and District Panchayats. Necessary direction and guidance can be obtained by inviting specialists and Heads of Departments in such camps. Besides the annual camps, one annual meeting of the Presidents of the Taluka Panchayats at the District level as suggested in (1) above should also be held to acquaint themselves with gram panchayat administration, and one or more-sub-meetings may be held for discussing problems of individual villages.

(5) At present, the District Development Officers invite Taluka Development Officers for a meeting every month to discuss administrative and developmental problems of the Taluka Panchayats and for administrative co-ordination at District Panchayat level, in which other officers of the District Panchayat attend. This practice should be continued. Similarly monthly meetings of Talati-cum-Mantries of the Gram Panchayats at Taluka level should also be continued. It should be attended by officers of the Taluka Panchayat level as well as the Government officers of the same cadre.

(6) The Taluka Development Officer/Talati-cum-Mantri/Office-bearers of Taluka /Gram Panchayats should be kept conversant with the proceedings of the meetings held at Taluka/District level of Office-bearers/Officers and necessary guidance and assistance should be obtained from the officers of the Panchayats of the upper level regarding administrative and developmental problems of the Taluka/Gram Panchayats.

*Redressal and disposal of public grievances*

9.77 The Committee recommends that there should be a permanent machinery and organisation at the District level for hearing and proper disposal of the grievances of the people. A number of cases at district and its sub-ordinate levels are referred to the Sachivalaya Departments and Heads of Departments. The Government has of course issued instructions that cases which can be settled at lower levels generally need not be dealt with at State level. However, due to non-existence of a permanent machinery at the District level applicants often submit their applications at the State level. The Committee thinks that the formation of a Public Grievances Standing Committee at the District level will be the right solution of this problem. As regards the constitution, functions and scope of this Committee, we recommend as follows:—

(1) The constitution of the Public Grievances Committee will be as follows :—

- (1) The President of the District Panchayat-Chairman.
- (2) The Collector.
- (3) The District Development Officer.
- (4) Member of Parliament from the District.
- (5) One member of Legislative Assembly nominated by the Government.
- (6) A representative of Social Justice Committee of District Panchayat
- (7) & (8) Two social workers appointed by the Government.

The President of the District Panchayat will be the Chairman of this Committee.

(2) The village/city people of the district may apply to the said Committee in respect of their problems and grievances except those regarding law and order at the district level. The whole administrative set-up of the State Government, Panchayats and semi-official institutions at District level will be covered under the jurisdiction of the Committee. Points which may be raised at the programme of on the spot disposal by the Ministers/Deputy Ministers of the Government should be covered up under the jurisdiction of this Committee. Applicant will have to send his application in duplicate to the office of the said Committee. The office of the Committee shall send one copy of the application to the respective District Officer and shall call for his report. The District Officer shall make proper disposal of each and every matter and shall communicate the same to the office of the Committee within a month. The Committee shall also immediately communicate its decision to the applicant. If the applicant is not satisfied by the decision taken, he may ask to have an interview with the Chairman

of the Committee. Thereafter the complaint shall be considered finally, disposed of at the district level and thereafter the application of the applicant in respect of the same matter will not be entertained at the District level. The applicant may go in appeal at the State level in that matter. But at the time of doing so, copies of the decision taken by the District Level Officer as well as by a public grievances committee should be enclosed. It shall have to be explicitly published in the news papers by the Administrative and other Departments of the State Government that if any applications concerning any District level matter are received by them, they shall be filed.

(3) The Committee recommends that a permanent office may be given to the said Committee, it may be allowed to create District Panchayat establishment in proportion to the applications received, gazetted officer as may be designated by the President of the District Panchayat may be appointed to act as a Secretary of the Committee and the procedure regarding the correspondence of the Committee may be kept as per the instructions of the Chairman.

9.78 The functions and administration of the District Panchayat affect various institutions in the district as well as the people. Sometimes big or small problems of the Panchayats or the people, get involved in the red-tapism for months together and remain undecided; for example, when a Gram Panchayat seeks plan estimates of a work prepared and get them technically sanctioned or to have a completion certificate of the work, a person asks for the advance or subsidy for some work, etc. Such small problems can be immediately disposed of if some vigilance or care is taken in that regard or if they are discussed mutually by sitting together. The Committee, therefore, recommends that the District Panchayats should also adopt a procedure of on the spot disposal as follows :—

(1) The President of the District Panchayat, District Development Officer and other Officers should decide to visit Taluka Panchayat office on a some specific date for on the spot disposal of the cases.

(2) The date of paying visit to the Taluka Panchayat office should be decided almost before a month and the Taluka Development Officer should notify that date to all the Gram/Nagar Panchayats and should specifically intimate the Gram/Nagar Panchayats to inform the people in their areas to submit two copies of their applications giving complete details of their unsolved problems in respect of Taluka Panchayat or District Panchayat, to the District Development Officer or Taluka Development Officer, as the case may be, within the specific date. The Taluka Development Officer should send the statements showing the pending problems of Taluka Panchayat to the District Development Officer. In the same way, a summary of all the applications received should be prepared and sent to the District Development Officer before the specific date by a Taluka Development Officer.

(3) Such visits of District Panchayat should be published in the local press.

(4) Out of the two copies of the applications received by a district panchayat within a specific period, one copy should be forwarded to a respective officer of district panchayat and a detailed report with reference to it should be obtained within the fixed time-limit.

(5) The President of District Panchayat, Chairman of the Committee, District Development Officer and other officers should pay visit to the taluka panchayat office and should discuss the issue in presence of the applicant and if absent with the President of Taluka Panchayat and Taluka Development Officer and should take a clear note of the decision taken. The problems raised should be solved to the extent possible at the time of such visit itself or atleast a specific time-limit should be fixed for their disposal.

(6) Letters or applications received even after the specific date or received in person at the time of paying visit should be accepted and details therein should be discussed at the very time of such visit and a time-limit for taking decisions should be fixed.

(7) The respective officer and the applicant should be informed of the decision taken or the time-limit fixed for taking final decision.

(8) The President of the District Panchayat, District Development Officer and other officers should jointly pay visit to about three villages as scheduled in the taluka in the afternoon on that day and get themselves apprised of the problems of the villages and the development activities required to be undertaken, and should give necessary guidance to the local leaders of the village.

(9) The responsibility of co-ordinating this work should be entrusted to the district officer in charge of Public Grievances Committee. The said officer should see whether the problems which have remained unsolved are solved within prescribed time-limit and if the problems are not solved within that time-limit by the respective officer except in reasonable cases, the matter should be brought to the notice of the District Development Officer and also to the notice of the President of the District Panchayat, if necessary.

(10) Once in a year visit of each taluka panchayat in the district should be arranged for this programme.

(11) If possible, the above said Team of the District may halt at night at Taluka headquarter and next day to visit the other

institutions *viz.* primary health centres, veterinary dispensary etc. in taluka under the District Panchayat and certain District level officers may undertake inspection of the work and records of the Extension officers and other responsible employees of the Taluka Panchayat.

## 7. GENERAL SUGGESTIONS

9.79 In Panchayat Raj Administration there is not much emphasis on the systematic routine work of the office. The condition having no satisfactory administrative organisation for the quick disposal of the various problems arising day to day, for giving top priority to them and for the final disposal of the cases can never bring happy results in the long run.

An atmosphere of stable efficiency can only be created in offices only if the case papers are properly entered in the registers, the work-sheets are properly maintained, cases are regularly counted and their disposal is insisted upon. A definite procedure for checking the pending cases and to look after the timely and systematic disposal of the cases should be prescribed for all the District and Taluka Panchayats and the work should be assigned to a particular officer and employee and the same should be reviewed in the meetings of both the officers as well as office-bearers.

9.80 No sufficient supervision and checking are exercised over the construction works undertaken on the campaign basis for providing employment to people under the programmes of flood relief, scarcity relief and village man-power employment programme. As a result mal-practices of serious nature take place in these works, which is not fair for the Panchayat Raj. The Committee believes that this situation should come to an end at any cost and for that suggests the remedies as follows :—

(1) The specific responsibility in respect of the four items *viz.* taking role of attendance of labourers, taking the measurements of the work, checking the measurements, making the payments to labourers for the work should be fixed on different definite employees clearly and written orders should be issued for each employee in this regard.

(2) The work of supervision upon these works should be distributed among the administrative officers and technical officers of the District Panchayats and Taluka Development Officers and concerned Extension Officers under Taluka Panchayats. As a result all officers will have proportionate work and no one will have burden of the work. Works will be properly supervised on account of their allotment among the different officers. If any mal-practice is committed in a particular work, the responsibility of the officer can also be fixed definitely. It is necessary that



the clear mention of the officer who is to supervise the work should be made in the sanctioning order of the work itself.

(8) It is also equally necessary to follow the procedure strictly to have regular checks regarding the responsibilities whatsoever entrusted to the inspecting officer as well as other officer. Therefore the Committee suggests that the administrative officers of the taluka and district level should invariably scrutinize their touring diary in officers' meetings and if necessary make scrutiny through prescribed types of forms. The Committee believes that due to this system the administrative efficiency of the taluka and district panchayat will increase and the mal-practices and complaints will be removed. It is most important that the district level officers should undertake regular reviews and checking in respect of the implementation of the schemes of the respective departments at Taluka/Nagar /Gram levels as well as for the record of concerned Extension Officer or other employee. The committee thinks that if, after technical inspection of the district officers concerned in taluka, District Development Officer calls a general meeting for reviewing the same, the efficiency and activeness of the various employees of the taluka can be assessed and the development and administration at that level will be sound.

9.81 In order to make the administration of Panchayats efficient and effective, the high level team for District Administration, appointed under the Chairmanship of Shri Mathurdas Shah has made some valuable suggestions which the Committee would like to mention. The Committee urges the Panchayati Raj Administration to keep in mind some of the important suggestions made by the said team :

(1) No criteria for fixing the specific time-limits for the disposal of different types of applications, matters and problems have been prescribed. Various Departments and offices of the Government should prescribe the suitable time-limits for the works under Panchayats and should see that the same are observed. It is necessary that the State Panchayat Council may take definite steps to remove unnecessary rules and regulations, orders, forms and statements by taking regular reviews of them.

(2) Like the general administration the existence of officers rather than that of clerks is much more important in Panchayat Raj also. It is also expected in Panchayat Raj that the officers may take immediate decisions. The Committee is of the opinion that the said set-up will be useful to the extent it consists of the responsible officers.

(3) The High Level team has suggested the formation of the Departmental high level teams. Various departments have accordingly constituted Departmental High level Teams. The Committee believes that it will be very much useful if one permanent

Panchayat Raj High Level Team under the Chairmanship of the fulltime Vice-Chairman of the State Panchayat Council, covering all the Departments concerned, is formed in addition to the High Level Teams of different departments for Panchayat Raj institutions. The Committee believes that this team will consist of the concerned officers of the Sachivalaya and Heads of the departments. The committee also thinks that many useful purpose will be served if the High level Team visits atleast three central places of the State every year and have discussions with the Presidents of District Panchayat and District Development Officers.

With a view to give greater freedom in the work and for relaxing the restrictions and provisions of delegation, we here, particularly suggest to take note of some changes suggested in Chapter X in respect of amendments and alterations in the existing Act, rules and procedures.

## CHAPTER X

### FINANCIAL RESOURCES OF PANCHAYATS

#### I. GENERAL

10.1. Reviewing the Financial resources available to the Panchayat Raj Institutions in the form of Government Grants-in-aid and taxes, it seems that they are very inadequate. On one side the scope of taxes for District/Taluka Panchayats is limited and on the other side, free statutory and other grants-in-aid granted by Government have also remained inadequate. As a result, there emerges such a picture as if the Panchayat Raj Institutions mostly conduct schemes and carry out functions and activities transferred to them by Government as a part of the Government machinery.

Right from the Decentralization (Hob house) Commission of 1907 to Shri Balwantray Mehta Committee, almost all the Committees pertaining to local self-Government and experts are of the opinion that sufficient financial resources should be made available to Local Self-Government bodies. In 1907, the Decentralization Commission had recommended to provide following financial resources to Gram Panchayats, which is note-worthy :—

- (1) Certain portion of the land-cess imposed for the purposes of Local Board.
- (2) Special grants for the special purposes of local development.
- (c) Revenue and receipts of markets and cattle pounds.
- (4) Fees on civil suits.

Sardar Vallabhbai Patel, while addressing as the President of the Local Self Government Bodies conference in 1935 had expressed the following striking words :—

“It is being said that the franchise of the electorate has been enlarged and the local bodies have been given very wide powers. True, I accept it. But what good would come out of it unless and until the question of local finances is settled first. The extension of franchise and widening the scope of duties would be like dressing a dead woman.”

Shri Santhanam Study Group appointed by the Central Government for the financial matters of Panchayat Raj has rightly analysed this position and stated (Para 4.3 of the report) that :—

“We cannot help wishing that when the Acts were passed by the Legislature, an attempt has been made to estimate the

minimum cost of fulfilling the obligatory functions and to provide resources for the purpose. The actual resources often vary inversely to the number and extent of obligatory functions.

It would not be considered out of place to state that the financial condition of the Local Self-Government bodies have always remained dissatisfactory. Actually speaking, the condition of local finances has remained mostly insufficient and dissatisfactory in comparison to the schedule of functions and duties of the Panchayats at all the three tiers.

10.2 (The Gujarat Panchayats Act Amendment (Shri Jadavji Modi) Committee has forcefully described in the following words the insufficient own resources of the District/Taluka Panchayats in Gujarat :-

Taluka is an important administrative level here for us, but in addition to the finances provided for the Block Development Programme, a meagre amount remains spare for utilising towards the works at Taluka. Responsibilities are also assigned to District level, but resources available to them are not to that extent which was the case with District Local Boards. The receipts at the time of the District Local Boards and the increased revenue receipts are already being spent at present after maintaining the activities of the old District Local Boards and administrative expenditure. Some District Panchayats do not have enough finances even for repairs to the roads and buildings constructed by the old District Local Boards and for the maintenance of Dispensaries, etc. started by them. As the functions, duties and powers of the District Panchayats are wider in comparison to the works etc. of the old District Local Boards, even the scope for minimising the administrative machinery remains less.

10.3 After the above observation made by the said Committee, receipts of the taxes of District/Taluka Panchayats have been more or less improved. But simultaneously the administrative expenditure has also considerably increased. Steep rise in price level, increase in the pay and allowances of the employees working on the posts of own resources, increase in the contingent expenditure on stationery and equipments, increase in the expenditure on meetings and tours, progressive increase in the expenditure on education due to the insufficient Datum grant received for the primary education, and some such other additional expenses have brought reduction to a considerable extent in the own resources of Panchayats.

In order to achieve the object of availability of sufficient financial resources at local level, the Committee considers it necessary to make a comprehensive study of the local resources and to transfer to local bodies the resources available from all the existing sources. Committee has studied all the aspects viz. expansion of the field of taxes

of Panchayats, improvement in the recovery of taxes imposed, liberalization of the quantum of Government grant-in-aid and creation of the permanent additional income by the Panchayats through earning properties and industrial commercial enterprises and has made the following detailed recommendations:

## 2. EXPANSION OF THE FIELD OF LOCAL TAXES

10.4. Under the existing provisions of the Panchayats Act, District/Taluka Panchayats can suggest the increase of 10 and 15 per cent respectively in the existing rates of stamp-duty. And this field of taxation has been covered up (by all the District Panchayats and more than 150 Taluka Panchayats). Most of the District Panchayats have more or less availed of the provisions made under section 169(3) of the Panchayats Act in 1968 at the behest of the District Panchayats for increasing the existing rate of local cess on land revenue upto fifty paise per rupee. However Taluka Panchayats have not adequately availed of the provision of imposing educational cess. The existing provisions of law that District and Taluka Panchayats can impose taxes upto 10 to 15 per cent respectively of several taxes which Gram/Nagar Panchayats can impose have mostly remained without being exercised. On a study of the fields of taxes of District and Taluka Panchayats the Committee has found it clear that the District and Taluka Panchayats have not been entrusted with the expected free field of taxes in order to make them effective and forceful institutions. The fact that the provision of the Panchayats Act for imposing taxes in common avenue by the Panchayats at all the three tiers has mostly remained without being exercised suggests that such arrangement is not desirable and practical. Therefore the Committee suggests to remove such existing provisions for the parallel avenues of taxes among the Panchayats of all the three tiers. The Committee recommends as under for increasing the avenues of taxes for Panchayats.

10.5. Local cess at fifty paise per rupee of the land revenue has been imposed compulsorily throughout the State on a uniform basis. At present the State Government has power to increase the rate of this local cess from fifty paise per rupee of land revenue to one rupee per rupee of land revenue, if decided by District Panchayats. Thus local cess can be imposed upto rupee on rupee of land revenue. The Committee finds this limit insufficient for taking up the effective programme of socialism by undertaking the local development works on large scale. In Maharashtra, throughout the State area, the Common compulsory rate of local cess was prevailing at twenty paise per rupee of land revenue. After coming into existence of the Panchayat Raj a provision was made to operate that District Panchayats could raise the rate upto one and a half rupees. Panchayat Raj Evaluation Committee (Shri. Bongirwar) appointed by the Maharashtra Government has recommended, in para 7.12 of its report to provide for revising such rate of local cess

on land revenue and raise it upto two and half rupees to three rupees per rupee of the land revenue in different districts. In this context, it seems necessary to consider for appropriate increase in the rate of local cess on the land revenue also in Gujarat. After full consideration in the matter the Committee recommends in this regard as under :—

(1) In all the areas of the State, local cess compulsorily imposed on a uniform pattern at fifty paise per rupee of the land revenue may be increased upto one rupee. In this increased rate of a rupee of local cess, those District Panchayats which have levied under Section 169(3) of the Panchayats Act and recovered the increase in the existing rate of fifty paise in local cess may be covered up.

(2) Local cess at rupee one per rupee of land revenue may be operated on a uniform pattern in the State as in (1) above and it may be provided that District Panchayats can effect an increase of fifty paise in it voluntarily.

(3) It seems just and desirable to exempt small farmers paying land revenue upto ten rupees from the local cess that may be increased in future.

10.6 According to the provisions of the Panchayats Act, local cess of 20 paise per rupee is levied upon the assessment of water taken under the Irrigation Act and the receipts earned therefrom are allotted to Taluka Panchayats. It seems essential that Taluka Panchayat may get convenience to increase the local cess upon the assessment of water in the same way as the District Panchayats have convenience to increase the rate of local cess upon the land revenue. At present Taluka Panchayat has no other independent avenue of taxes except the Education cess, In order that Taluka Panchayat may get an independent field of tax, the Committee believes that it should be made convenient for increasing local cess upon the assessment of water. It is not out of sight of the Committee that irrigation rates in Gujarat are higher than those in other States of the country. But irrigation done with waters available from reservoirs is relatively economic as compared to the Well irrigation by private farmers. In this context, the Committee recommends to make statutory provision empowering Taluka Panchayat to increase, taking into account the prevalent local circumstances, upto 30 paise the existing rate of local cess of 20 paise per rupee upon the assessment of water but not exceeding 50 paise in all per rupee.

At present there are Government instructions which exhort to spend on roads in irrigation area, fifty percent of income that may accrue from the local cess upon the assessment of water, but it is the impression of Public Works Department that the instructions are not properly implemented everywhere. The Committee's view is very clear in this regard. The Committee recommends to make a statutory provision enabling the Taluka Panchayat to utilise on

the following basis the income that may accrue from the local cess upon the assessment of water :—

(1) Every Taluka Panchayat may reserve and spend minimum 50 per cent of the amount from the income of irrigation local cess for the construction and maintenance of local village level roads in irrigation area as well as for the construction and maintenance of small culverts and causeways on those roads may also be prescribed that if such reserved amount cannot be fully utilised in any particular year due to any reason, may be carried forward in the following year, and utilised for such purpose.

(2) If roads, culverts and causeways in any irrigation areas are damaged to a great extent and require expenditure more than fifty per cent amount as said above, appropriate amounts may be allotted from the income of the said local cess for incurring such excess expenditure also.

10.7 There is a provision at present under law that education cess can be imposed by the Taluka Panchayat under section 183 of the Panchayats Act. The Committee has recommended in the Chapter on Primary Education for making a statutory provision enabling the Taluka Panchayat to impose education cess compulsorily at the rate of fifty per cent of the prevailing education cess of the State i.e. at the rate of 0.10 paise per rupee of the land revenue and to spend the income arrived therefrom on the works of primary education. The Committee proposes that this recommendation may be given a concrete statutory form. Further we also recommend to make a statutory provision enabling the Taluka Panchayat to impose, in addition to the said compulsory education cess, such education cess voluntarily upto 50 per cent of the rate of education cess, prevailing in the State with prior permission of the State Government.

10.8 There is a provision under section 178(5) of the Gujarat Panchayats Act that Gram/Nagar Panchayats cannot impose professional tax in cases where District Panchayat has imposed such tax. There is also a provision under section 187 of the Panchayats Act that Gram/Nagar Panchayat may collect the professional tax or other taxes or fees if imposed by the District Panchayat. But no basic provision has been made in the Panchayats Act as to what extent and on what basis can the District Panchayat impose the professional tax. Of course, there is a provision in section 185 of the Panchayats Act that the District Panchayat can make an increase upto 10 per cent in the filed of professional tax of Gram-Nagar Panchayats. But this provision is too insufficient. The Committee finds that due to only this reason District Panchayats have not come forward to levy the professional tax anywhere. The Committee recommends to cancel the provision enabling Gram/Nagar Panchayats to impose professional tax and to make provision, enabling the District Panchayats to impose such tax subject to the limit of Rs. 250 prescribed in the Constitution of India and the terms and conditions and minimum as well as maximum rates that may be prescribed by

Government. Previously District Local Boards had powers to impose such professional tax under the Local Boards Act and in this context our above recommendation would be practical. The Committee has found that Gram/Nagar Panchayats would be more encouraged to collect such taxes by the provisions made under Section 187(b) of the Panchayats Act enabling District Panchayat to impose the professional tax, entrusting collection work to Gram/Nagar Panchayats and providing the amount upto 50 per cent of the actual recovery of such taxes to Gram/Nagar Panchayats. A proposal of the Committee regarding the rates and criteria of the professional tax is described in Appendix XVI.

10.9 At present on demand by the Gram/Nagar Panchayats, local cess upto twenty five paise per rupee on land revenue can be imposed on permanent basis and local cess upto one rupee can be imposed for special scheme. We recommend to make provision enabling Gram/Nagar Panchayats to impose permanent local cess upto one rupee instead of twenty five paise, and to continue the provision enabling them to impose local cess upto one rupee more for the time being for special scheme.

10.10 The Committee agrees to the recommendations made by the Octroi Inquiry Committee appointed under the Chairmanship of Shri Maldevji Odedara. But due to some reasons it is impossible to give compensatory income to Panchayats on the basis shown by the said Committee, Committee fears that removal of Octroi would reduce the sources of income of Panchayats. In this context, we strongly recommend for complete implementation of the recommendations made by the Octroi Inquiry Committee.

10.11 If it is made convenient for District Taluka Panchayats to raise the sources of taxes shown above, Committee has certainly no doubt that Panchayats at that tier would be able to increase the income by imposing taxes boldly and firmly. Some suggestions have been made to us that District Panchayats can increase their sources by surcharge upon the taxes imposed by the State Government in some other fields, and we have considered them. There are scope and possibilities in several fields of taxes i.e. entertainment tax, Motor Vehicle tax, cash crop tax, tax on money lenders, agricultural produce tax, etc. But the Committee desires that these fields of taxes should remain absolutely for the State Government and a specific jurisdiction for taxes should be fixed up for Panchayat Raj Institutions as recommended by us above. However, the Committee recommends to make specific and definite provisions that if the State Panchayat Council recommends or Government itself finds it proper, the State Government, in consultation with the State Panchayat Council, can, on behalf of Panchayats, impose any tax not falling in the scope of Panchayats or increase the existing rates of tax and allot all funds derived from its yield.

10.12 Eventhough certain tax is not entered in the schedule of taxes of Panchayats and if Panchayats desire to impose a certain



type of tax, it should also be clearly provided that in such an individual case the Panchayat can impose such tax with the prior permission of the State Government. Under clause ix of sub-section (1) of section 178 of the Gujarat Panchayats Act, a provision already exists at present that the tax for which the State Legislature has power to impose it in the State according to the Constitution can be imposed by a Gram/Nagar Panchayat according to rules that may be prescribed by the State Government. Benefits of the said provision should be made available to the Panchayats at all the three levels and instead of vesting such policy by rules, a pattern should be adopted to take decision in individual case on merit. It is the recommendation of the Committee that the State Government may formulate a definite tierwise policy for Panchayats.

### 3. REVISION IN STANDARDS OF TAXES

10.13 On a study of the net-work of taxes liable to be imposed at present by the Gram/Nagar Panchayats the Committee finds that the rates are not progressive in all the cases. In order to make the rates of taxes practical and progressive, the Committee recommends as follows.

10.14 Rates of house-tax are applied on a uniform pattern right from the smallest house to the biggest building. According to the existing standard houses and lands worth rupees 100 or deriving an annual rental value of Rs. 6 are given exemption. The Committee suggests to revise and raise the said standard by making it applicable to houses or lands worth Rs. 500 or deriving annual rental value of Rs. 30 and to make the limit of exemption practical. On the other hand the Committee suggests that for buildings costing more than Rs. 10,000 or earning annual rental value over Rs. 1,000 the rates of house-tax should progressively increase as per the following table:—

#### PROPOSED RATES ON BUILDINGS AND LANDS

##### (A) Capital Value.

Capital Value	Minimum rate per Rs. 100	Maximum rate per Rs. 100
1	2	3
Rs.	Paise	Paise.
Up to 10,000 .. .. .	25	50
More than 10,000 but upto 30,000.	30	60
More than 30,000 but upto 50,000.	40	80
More than 50,000 but upto 75,000.	50	One rupee.
More the. 75,000 but upto one lakh.	75	One and a half rupees.
Above one lakh.	One rupee	Two rupees.

(B) *Annual Rental Value*

Annual rental value	Minimum rate per Rs. 100	Maximum rate per Rs. 100
1	2	3
Rs.	Per cent	Per cent
Upto 1,000	4	8
More than 1,000 but upto 2,500	5	10
More than 2,500 but upto 4,000	5	11
More than 4,000 but upto 6,000	6	12
Over 6,000	7	14

10.15 Ordinary rates of water tax are minimum Rs. 2 for the smallest hut-dweller. These rates seem to be excessive for Harijans, tribals and other weaker sections. The Committee suggests to reduce the rate and make the minimum annual rate of Re. 1 per hut of poor people. The committee recommends to define the poor hut-dweller on the basis of definition of weaker sections of the society made in chapter VIII.

10.16 The properties i. e., buildings etc. situated in a municipal area of the State Government and District/Taluka Panchayats are not exempted from the municipal tax under sections 99 and 100 of the Gujarat Municipalities Act. A special arrangement has also been suggested in the Act for assessment of the properties of Government or Panchayats, if they are beneficially occupied. There is no provision made under the Municipal Act to give any concession from tax to the institutions like the State Transport Corporation or the State Electricity Board, while in the Gujarat Panchayats Act and the rules made thereunder for taxes and fees the existing provisions are, as follows :—

All the buildings and properties of the State Government are exempted from the house tax under rule 7(2) (c) of the Gujarat Gram and Nagar Panchayats Taxes and Fees Rules, 1964.

Buildings and lands owned by the local authority or statutory corporation intended to be utilised for public purpose and

utilised or not intended to be utilised for profitable purpose are exempted from the taxes on buildings and lands, *vide* provisions made under rule 7(2)(a) and 7(2)(b)(2) of the said rules, while under rule 7(2)(b), buildings and lands owned by (1) the Gujarat State Transport Corporation and (2) the Gujarat State Electricity Board are given exemption from the said taxes. For these two institutions, buildings and lands utilised or intended to be utilised for profitable purpose are also given exemption from such tax. Therefore, out of the lands and buildings of such institutions which are used for profitable purposes—for example buildings owned by the State Transport Corporation, some buildings and lands are rented for the use of canteen, stalls, etc. income earned therefrom by the said corporation is also exempted from tax. The Electricity Board and the Transport Corporation are public institutions. Similarly, Gram/Nagar Panchayats are also public autonomous institutions. Further, facilities like conservancy, water-supply, lighting etc. are also provided to these places by the Gram/Nagar Panchayats. Therefore, the Committee thinks it unnecessary to provide for any such special tax exemption. In consideration of these circumstances, the Committee makes the following recommendations :—

(1) Provisions regarding tax exemption made under sections 29 and 100 of the Municipal Act may be incorporated in the Panchayats Act.

(2) A policy regarding the tax exemption with reference to Panchayats should not be different from the policy of tax exemption prescribed by the State Government for municipalities.

10.17 It is prescribed to charge fee on water supply from well and pond under part 13 of Rules of Taxes and Fees of Gram/Nagar Panchayat, 1964. It is provided under rule 104 that Panchayats can charge fees on water supplied from well and pond for any purpose other than that of domestic use or irrigation.

In view of the definition of domestic use under rule 101, it seems that if a person uses water for construction of house it is not included in the domestic use, even then it is exempted from tax. Rule 104 does not clarify this matter. It is natural that quantity of water used for construction of house is more in relation to water used for domestic purpose. Therefore, the Committee finds that income of Panchayats would considerably increase if in this matter minimum-maximum rates of water used for construction of house are prescribed in rule 104 on the line of rates prescribed for supply of water by Panchayat in rules 97 and 98 of the Rules of Taxes and Fees of Gram/Nagar Panchayats.

10.18 In order to avoid wastage and misuse in wider use of industrial waters excluding water for domestic use and to levy tax

in proportion to water used, the Committee suggests to make provision that in such cases Gram/Nagar Panchayats may supply water by installing meters.

10.19. The Committee suggests that the minimum rates existing at present for vehicle tax should be continued for the weaker sections of the society as defined in Chapter VIII and its maximum and minimum rates should, in consideration of the recommendation by the Santhanam Study Group, be increased as shown below :—

*Annual rates of the proposed taxes on cycle and vehicle*

	Minimum Rs.	Maximum Rs.
(1) Cycle	2.00	4.00
(2) Vehicle carried by one animal	3.00	5.00
(3) Vehicle carried by more than one animal	5.00	10.00

10.20. The Committee recommends to exempt the weaker sections of the society from the provisions of General Conservancy Cess. We have properly recommended in chapter VIII for making suitable increase in the special conservancy rates.

#### 4. STRICT MEASURES REGARDING TAXES

10.21 It was represented before the Committee that in some cases Panchayats are unable to meet even their routine administrative expenditure. The Committee knows about the weaker financial condition particularly of the Taluka Panchayats of small talukas. In certain cases Gram/Nagar Panchayats also increase the administrative expenditure by creating special service or establishment and create financial crisis by suddenly discontinuing or reducing the standard of taxes. In such circumstances the District Panchayats, under section 293 of the Panchayats Act, can order to reduce the administrative establishment or the expenditure thereupon of the panchayats under them. Further, under section 182 of the Panchayats Act ; Taluka or District Panchayats can order respectively to Gram or Nagar Panchayats to increase the income within six months by imposing taxes and fees. There is no such provision for Taluka or District Panchayat. Also, in case where a Panchayat at any tier is directed to undertake any work under section 295 or 296 of the Panchayats Act and if it has no sufficient income, there is no provision like section 131 of the Gujarat Municipalities Act enforcing levy of taxes. After full consideration in this matter, the Committee suggests to apply to the Taluka Panchayats the existing provisions

like section 182 of the Gujarat Panchayats Act and to apply the provisions like section 131 of the Gujarat Municipalities Act to the Panchayats at all the tiers.

10.22 The house-tax and other two taxes are made compulsory for Gram/Nagar Panchayats under the Gujarat Panchayats Act. However, still there are some Gram Panchayats which have not imposed such compulsory taxes. In all such cases, the Committee exhorts to immediately undertake the arrangements to supersede the Panchayats and to impose compulsory taxes required to be imposed legally by the administrator.

##### 5. FEES INEVITABLE FOR NECESSARY FACILITIES

10.23 Shri Takhtamal Jain Study Group on District Administrative Machinery of the Administrative Reforms Commission has recommended that it should be made obligatory for Panchayats to impose suitable tax or fee for services when schemes are undertaken by it to provide services like water supply, lighting, drainage and conservancy. The Committee agrees fully to the above said recommendation and suggests to make statutory provision enabling Gram/Nagar Panchayat to compulsorily impose such fee at suitable rate after due calculation and assessment of the capital expenditure that may have been incurred including the loan taken for establishing such services. We recommend that if Gram/Nagar Panchayat considers to provide such other public facilities like bus-stand etc; provision should be made that it can charge proper non-recurrent fee to meet the expenditure thereof.

10.24 The Committee has carefully considered to introduce the system of charging fee in dispensaries run by the District Taluka Panchayat. This issue was previously discussed and properly recommended by the State Panchayat Council. The Government has still not taken the policy decision in this regard. The Committee recommends to make specific provision in the Act to enable the Panchayats to charge fees on the following basis in dispensaries transferred by Government to Panchayats or started from their own resources :—

- (1) Such fees may be charged subject to the minimum and maximum criteria prescribed by the State Government.
- (2) Weaker sections of the society may be exempted from such fees.
- (3) Before charging fees, policy and proceedings shall be adopted that may be prescribed by Government.
- (4) Earnings of such fees may be utilised in increasing the equipments and facilities of dispensaries and spent on medicines etc.

## 6. PROPER ASSESSMENT AND SATISFACTORY RECOVERY OF TAXES.

10.25 Several representations are brought before us in certain cases that Gram/Nagar Panchayats do not properly assess the taxes and recover such taxes satisfactorily for years together. The Committee recommends as under to avoid and improve the situation :—

(1) According to existing rules, Gram/Nagar Panchayats can themselves assess the house-tax and if they desire, they can get this work done through any employee of the Panchayat of the higher tier. We have also been apprised that in some cases Panchayats do not make impartial assessment and generally it remains less. With a view to get off such situation we find it necessary to create a special assessment machinery at the district level. A provision should be made enabling the District Panchayat to sanction such machinery considering the workload in the district and to divide the expenditure thereof among the concerned Gram/Nagar Panchayats. It may be decided to engage the expert existing or retired employees for such work in the assessment field. In order that the assessment on lands and buildings of the area of Gram/Nagar Panchayat may be made systematically and uniform criteria and procedure may be available to assessors, the Committee believes that, if the engineering Department of the other Government fixes the technical criteria for assessment considering the types and construction of buildings, it would prove to be the best guideline to all the Gram/Nagar Panchayats of the State.

(2) As a result of non-recovery of the amounts of taxes and fees in certain cases for a long period, wrong and doubtful dues come up and disputes arise under the Limitation Act and therefore the Committee is of the opinion that in extreme cases of such dilapidated financial administration, action should be taken to supersede Panchayats.

## 7. GOVERNMENT GRANT-IN-AID

10.26 District/Taluka Panchayats have taken good benefit of the scope of increasing taxes in the field of stamp-duty by suggesting proper increase in it. The District Panchayats, by suggesting an increase in the rates of local cess on land revenue, have also considerably increased the income in the field. Gram Panchayats at the village level have taken steps for making an increase in local cess to some greater extent. All the Gram Panchayats of Kaira district have sufficiently availed of these provisions. It is a matter of pleasure and satisfaction. Thus it can be said that after the Panchayats Raj, Panchayats have made significant progress in creating local resources. However, own resources of District/Taluka Panchayats are so petty and insufficient in comparison to their fields of work

and duties that the development and administration of the area concerned cannot be achieved nicely therefrom. Administrative expenditure of the Panchayats is being increasing frequently. Increasing price-level has also been considerably increasing the burden of this responsibility of Panchayats. Schemes and activities assigned by Government are also becoming extensive for which suitable and auxiliary provisions from own resources of Panchayats are required to be made for them. As for example contingency expenditure on stationery, expenditure for the uniform of peons, expenditure in excess of the criteria prescribed by the Government of India for implementation of Intensive Rural Employment Scheme, expenditure on the uniform of Village Defence Force, datum expenditure on primary education, expenditure on filling the posts of Kotwals, etc. can be enumerated. In this background some important recommendations as follows are made by the Committee to make grant-in-aid liberally available to Panchayats.

10.27 The State Government, in consultation with the State Council for Panchayats had increased the existing rate of local cess on land revenue from 00-20 Paise to 0-30 Paise per Rupee as suggested by the Council and from it amount at the rate of 00-20 Paise is credited to the treasury by the State Government as a development contribution of Panchayat Raj institutions. The income of the local cess is meant to be utilised for local purposes and development of local areas, for which a statutory provision also exists. The statement by Shri S. K. Dey, expressed in the following words after his study-tour of Panchayat Raj in Gujarat State is quite relevant :—

“Local cess on land revenue levied by Panchayat Raj institutions should belong to them by right if they are to retain initiative and incentives. Government could explore alternate avenues for augmenting their own resources rather than deducting a share from such levies by Panchayat Raj institution.”

Therefore, the Committee strongly recommends to the State Government to allot all the income of local cess on land revenue among the District Panchayats.

10.28 Shri Sadik Ali Study Group appointed by Rajasthan Government has recommended that matching grant of about 25 per cent of the actual recovery should be given to enable the Panchayats at all the three tiers to levy the local taxes and to make proper recovery in that field. Generally speaking, Shri Santhanam Study Group, Shri Basappa Committee, Shri Badal Committee and the Study Group on the District Level Administrative Set-up of the Administrative Reforms Commission have recommended to give matching grant to Panchayats against the taxes.

The District Gram Encouragement Fund is constituted in Gujarat. A provision exists to give out of it matching grant alongwith the

local sources that may be created by Panchayats through taxes. In consideration of above background, the Committee makes the following recommendations in this regard.

10.29 Existing District Gram Encouragement Fund may be made extensive so that matching grant can be extended in proportion to the taxes imposed and recoveries made by the Gram/Nagar/Taluka Panchayats. At present funds at the rate of 4.  $\frac{1}{2}$  per cent (7.  $\frac{1}{2}$  per cent of the net land revenue) of the total amount of the land revenue are credited to this Fund. We have elsewhere recommended to give matching grant also from this fund against the working and progress of the Gram Panchayats. In this matter, we presume that the provisions of the fund will remain insufficient. In this context, if the State Government adopts a liberal standard of giving to the fund an additional amount of about two per cent of the total revenue of each district, the Committee thinks that it would be much more useful and therefore the Committee suggests to do so.

10.30 In Gujarat State there is no scheme in operation for giving matching grants to enable the District Panchayat to augment its income through taxes. The Gujarat Panchayats Act Amendment (Shri Jadvaji Modi) Committee has recommended in para No. A.3(2) as follows in this regard :—

“In addition to this, it should be provided in the Act that in the jurisdiction of District Panchayat which recommends to impose additional cess within the limits of hundred paise per rupee, Government should not only impose the additional cess in the area and Government should also give to the respective District Panchayat an amount equal to the income received through the additional cess or an incentive grant-in-aid according to percentage that may be prescribed by Government from to time. This will inspire the District Panchayats to propose for increasing the rates of cess and will also easily increase the income of the District Panchayats. We are inclined to make this recommendation in view of the experience of Maharashtra in the matter. The amount so earned through the increased cess and grant-in-aid should be arranged only to be utilised for the work of balanced development of the district.”

Similarly, Shri Jadvaji Modi Committee has, according to the provisions of section 185 of the Maharashtra Zilla Parishads and Panchayat samitis Act, has recommended to adopt the system to give matching grant of about 75 to 100 per cent against the recovery of the additional rate of local fund cess and had also recommended to make provision in the Act accordingly.

10.31 The recommendations of the said Committee are not accepted by the Government. However, Committee appreciates that the District Panchayats have initiated nicely to increase the local sources



by properly augmenting the local fund cess. But the Committee thinks that it would be hard and difficult for District Panchayats to increase the existing level of taxes. Therefore, the Committee recommends to include and implement the scheme of giving matching grant from the State Government, as an integral part of the five year plan, to give necessary inspiration and encouragement to the District Panchayats to take proper actions in the field of local taxes for raising local sources. We recommend that a principle may be accepted in the said scheme for giving matching grant of at least 25 per cent against the extent of increase in the local financial resources by District Panchayats through new tax and the extent of actual recoveries in the field of such taxes and if this does not bring satisfactory results, one should be prepared also to increase that standard.

10.32 The Gujarat State has shown exemplary illustration to contribute the full amount of land revenue for the purposes of Panchayat Raj. But as a result of increase in the posts of talatis and the expenditure thereon, a provision to contribute and convert the 25 per cent amount of the total amount of land revenue for the purpose has been increased upto 35 per cent. It has adversely affected the own resources and different funds of the Panchayats at all the three tiers. Prior to Panchayat Raj, Gram Panchayats were getting amounts of about 35 per cent of the land revenue, which is at present decreased to 30 per cent. In these circumstances, at present Municipalities are getting the land revenue grant on a more liberal basis than the Panchayats. At present, the strength of talatis is too insufficient and the Committee has found that there is no dispute about the matter. The Committee has elsewhere recommended for the necessity of quick increase in the posts of talatis even on the most strict basis. Only that seems reasonable that any expenditure on additional posts of talatis or due to increase in pay is not imposed on Panchayat Raj Institutions. The Democratic Decentralisation Committee had recommended only to deduct 25 per cent amount for the expenditure on pay and training of talatis and not to progressively increase that percentage. We also think it reasonable to prescribe such definite percentage because if the total amount of land revenue does not increase but the expenditure on pay and training of Talati-cum-Mantri goes on increasing, it will progressively have an adverse effect on Panchayats' own resources. Therefore, when the existing criteria of allotting and deducting 35 per cent amount at present from the land revenue amount for such expenditure is proving impractical for the Panchayat Raj Institutions, the Committee firmly believes that Government should give guarantee to the Panchayats for effecting no further increase in it.

10.33 It is decided by Government to assign to the Panchayat Raj machinery, the work of recovery of land revenue, tagavi and dues of other departments as arrears of land revenue. It is also decided to give one per cent matching grant against such recovery. Further, collection work of current dues regarding irrigation is

also decided to be assigned to Panchayat Raj Institutions for which criteria is prescribed to give additional establishment within the limit of only two per cent and one per cent matching grant. The criteria stated above seem to be insufficient even though Government dues are collected in time and the amount of its interest of one year is calculated. From this viewpoint, it seems practical to grant about five per cent amount to Panchayats in proportion to the actual collection of the amount of such outstanding dues. The Panchayats Act Amendment Committee appointed under the Chairmanship of Shri, Jadvaji Modi has recommended that Government may give as remuneration to Gram Panchayats about five per cent amount from the amounts of income-tax, sales-tax, etc. recovered as arrears of land revenue, and we think this recommendation to be suggesting a reasonable pattern. Further, the proposal would seem reasonable from the view point of existing standards of deduction of five per cent recovery charges from the Panchayats in cases where Government machinery collects the local cess, etc. Therefore, the Committee strongly recommends that five per cent amount of the recoveries made by the Panchayat machinery of the current and outstanding Government arrears, excluding land revenue and tagavi should be given to Panchayat as recovery charges. Out of this five per cent amount, four per cent amount may be allotted to the Panchayats of all the three tiers on the following basis :—

Gram/Nagar Panchayat	..	two per cent
Taluka Panchayat	..	one per cent
District Panchayat	--	one per cent

It is the recommendation of the Committee that the District Panchayats may be allowed to sanction more staff, if desired, from this four per cent amount and may reserve and spend the remaining one per cent amount as an incentive prize to employees performing good work.

10.34 The schemes and activities transferred from Government are progressively increasing, but recently only 25 per cent increase has been made in the existing quantum of stationery grant received by the Panchayats in that regard. The Committee has found this provision completely insufficient. So far as stationery grant is concerned, the Committee recommends that grant-in-aid of about 90 per cent of the average expenditure incurred by each District/Taluka Panchayat during the last three years in that regard may be paid without any quantum or limit. Generally, the ratio between the expenditure on Government activities and own resources is 90:10. The recommendation is made on this basis. The Committee also suggests that the criteria suggested by the Committee be revised every three year.

10.35 The burden of the washing expenses of peons, uniforms which entails on the own resources of Panchayats should be

removed. The Committee suggests that such expenditure may be debited against the expenditure of pay of the employee concerned and system may be adopted that necessary more grant should be available from the concerned department for this expenditure.

10.36 Due to non-availability of popular contribution or sufficient Government grant-in-aid for the implementation and operation of certain water supply schemes and the schemes of primary health centres and dispensaries, the financial burden is entailed on Panchayats. Also prior to Panchayat Raj, a procedure is undertaken to lessen progressively the liberal standards of Government grant-in-aid. The Committee thinks it necessary to make some protective provision so that no financial burden may entail upon the Panchayats alone. The Committee recommends to make a clear provision in the Panchayats Act that if any department or office of the Government issues any such orders or adopts the criterion it should be adopted only after consultation with and consent of the State Council for Panchayats. Moreover, the Committee strongly recommends that any such ex-parte burdens that might have been imposed in the past should all be removed with retrospective effect. Particularly, burden of five per cent amount upon the District Panchayats for maintenance of primary health centres has become unendurable. The Committee makes a special mention of it and recommends to remove it with retrospective effect.

10.37 Many representations are made before the Committee that the present standard of giving contribution by Panchayats for the capital expenditure and maintenance charges towards water supply schemes in backward areas for villages having no resources of water proves to be impractical. The amount of water tax from backward areas cannot be received to that extent that such schemes can be maintained permanently. In this context, the Committee recommends to remove completely the standard of taking contribution from Panchayats against the capital expenditure of water supply schemes in backward and inaccessible areas and to keep the criteria of maintenance charges so as not to exceed the minimum local water rates of Panchayats. The Committee has recommended in Chapter VII to construct atleast one room of primary school per village in inaccessible and backward areas completely at Government cost without expectation of popular contribution.

“ 10.38 The Gujarat Panchayats Act Amendment (Shri Jadavaji Modi) Committee has recommended as follows for the maintenance and up-keep of the properties assigned to Panchayats by Government :—

„Government has transferred some roads and properties to the District Panchayats but it is represented that the panchayats do not get sufficient amount for their satisfactory maintenance

and annual repairs. The condition of roads and buildings worsens day to day and more expenditure will be required for its improvement in the long run. In order to improve the condition, a provision should be made to prescribe a definite standard and to invariably give amount regularly from Government."

In spite of such an unequivocal recommendation of the said Committee, the situation causes concern that it is not properly implemented, by various Departments of Government. Many representatives of the Panchayats have represented before us that in comparison of the grant sanctioned for maintenance and up-keep of the properties at the disposal of the Department of the State Government itself the amounts given to Panchayats for the maintenance and up-keep of the properties assigned by Government is less and insufficient. A representation has also been made before us that Government does not sanction grant-in-aid for the maintenance and up-keep of public works that are undertaken in the Panchayat areas under scarcity relief and employment programmes. Certain circles have also made a representation before us that the progress of public works being carried out by the Panchayats from Government grant-in-aid has remained slow at some places mainly due to insufficient allotment of necessary equipments like road-roller, tanker, etc. required for such construction works. After necessary study and analysis in this regard, the Committee makes the following recommendations :—

(1) Machinery and other equipments should be given to Panchayats by Government to the corresponding extent of the activity of public works assigned and necessary grant-in-aid should be sanctioned for the purchase of such equipments. The Committee thinks it particularly necessary to adopt the criteria and rules and regulations prescribed by Shri Lonkar Committee appointed by Maharashtra Government for giving such machinery and facilities to the District Panchayats. If giving sanction to the required machinery according to prescribed criteria takes time and meanwhile if District Panchayat carries forward the work by purchasing such equipments from its own resources or loan with the approval of Government, the Committee also recommends that Government should give interest at reasonable rate on capital invested in that respect.

(2) The Committee specifically recommends for equal and just distribution of working equipments between Government and Panchayats in the circumstances where Government has at its disposal limited number of machinery of any type at any time and the receipt of new equipments is supposed to take time.

(3) The Committee recommends to prescribe a definite standard and to make regular provision and allotment of appropriate amounts every year for bringing to a safe stage roads constructed in the past under scarcity relief programmes and for their proper maintenance and upkeep.

(4) The committee does not think it reasonable to impose on Panchayats the burden of permanent maintenance of public works undertaken under employment programmes. The Committee recommends to prescribe definite criteria for maintenance of such constructions and to fix a standard that the State Government may sanction 75 per cent amount and 25 per cent amount may be spent from Panchayats' own resources.

(5) We have properly recommended in the chapter on "Primary Education" for repairs to school buildings.

10.39 A policy is fixed up that Government would bear the expenditure on pension for those Government employees who are allotted to Panchayat service out of the establishment sanctioned and assigned to Panchayats by Government for implementation of activities and schemes assigned to Panchayats by Government. In circumstances when Government has assigned any activity to Panchayats with 100 per cent grant and if hundred per cent of expenditure towards pay and allowances of all the employees on all posts whether they are allocated Government Servants or new recruits appointed by Panchayat for working on the posts dealing with the activity is received from Government grant-in-aid under section 157 or 158 of the Panchayats Act, it is quite a simple matter that the entire financial expenditure regarding pension of employees retired from all those posts should be received only from Government grant-in-aid. Further, it is also not possible for Panchayats to bear such expenditure. If it is found necessary that Government itself should bear all the expenditure regarding pension of employees of all categories retiring from the establishment assigned to Panchayats as a part of Government activity, the Committee suggests to make specific provision even by amending the Act.

10.40 Representations are made before us that Panchayats are not given requisite equipments to discharge activities, functions and schemes assigned to them by Government. As for example, activity of Community Development Blocks was assigned to taluka Panchayats, but instead of granting land free of cost for construction of residential quarters for employees under the scheme, a pattern of giving such land on price is fixed. As a result, the programme could not be made operative mostly in Community Development Block and many difficulties and hardships are experienced by the staff of the block without residential quarters. Though the amount of rent of such residential quarters is to be credited to Government a standard of not granting land free of cost for their construction by Government seems abnormal and rigid. According to the existing provisions of the Panchayats Act, the Committee thinks that necessary financial aid should be available to Panchayats for implementation of activities and programmes assigned to them by Government. However further the Committee strongly recommends to make proper amendment in the said sections for the

inclusion of necessary equipments and lands by amplifying the provision of giving necessary funds and establishment for the schemes and functions assigned to Panchayats by Government under sections 157 and 158 of the Panchayats Act.

10.41 If Panchayats undertake any activity or scheme in Public interest like guest-house from their own resources, orders are operative to realise 20 per cent of the market price of such land instead of giving Government land, for that. The Committee believes that efforts of Panchayats at all the three tiers to raise community properties or establish public enterprises or implement any other public activity or scheme should be properly encouraged. The Committee recommends that Government may give necessary land to Panchayats for such work realising nominal price of rupee one.

10.42 In certain matters Panchayats get relatively less facilities as compared to Government Departments. If Panchayat purchase any materials from the Central Stores Purchases Organisation, they have to pay two per cent commission for that. Further, Panchayats cannot get necessary materials at prices approved by the Director General of Supplies and Disposals. Similarly, Panchayat Raj Institutions do not get relief of such types of exemptions and concessions as are available to Government Departments in respect of sales tax. Let us take another example. Services of Government Pleaders are available to Government Departments but are not available to Panchayat Raj Institutions automatically. It emerges from the above examples that eventhough 90 per cent of the functions and activities conducted by Panchayats are assigned by Government, Panchayats are not provided with such facilities and amenities as are available to Government Departments. Ultimately as a result of this, Government itself has to bear financial loss, because Government is required to repay by way of Government Grant-in-aid to the extent of the expenditure that may be incurred by Panchayats on such items. After due consideration in this regard, the Committee suggests to take policy decision and make proper statutory provision to make available to Panchayats facilities and conveniences as in the case of Government Departments. We would prefer only to mention about the amendment in the pattern of Datum capitation grant against the expenditure incurred in the field of primary education on which we have recommended in Chapter-VII.

10.43 Decision taken by Government to transfer Seeds Multiplication Centres to Panchayats on the basis of equal share of "profit-loss" between Government and Panchayats is satisfactorily implemented. The Seeds Multiplication Centres have been made to run in profit. The Committee takes its note with pleasure. If other commercial types of activities like minor irrigation works and poultry breeding centres are transferred to Panchayats on the same basis, accounting and administrative work would be reduced and the Committee believes that Panchayats would simultaneously

look after such works carefully. At present the system of equal partnership of Government and Panchayats in profit or loss prevails in running of the Seeds Multiplication Centres. The Committee expects that if the said system is revised and all the above said schemes and activities are transferred on "no profit no loss" basis. Panchayats would be keen to run the administration with more vigilance and efficiency. After full consideration, the Committee suggests that the activities and schemes like Seeds Multiplication Centres, work of minor irrigation, poultry breeding centres, etc., may be transferred to those District Panchayats who desire to run them on "no profit no loss" basis. If loss is sustained, it may be borne by the Panchayats from their own resources, but if profit accrues, it may be spent only for promotion and execution of all the activities that are transferred to Panchayats. The Committee thinks that the transferred activities and schemes would be progressively boosted up by such condition.

10.44 Gram / Nagar Panchayats converted from municipalities have represented that various types of financial assistance were received from Government when they were municipalities. Some of such assistance is discontinued to be given to converted Gram/ Nagar Panchayats.

After carefully examining this matter, it has emerged that only the following Government grant-in-aid is not received or received at lesser rates by the converted existing Gram/Nagar Panchayats, which were received earlier by them as municipalities :—

- (1) Basic grant per capita for common purpose subject to the condition of levies of taxes within certain limits.
- (2) Grant-in-aid from the non-agricultural assessment.
- (3) 1/3 rebates on collection of education cess, which is received by Nagar Panchayats, only upto 3 per cent.
- (4) Land revenue grant is received by the municipalities upto 35 per cent of land revenue but it is received by Gram/Nagar Panchayats upto 30 per cent at present.
- (5) Statutory grant given as compensation under the Bombay Motor Vehicles Act, 1958.
- (6) Grant-in-aid from the amount of fine imposed in cases tried before the Magistrate under the Municipalities Act or other Acts.

Grants of item Nos. 1, 5 and 6 above are not at all received by Gram/Nagar Panchayats and grants at item Nos. 2, 3 and 4 are received less. A point is forgotten that against this fact municipalities are required to contribute considerably for primary education, while Gram/Nagar Panchayats have not at all to contribute thus. Moreover, as the area of Gram/Nagar Panchayat is covered under

Taluka/District Panchayat, many developmental works can be undertaken and grant received by the Taluka/District Panchayats also. In consideration, therefore, of these details the Committee does not find unreasonable the grounds of not giving these grants to Gram/Nagar Panchayats as on the lines of municipalities. However, the Committee on rural-urban relations has recommended to allot 25 per cent amount from the income of motor vehicle tax as grant-in-aid to local self-Government bodies of the State. We accept the recommendation and endorse the giving of such grant-in-aid to Gram/Nagar Panchayats.

## 8. VARIOUS FUNDS

### *District Equalisation Fund.*

10.45 Finding good utility of the District Equalisation Fund the Committee opines to continue it as it is. In order to ensure more practical, efficient and effective operation of the fund, the Committee makes the following recommendations suggesting revisions :—

The present standard is to give an amount upto Rs. 500 first from the State Equalisation Fund to Gram/Nagar Panchayats having annual income less than Rs. 500. But the general income of Backward Taluka Panchayats is not enough to meet its inevitable administrative expenditure. In such circumstances, there is no system in force under which any assistance from the said fund can be given upto certain limit to such Taluka Panchayats. Of course, there are instructions at present that Taluka Panchayat having income less than Rs. 10,000 in their own resources should be preferred for giving the amount falling short as assistance from the District Equalisation Fund. But as the grant being received from the District Equalisation Fund is connected with the prescribed development activities, it can not be utilised towards the administrative expenditure of Taluka Panchayats. Looking this issue from the other point of view it may, also happen that such backward Gram and Taluka Panchayats may perhaps shrink from raising their sources of taxes. However, though such Panchayats may have tried to raise this sources of taxes in backward area upto possible extent and particularly may have made definite efforts to impose compulsory taxes even then in case of Gram Panchayats having annual income less than Rs. 500 and Taluka Panchayats having income less than Rs. 15,000 the Committee suggests that first of all they may be provided the amount falling short on a lump-sum basis from the District Equalisation Fund without showing any particular work or activity.

10.46. It is represented before the Committee that a provision to apply for grant from this fund before the prescribed date should be cancelled. This is also the recommendation of the Panchayat Raj



Administration Evaluation Committee. After careful study, the Committee has found that while sanctioning the grant from the District Equalisation Fund all the demands of the District should be viewed altogether and sanctioned according to merits. Therefore, the suggestion to completely cancel the time limit does not seem acceptable, but the District Panchayat should directly inform every year all the Panchayats included in the scheduled of backward Panchayats to apply in time. It should also be widely published in newspapers. The Committee believes that no particular difficulty would arise in practice if proper supervision in this regard is kept at the taluka and district level.

10.47 It is one of the recommendations of the Panchayat Raj Evaluation ( Shri Nayak ) Committee that the schedules of backward panchayats should be reviewed by the District Panchayats in due time. We agree to this recommendation and suggest to make provision that the District Panchayats may be allowed to scrutinise and make necessary changes in this schedule every year before the close of the financial year.

10.48 Backward Panchayat is not defined in the Panchayats Act or rules. In order, therefore, to clearly define the backward panchayat on equal basis, the Committee recommends that the District Panchayats may directly inform all the Gram/Nagar Panchayats of the clear directives for determining the backward panchayats and give wide publicity to such directives.

10.49 It is prescribed under rule that the amount sanctioned from this fund should be utilised by the Gram/Nagar Taluka Panchayat within the period directed by the District Panchayat. But the amount of assistance sanctioned to the backward Gram/Nagar Panchayats can not be utilised within the prescribed time-limit of six months. This condition is mainly due to the reasons that the Sarpanch and office-bearers of such backward Gram/Panchayats are mostly illiterate and belonging to backward class, village is situated in the interior part of the Taluka, suitable contractors are not available for constructions and the absence of experience to undertake construction departmentally. It is not in any way proper that the entire panchayat has to be denied the advantage due to such reasons. In this context, the Committee suggested as follows :—

(1) Such backward and weak Gram Panchayats should be actively assisted by the Taluka Panchayat in undertaking such works. And, therefore, if such weak Panchayats do not start such works six months or do not complete them within a year or if such panchayats request, the Taluka Panchayat should get such works done.

(2) Taluka Panchayat should be prepared also to bear the additional expenditure, if necessary, so that the people of backward and weak gram Panchayat can get full benefit of this fund.

(3) The District Panchayats should be allowed to extend the time-limit upto two years after going into the reasons for not completing the work within the prescribed time-limit.

10.50 According to the existing rule-3 regarding investment of the District Equalisation Fund District Panchayat can invest an amount not more than 1/3 of the fund in District Co-operative Bank and Land Development Bank. The remaining amount and the amount or its part thus deposited in the bank is required to be deposited in Government treasury when directed by the State Government. As this fund is a permanent fund, the Committee recommends to remove such restrictions and allow the District Panchayat to invest the full amount of the fund in nationalised bank district co-operative bank or post-office. Of course, in consideration of the object of the fund, it would be considered proper to impose limitation that such amounts can not be deposited in investments with a time-limit exceeding one year.

#### *District-Gram Encouragement Fund*

10.51 The Committee has opined in para 10.29 above regarding continuance an expansion of this fund. The Committee believes that it would be useful to give matching grant from the fund also to Nagar Panchayats and Taluka Panchayats in addition to Gram Panchayats for recovery against imposition and collection of taxes. Thus, in order to inspire and encourage the Gram Panchayat of ordinary level to progress in the field of development and administration and to assume progressively better and best levels, the committee opines Gram Panchayat that of better and best levels should be given matching grant-in-aid from this fund. Suitable recommendations in this regard are made in Chapter-III.

10.52 According to section 198 (2), though the said fund is non-lapsable, only 1/3 amount of the said Fund is allowed to be invested in a Co-operative Bank and that too at the time when the Government directs, and the remaining 2/3 amount rests with the Government Treasury without securing any interest. The Committee, therefore, recommends that the provisions of the existing rules should be annulled and necessary modifications should be effected to allow the District Panchayat to invest the money of the Fund in the Co-operative Bank, Post Office Savings Certificates, Nationalised Bank or Postal or Government securities.

10.53 The norm of percentage prescribed by new taxes and fees for the incentive grant from the said Fund seems to be appropriate. However, the provision that the compulsory taxes and fees to be levied by the Gram/Nagar Panchayat under section 178 are not admissible for the grant, should be modified in such a way that if such compulsory taxes and fees are levied at the rate which exceeds the

minimum rate prescribed under the Government rules, the income derived from such extra rates should be admissible for such incentive grant. Moreover, according to the provision contained in Rule 4, in the case of Panchayats showing an increase in the normal income every year the District Panchayat is entitled to sanction a grant from this Fund for the second time, if it finds that the increase is more substantial than that in the preceding year. However, no criteria have been laid down by the Government as what percentage of the increase should be treated as substantial by the District Panchayat. It is, therefore, desirable to fix criteria in this behalf also. In case of backward Panchayats minimum five per cent of increase should be taken as the substantial increase and for the other Panchayats it should be of ten per cent. It is recommended to make a provision that such incentive grant should be given according to the ascending proportion and ascending per centage of the actual recovery of all taxes and fees of the respective Panchayat.

10.54 The District Panchayat should intimate all the Panchayats about the criteria and norms fixed for the assistance from the District gram Encouragement Fund by 31st January, so that they can complete the procedure of raising income by 31st March and can raise the income during the year commencing from 1st April and avail of the assistance at the end of the year on the basis of the recovery made. It is necessary that the criteria should be defined in simple language so that the rural mass can understand them.

#### *District Development Fund*

10.55 The Committee makes the following recommendation to make the arrangement of the District Development Fund more efficient and effective :—

“With a view to justifying the name of the “District Development Fund”, the Committee recommends to extend its scope of work which is at present restricted only upto the Gram / Nagar Panchayats to the Taluka Panchayats and the District Panchayats, too. The Taluka / District Panchayats may also pay annual contribution to this fund and avail of loan therefrom to perform the functions and duties mentioned in the relevant Appendix of the Panchayats Act. Due to such extension of the scope of this Fund, the Taluka and District Panchayats would easily get loans for their development works and the same would be proved an effective remedy also, in respect of big amounts lying idle in the Fund.

10.56 The contribution to be paid to the District Development Fund is subject to the maximum amount fixed on the basis of the percentages of income of the Panchayats from the items shown in Rule 3 (1) of the Gujarat District Development Fund's Rules. Here, the counting of the number of sources of income becomes clumsy,

and the recovery of such contributions becomes difficult. Besides, the administrative work of maintaining individual accounts of debit and credit of the contribution increases unnecessarily. It is, therefore, proposed to abolish the existing system and credit the contribution to the Fund by directly deducting from the grant of land revenue of the Gram / Nagar Panchayats, ten per cent amount of the land revenue or forest grant admissible to them, subject to the prescribed limit and also by deducting from the said land revenue grant of the Taluka and District Panchayats, 5 per cent and 1 per cent amount of statutory grants, payable to them subject to the limit of rupees three thousand and rupees ten thousand, respectively.

10.57 There is a practice of considering the Panchayats as the loanees of the Government only to the extent to which they advance loans to the private parties or institutions as a part of the activities excluding those of scarcity relief, flood relief, etc. assigned to them by the Government. With an object that the Panchayats may be careful in sanctioning such loans and in realising the recovery thereof in time, the practice, it seems, might have come in vogue to consider them as "loanees" instead of "agents". But really speaking, the Panchayats have to bear some financial loss on account of their being treated as loanees. The Panchayats withdraw the amount of loan from the Government treasury and thereafter disburse it to individuals and institutions one by one after sanctioning their due amount. Hence, the Panchayats have to bear a loss of interest during the period in between withdrawal and disbursement of the amount of loan. Similarly, if the amount of the instalment of loan is recovered late, the Panchayats have to incur a loss of interest since they have to repay the amount to the Government in time. Moreover, Panchayats have also to incur a financial loss in cases of remission of instalments from weaker parties or in cases of doubtful and bogus dues. The Committee, of course, endorses the view that Panchayats should not irresponsibly advance money. Still, however, when credits are being made by Government Departments and due to various circumstances their recovery is being delayed year by year, it would not be appropriate, as the Committee feels to expect that Panchayats would always mechanically make cent per cent and timely recovery. Moreover, since small amounts of loan are being received from different Departments, ultimately, there exists a heavy work-load in respect of maintaining accounts in proportion to the credit of loan and in respect of registers and correspondence. In this context, the Committee makes the following recommendations :—

(a) The existing policy of considering the Panchayats as the agents of the Government so far as the work of advancing taccavi loan etc. at the time of natural calamities such as scarcity relief, famine relief, flood relief, etc. is concerned, should be continued.

(b) At present, amounts of loan are sanctioned for Panchayats by different Departments of the Government to disburse loan to

those private parties and institutions which are not referred to in the above (a). Instead, a special scheme to grant loan to the Panchayats should be devised under the Fifth Five Year Plan and a criterion should be implemented to sanction average two lakhs of rupees towards loan for every District Panchayat per year. A programme should also be conducted to credit the said amounts to the District Development Fund as its part and out of those amounts the Panchayats should advance loan to private parties and institutions for the prescribed purposes. For the loan advanced by the Government to the Panchayats, interest should be fixed at the rate of four per cent and for the loan advanced to the private parties and institutions, it should be laid down that Panchayats can charge the interest at the rate of 6 per cent or more as may be fixed locally. By implementing such an arrangement, the Committee expects, the irksome procedure of maintaining various accounts and registers by the Panchayats and the different Government Departments would be dis-continued and smooth functioning for the matters of loan would be ensured.

10.58 There is a provision under sub-section 3 of the Section 199 of the Panchayats Act and Rule 6 of the Gujarat District Development Fund's rules that the interest on the contribution paid by the Panchayats to the said Fund should be given to them. Out of the contribution that may have accumulated in the said Fund, loans are given to such Panchayats as per rules and regulations. Hence, the practice of giving interest on the contribution does not seem to be appropriate. Further, the Committee recommends to annul the provision of giving interest so as to save the time which is being unnecessarily spent after calculating the interest and maintaining their accounts.

10.59 We, after taking into consideration the Rules 6(2) and 6(3) of the District Development Fund's Rules, recommend that in lieu of the provision that the District Panchayat should debit about one per cent amount on the basis on interest actually realised during the year to the head of the District Panchayat towards the administrative expenditure, the provision should be made for running of the said Fund to the effect that the District Panchayat should be empowered to incur an administrative expenditure upto about 1 per cent amount out of the Fund's amount deposited for security on interest and given as loan, and the amount that may be saved should be credited to the said Fund only.

10.60 Loan out of the District Development Fund can be advanced to the Gram / Nagar Panchayat for any of the matters mentioned in the Schedule of the Act. The Committee recommends that in addition to making the provision of giving loans from this Fund to the Taluka and District Panchayats also as mentioned above, for any of the matters shown in the respective Schedule which is in

consonance with their functions and duties, the purposes and financial limitations too, should be expanded and increased as detailed below:-

(1) The Committee recommends to make necessary modifications in the rules of giving loans to the Panchayats so that loans can be given from the said Fund liberally at the lower rate of interest to the Panchayat Raj institutions to give them incentive to establish community property and conduct productive programmes as recommended by Shri S. K. Dey, after making a tour of Gujarat State for the study of the Panchayat Raj bodies.

(2) The existing provision enabling the District Panchayat to sanction such loan upto Rs. 50,000 (Rupees fifty thousand only) to the Gram / Nagar / Taluka Panchayats should be continued and another provision should be made to the effect that for the District Panchayat loan upto Rs. two lakhs from the said Fund should be sanctioned by the Development Commissioner and for the greater amount, the State Government should accord sanction.

(3) Along with the existing provision of charging penal interest of 2 per cent from those Panchayats which fail to repay the instalments of loan regularly, a provision should also be made as an incentive by way of giving rebate of 1 per cent in the fixed rate of interest in the deserving cases of the Panchayats which repay their instalments before time.

10.61 If the Panchayats fail to collect *enbloc* and immediately the public contribution required for availing of the timely and early benefit of the development works and schemes, sometime, they have to miss the opportunity of taking advantage of such schemes. Hence in order that some Panchayats which are though economically not so viable enough to pay the required public contribution may also avail of the said schemes, a provision should be made enabling those Panchayats to get, even for the purpose of public contribution, the entire amount of loan earmarked for the capital works from the District Development Fund. Of course, the Panchayats, in order to maintain such works, must have raised adequate sources by way of taxation.

10.62 There is a provision to the effect that the amount of the contribution to be paid by the Panchayats to the District Development Fund should be realised by deducting from their grants. It is recommended to make a similar provision in respect of the recovery of the amount of instalment of loan withdrawn from the said Fund so that the loan can be recovered out of any type of amount payable to the Panchayats which fail to repay the instalment within the fixed period.

10.63 At present, under Rule 10 of the Rules regarding the District Development Fund there is a provision that the total amount of

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loan given to the Panchayat should not exceed the amount of 25 times the latest annual contribution paid. The Committee suggests to annul the said provision and make provision afresh enabling the District Panchayat to sanction loan upto rupees twenty thousand for the Gram Panchayat and upto Rs. 50,000 for the Nagar and Taluka Panchayats. Keeping in view the financial position and administrative efficiency of the respective Panchayat for the repayment of the amount of loan in suitable annual instalment and for sanctioning the loan which exceeds the above said limits, prior-approval from the Development Commissioner should be required to be obtained.

10.64 According to the existing provision, only for the work relating to the electrification of irrigation wells for agricultural purposes, the entire amount of the total estimated expenditure is given and if loan is required for the work other than the one mentioned above, an amount that does not exceed 75 per cent of the estimated expenditure of the work is given to the Panchayat as loan. The Committee recommends to modify the said provision and give the amount upto 90 per cent of the estimated expenditure as loan.

10.65 The Panchayats which have not fully paid the amount of contribution payable to the District Development Fund are, according to the existing rules, not eligible for loan. Particularly, big Gram and Nagar Panchayats which were originally municipalities and then converted into Panchayats have failed to repay the entire amount of the contribution of the District Development Fund for the period prior to the introduction of compulsory contribution since 1968 and such Panchayats due to great outstanding amounts cannot entirely avail of the District Development Fund. It is, therefore, recommended to take action to treat the outstanding amount which has not been paid by the Panchayats towards the contribution payable to the said fund as the amount lent to them and recover it by deducting the same from the land revenue grants in suitable and convenient instalments.

10.66 Under Rule 3 the contribution payable to the District Development Fund by the Panchayats is to be paid before 31st December in every year and as per the proviso to section 103 of the Panchayats Act, if the Panchayat fails to pay such contribution in any year the State Government is empowered to recover it by way of deducting the amount of the contribution from the grant payable to the respective Panchayats under section 195 in the succeeding year. The Committee feels it necessary to change such procedure of effecting recovery within the prescribed time-limit; and therefore urges to modify the Act and the rule and follow the practice of crediting the amount of the contribution to the head of the Panchayat concerned by deducting it from the amount of the land revenue / forest grant of the respective year.

*Other Funds :*

10.67 In respect of the State Equalisation Fund, District Harijan and Adivasi Uplift Fund and the District Weaker Sections Uplift Fund, the Committee has made necessary recommendations in the Chapter VIII.

9. FINANCIAL REQUIREMENTS FOR LUCRATIVE SOURCES, MACHINERY AND INDUSTRIAL ENTERPRISES

10.68 Panchayats have to take loans for the following purposes :—

- (1) For public facilities such as, water supply drainage, street-lights, etc.
- (2) For lending money to the institutions and private parties falling within their jurisdictions.
- (3) For the purchase of essential equipments and machines, such as, road roller, tractor, grader, air compressor, etc.
- (4) For setting up lucrative property and establishing industrial enterprises.

Out of the above four categories, generally loan is sanctioned for the first category by the Life Insurance Corporation and the Government. In order to grant loan to the institutions and private parties, we have already recommended to implement a new scheme as an integral part of the District Development Fund as mentioned above. The question pertaining to the Panchayat's requirement of loan for the establishment of lucrative properties and industrial enterprises and for the purchase of machinery is still to be settled. The Committee envisages the following alternatives :—

- (1) Such financial assistance should be obtained from the Life Insurance Corporation or from the Nationalised Banks and State Government should agree to guarantee wherever it is found necessary.
- (2) The State Government should sanction the required amount of loan in their budget.
- (3) The Panchayati Raj Financial Corporation should be established.

The Committee feels that for the abovesaid purposes adequate funds would not be available from the District Development Fund. In that context, the Committee thinks it is essential to make necessary arrangement according to any of the above three alternatives. The Panchayati Raj Financial Matters (Shri Santham) Study Group had favoured the establishment of the Panchayat Raj Financial Corporation. The said Study Group has envisaged that shares



of such a Corporation having authorised share-capital of rupees one crore to five crores would be proportionately purchased by the Central Government, State Government, Reserve Bank, Insurance and Banking Companies and Panchayats. The Democratic Decentralisation ( Shri Naik) Committee of Maharashtra, too, had recommended to establish such a type of local Financial Corporation.

10.69 Although we have carefully examined all the three alternatives referred to above, we could not presume anything definitely or come to any definite conclusion as to which of the three alternatives would be more acceptable in the context of the present financial policy of the Central as well as the State Governments. All the three alternatives are equally useful to the Panchayats so far as their requirement of loan is concerned. The Committee recommends that the Government should study these three alternatives aptly and make a concrete provision for giving adequate loan to the Panchayats for the said purposes. The procedure for payment of loan to the Panchayats by the institutions, like, the Life Insurance Corporation, Nationalised Banks, etc. should be simple, easy, uncomplicated and non-expensive. It is revealed from the information circulated by the Central Government that in the year 1971-72 some of the States had given financial assistance to the Gram Panchayats for the establishment of the community assets as detailed below :—

Name of the State				Rs. ( in lacs )
Kerala	--	--	--	20
Madhya Pradesh	--	--	--	5
Punjab ..	--	--	--	8
Tamil Nadu	--	--	--	4½
Uttar Pradesh	--	--	--	7

In Gujarat, a scheme of providing aid to the Panchayats for setting up community assets was under implementation during the Third Five Year Plan. However, it was discontinued afterwards. Now, it is quite imperative to implement such scheme. The Committee recommends to make a provision of one crore of rupees at the rate of rupees twenty lakhs per year in the Fifth Five Year Plan so that those Gram / Nagar Panchayats which come forward to establish the community assets should be given 25 per cent / financial assistance over and above 75 per cent loan from the District Development Fund.

#### 10. RELATIONS OF THE STATE-PANCHAYATS IN RESPECT OF FINANCIAL MATTERS

10.70 At present, statutory grant and grants-in-aid are given to the Panchayats by the State Government. The Committee has contemplated the issue of making a permanent provision of laying

down definite norms in this behalf and undertaking their reviews at an appropriate time. In order to find out a proper arrangement for the financial sources of Panchayats, the Democratic Decentralisation ( Shri Parikh ) Committee of Gujarat had suggested that a State Financial Board should be constituted to go into this matter ; the same should be reviewed at every five years and on recommendation of the said Board, the Government should take decision as to which of the sources are available to Panchayats and how. The reafter, the Gujarat Panchayats Act Amendment ( Shri Jadavji Modi ) Committee has also recommended that the Government should accept to appoint the financial commission from time to time in order to establish relations between the Panchayat Raj institutions and the State Government in respect of financial matters as is the the case of financial sources of the State and Central Governments and also to lay down a procedure for granting financial aid. These recommendations are not accepted so far. However, the Government has accepted and followed the practice of forming a grant-in-aid committee to prescribe and review the norms of monetary grants to the municipalities. In that context, the Committee recommends to accept and implement the principle of appointing a high level Committee at every five years so as to fix the criteria of giving statutory grant and other grants-in-aid to the Panchayats. By constituting such a high level committee the work of including appropriately the Panchayat level schemes in the Five Year Plan as an integral part thereof could also be assigned to it and thereby, the Committee expects, the financial relations between the State and the different tiers of the Panchayats would become co-ordinated, un-complicated and realistic.

## CHAPTER XI

### AUDIT SET-UP

#### 1. EXTENT OF AUDIT

11.1. The Committee has studied the existing arrangement for undertaking audit of the Panchayats of three tiers by the Local Fund Accounts. The Committee has also studied the recommendations made by different committees and experts regarding the method of auditing the Local Self-Government bodies. The Government has appointed a committee under the convenership of the Deputy Development Commissioner to undertake a study and make recommendations in respect of the audit of Panchayats. Since the report of the Committee has not been prepared so far it could not be studied.

Some of the general recommendations of the different reports regarding audit are as mentioned below. Shri Khanna Committee appointed by the Central Government to go into audit matters has recommended that accounts of only 3 to 4 months should be audited, whereas Shri Ramkrishnaiya Committee appointed by the said Government in respect of Panchayat's budget has favoured the audit of cent per cent accounts. The Panchayati Raj Evaluation Committee appointed under the Chairmanship of Shri Bongirvar by the Government of Maharashtra (from para 13.54 of the report) has recommended that the Gram Panchayats having an annual income upto two thousand rupees should be exempted from the audit by the Examiner of the Local Fund Accounts and its audit work should be assigned to the establishment under the Block Development Officer and in respect of the Panchayats getting the annual income of more than two thousand rupees but upto rupees five thousand, audit should be undertaken only once during every two years instead of once every year.

Many a representation has been made before the Committee to the effect that audit of the Panchayats is being undertaken by various establishment and departments as shown below. It has also been emphatically represented that such dual, triple or multiple practice of audit should be discontinued immediately.

- (1) Office of the Examiner of the Local Fund Accounts.
- (2) Office of the Accountant General.
- (3) The Development Commissioner.
- (4) Heads of the Departments.
- (5) Internal audit set-up of the District Panchayat.

11.2 While considering the points raised as referred to above, the Committee feels that since the Panchayati Raj institutions are

the institutions which incur expenditure from public money, it is not desirable to accept any proposal that seeks relaxation in the audit of their accounts. Generally, the position of the Panchayats' accounts have not been satisfactory. In that context, the Committee thinks, the more exemption or relaxation would be granted in respect of their accounts' audit the more irresponsible would become the Panchayat Raj administration. Keeping this point in view, the Committee makes the following recommendations as regards audit :—

(1) The entire accounts of the whole year should be audited.

(2) The audit work of the accounts of all the institutions, viz., Panchayats of all the three tiers and the Local Development Authority proposed by the Committee, Federal Group Panchayats and Nyaya Panchayat should be kept under the control of the establishment set-up under the Local Fund Audit Act.

(3) The audit being undertaken by the Accountant General under the Constitution of India is the test audit restricted only upto the utilisation of the Government grants-in-aid. Hence, it seems to be erroneous to think that the audit is duplicated thereby. So according to the Committee, it is desirable that the said audit should be continued over and above the audit by Local Fund the Accounts.

(4) In order to synthesize and co-ordinate the audit under the Local Fund Act and that being undertaken by the Accountant General under the Constitution of India, such procedures should be laid down between both these authorities that audit may not be duplicated in respect of one and the same matter and contradictory recommendations may not be issued.

(5) The Committee recommends to abolish the practice of noting down the points regarding audit of accounts etc. while conducting administrative or technical inspection of Panchayats by Government Departments and offices.

(6) Since the accounts of the District Panchayats are audited concurrently, it does not seem necessary that the Internal Auditor should look after the work in that regard. It is, therefore, recommended that the Internal Auditor should personally take action to get the replies of audit-paras and notes of the District Panchayats' accounts prepared in time and ensure that the replies of audit notes of the subordinate Panchayats are sent in time and in satisfactory manner.

## 2. ANALYSIS OF THE REASONS OF THE OUTSTANDING OBJECTIONS

11.3 The Committee views with concern the fact that a number of audit reports and paragraphs relating to Panchayats are pending

either unanswered or uncomplied with. It is likely that some of the objections and paragraphs might be of serious nature. However, the Committee feels that imperfect or vague understanding and outlook of the concerned persons or want of necessary training or absence of any definite method or practice and indifference on the part of the officials and senior officers of the respective level are mainly responsible for the majority of the objections and paragraphs remaining unsettled. It is not befitting any body that thousands of paragraphs of the Gram/Nagar Panchayats' accounts, in particular should remain pending. While analysing the reasons for the pending of audit objections and paragraphs undisposed for years the Committee finds the following main reasons as responsible for such situation :—

(1) Audit notes on one and the same point are being taken every year.

(2) Many objections remain pending for want of sanction or decision by the competent authority.

(3) Some notes are carried forward for recovery of amounts from the responsible parties.

(4) Some trivial objections do not get disposed due to non-availability of old records.

(5) The auditor has not enough time to dispose of the audit-notes while taking into consideration the replies noted there against.

### 3. CHANGES IN AUDIT SET-UP AND METHOD-

11.4. According to the Committee, it is highly imperative that the audit-set-up for Panchayats' accounts is created satisfactorily and the Panchayati Raj administration pays careful attention towards the criticism made by the audit. However, the Committee cannot endorse the view that the situation would be permanently improved by making only scattered efforts or taking up casual programmes in that direction. In this context, the Committee suggests some radical changes in the audit set-up and methods as follows :—

11.5 Some of the audit-notes reveal that less important provisions of the rule are not complied with. Mainly, such notes are the resultant effects of adherence to the old rules and methods. However none of the two i.e. either the Panchayat Raj administration or audit can be absolutely blamed for such situation. Even though the auditor might consider the objection as trivial one, that authority would initiate objection when it finds some sort of infringement of any of the provisions of the Rule. However, it is not obligatory under the Audit Act to take into account the procedural drawbacks, only material irregularities should be taken into consideration. The Committee envisages two clues to overcome this situation. First of all, action should be taken to modify the existing rules and regulations of unnecessary methods and practices. We have already

suggested elsewhere that a Sub-Committee of the State Council for Panchayats should regularly take up a review of the provisions of the rules. The other way is to empower the office of the Examiner, Local Fund Accounts to waive objections. Shri Khanna Study Group appointed by the Central Government to go into audit problems has suggested that such powers upto Rs. 100 should be vested in the Examiner. Keeping in view the present price index the Committee feels that useful results would be achieved if power regarding condition and waiver in respect of all three tiers of Panchayats to be vested in the District Assistant Examiner and the Examiner of Local Fund Accounts to the extent of Rs. 100 and Rs. 250 respectively, and as regards higher limit, the Committee recommends to vest powers in the Divisional Commissioner.

11.6 Primary responsibility in respect of the disposal of paras should be fixed at every level. At Gram / Nagar level, such responsibility should be entrusted to the Panchayat Secretary and Sarpanch or Chairman. At Taluka level, the respective Extension Officer and the Accountant should be entrusted with this responsibility, and at District level it should be assigned to the respective District level officer. The responsibility of undertaking review of the Gram / Nagar Panchayats' paras should be entrusted to the Taluka Level Extension Officer ( Panchayats ) and such responsibility in respect of the paras of the Taluka Panchayats and District Panchayats should be assigned to the Assistant Taluka Development Officer and the Accounts Officer, respectively. In order that such arrangement should be specifically determined and implemented with accuracy, the Committee thinks it necessary to specify this responsibility in the Panchayat Act instead of imparting instructions in this behalf through the Government circulars. Under the existing provisions of the Local Fund Audit Act, the primary responsibility rests with the office bearers of the District and Taluka Panchayats, since they are considered as the Chairman. However, the practice is not realistic as the Presidents of the District and Taluka Panchayats are not the administrative heads as the Sarpanchs or Chairmen of the Gram / Nagar Panchayats or Municipalities are, the primary responsibility of the officers as suggested above is required to be specified. Of course, it is essential that the overall responsibility of the District / Taluka Development Officer and the ultimate responsibility of the District / Taluka Panchayats should be continued.

11.7 If in any case, the office-bearers of the Panchayats wilfully hesitate to reply to the audit-paras or violate them, the same should be treated as misconduct and action should be taken without any reluctance to remove them from their office. In case, if any care-free panchayat is habituated to neglect off and on, to comply with and dispose of the audit paras or shows connivance towards them it is recommended to make a strict provision to the extent of withholding its statutory grant for the time being for committing the default.

It is suggested that such powers in respect of Gram / Nagar / Taluk Panchayats should be vested in the District Development Officer and in respect of the District Panchayats such powers should be vested in the State Government.

11.8 The Committee totally accepts the recommendation made by Shri Khanna Study Group to empower the State Government to impose pre-audit on the accounts of those Panchayats which, on a large scale or frequently, practise irregularities in accounts or financial lapses, or violate instructions in respect of finance, and it suggests that such powers in case of the Gram / Nagar Panchayats should be vested in the District Development Officer and in case of the Taluka / District Panchayats the powers should be assigned to the Commissioner.

11.9 We recommend that the powers regarding audit-paras on all the tiers of Panchayats or in respect of fixing responsibility and effecting recovery in general cases of misappropriation, embezzlement, malpractices and maladministration of the Panchayats fund should be assigned to the Divisional Commissioner. We also suggest that appeal against the award of the said Commissioner should be made to the proposed State Level Panchayats' Tribunal instead of the State Government or the District Court.

11.10 In some cases, the Panchayats do not repay the expenditure held inadmissible by the audit nor do they send orders of the competent authority in that regard. As a result, such paras are carried forward for years. As regards such disputed paras, the Committee recommends, that the powers for their disposal on individual merits and recovery of such amounts from the Government grants should be assigned to the District Development Officer and the Divisional Commissioner in respect of Gram / Nagar Panchayats and the Taluka / District Panchayats, respectively, and a provision should also be made to prefer revisional applications against the orders of the above said officers to the proposed Divisional Level Panchayat Tribunal and the State Level Panchayat Tribunal respectively.

11.11 Since the office of the Local Fund Audit undertakes the normal audit, this agency cannot come across some cases of malpractices and maladministration in the Panchayat Raj set-up, in time and consequently, the entire Panchayat Raj is blamed. It seems, therefore, of extreme importance to avail of the services of the proper level officers of the office of the Accountant-General, who possess good knowledge of Gujarati language by way of their deputation on the establishment of the Local Fund Audit so that the said establishment may become more smart and active. A Bill was tabled in the Parliament which provided that the institutions which are run with the help of the Government grants to the extent of more than seventy five per cent should be audited by the office of

the Comptroller and Auditor-General. In this context also, it seems desirable and practical that the appropriate officers of the office of the Accountant-General who possess good knowledge of Gujarati should be appointed on the establishment of the Local Fund Audit.

11.12 In order that a clear and vivid picture of the position of the Panchayats' accounts may be ensured at first sight, it seems necessary to introduce a practice of classifying the audit of Panchayats into three categories as follows :—

(1) Good. (2) Fair. (3) Poor.

Due to such classification, it would be convenient to undertake the review of the audit of the Gram / Nagar Panchayats' accounts at Taluka / District and State levels and take follow-up actions appropriately in that regard. Similarly, the higher level authorities would be aptly informed of the accounts matter of the Taluka and District Panchayats, which would, in turn, be helpful in improving the poor accounts set-up of such Panchayats effectively.

#### 4. TRAINING AND REVIEW.

11.13 The Committee thinks that training is essentially required for undertaking audit work. Such training should be in the form of refresher course for auditors and should be in the form of imparting further knowledge in respect of accounts work to the accounts personnel of the Panchayats. According to the Committee the following observations regarding audit, set-up made by Shri Ganesh Vasudev Mavlankar are worthy to be considered.

“The procedure and constitutions of the Audit Department are of such a type that it cannot all the time contemplate that the Local Self Government body is the essential part in the plan of the independent nation. The said Department adheres to the literal meaning of the rules instead of reaching to the core of the object. This naturally, leads to the difference of opinion. Moreover, as regards the Civil matters of the country particularly regarding the major issues dealing with the interest of the whole nation, the opinions of this Department would differ from those of the Local Self-Government bodies in that behalf”. After lending a thought to this view-point the Committee has realized that at least one month's training is required to be imparted to the auditors to acquaint them of the Panchayat Raj system, its laws rules, fundamental objects, administrative set-up, procedures and regulations. Instead of conducting a new type of training course for auditors, the Committee recommends to send immediately all the officials right from the District level Assistant Examiners upto sub-auditors to the three week refresher course being conducted for the office-bearers and officers of Panchayats in the Orientation and Study, Centre at Junagadh.



The Committee finds it imperative to impart a three-day rotatory training to the Talati-cum-Mantries and Sarpancha of the Gram Panchayats by the Assistant Examiner of Local Fund Accounts at Taluka level or for a group of villages at the central places of the Taluka. Similarly it, is equally important that one week's training should be given to the accounts establishment of the District/Taluka Panchayats at District level by the Audit Department.

11.14 The Committee opines that according to the recommendation made by Shri Khanna Study Group if a manual is prepared in easy terminology to impart guidance to the Panchayat Raj institutions in respect of a accounts and audit procedure, officers at all levels and the staff would get the required information and knowledge and the work of audit would be facilitated.

11.15 A quarterly meeting should be held between the District Development Officer and the Assistant Examiner of the District audit set-up, wherein the matter of the disposal of the outstanding audit paras of the Panchayats at the three tiers should be revised. It is necessary that the State level Examiner of the Audit Department should also attend such meeting in every District once in a year.

11.16 The Committee finds it necessary that according to the recommendations of Shri Khanna Study Group, the outstanding audit paras of the former District Local Board, District School Board, etc., should be reviewed immediately, trivial and procedural objections should be waived, irrecoverable amount should be waived and in desering cases strict measures should be taken for recovery. The Committee suggests that action should be taken so that not a single para out of the notes relating to the former District Local Boards and District School Board should be left pending after 31st March, 1973.

11.17 A strict review of the outstanding audit paras should regularly be undertaken in the general meeting of the Panchayats of all the three tiers. Notes of the audit reports of the Panchayats at the three tiers and the action taken for their disposal should be reviewed by the Financial Review Committee of the District Panchayat. The District Development Officer and the Assistant Examiner of the District audit set-up should attend the meeting of the said Committee and render help to it. It also appears necessary that the annual report of this Committee should be discussed in the general meeting of the District Panchayats.

## CHAPTER XII

### FREEDOM AND FACILITIES TO THE PANCHAYAT RAJ INSTITUTIONS IN THEIR ADMINISTRATION AND FUNCTIONING, REVISION OF LAWS, RULES, METHODS AND ADMINISTRATIVE PROCEDURE.

#### 1. ANALYSIS AND GENERAL REVIEW.

12.1 Numerous representations are made to us to the effect that sufficient freedom and facilities are not given to the Panchayats by the Government in the implementation of schemes, activities, functions and obligations entrusted to them and many terms and conditions are kept in their implementation, which cause hindrances in the routine working of Panchayats.

Government Departments or the Secretariat Departments do not believe or accept that the Panchayat Raj Institutions are the units of some autonomous local self Government but they are considered as agent of the Government or Government Department and therefore no importance is given to the ideology which nourishes the originality initiative and efficiency of such institutions. Of course, when the Panchayats have to work and perform duties as a part of planning and abroad policy of the nation and the State Government it is impossible to take policy decision at local level in plenty regarding the schemes and priorities while taking into account the fact that the pattern of community development blocks is of a special nature and different from that of other Department of the State, it is doubtless that considerable facilities should be given to Panchayat Raj institutions at local level in respect of planning and implementation. On the other hand especially the converted Gram/Nagar Panchayats have forcefully represented that in comparison of Municipalities which have been given autonomy and facilities in various fields and matters Panchayat Raj institution are not given sufficient autonomy and a facilities.

12.2 When we analyse the reasons for which the Panchayati Raj Institutions have not been given necessary freedom and autonomy in their working we find in the main the following position :—

(1) The Secretariat Departments and other Departments are of the view that the process of delegation of powers and functions under the Democratic Decentralisation is the same as one under which the functions and powers are delegated to the subordinate officers. The difference between these two processes is precisely narrated by Shri Balvantray Mehta Committee ( Para 2.8 of Report; Vol. 1 ) in the following words :

“It is not infrequently that delegation of powers is mistaken for decentralisation. The former does not divest the Government of the ultimate responsibility for the actions of the

authority to whom power is delegated, this authority is under the control of the Government and is in every way subordinate to it. Decentralisation, on the other hand, is a process whereby the Government diverts itself completely of certain duties and responsibilities and devolves them on to some other authority. Delegation of powers is taking place to progressively lower levels of executive machinery. Decentralisation of responsibility and power, on the other hand, has not taken place below the State level in recent years. Such decentralisation has now become urgent and can be effected by a devolution of powers to a body which, when created, will have the entire charge of all development work within its jurisdiction."

(2) It is not incorrect or improper to say that decentralisation of powers is not done in its real sense because abundant lack of confidence lies at its roots. Secretariat Departments and other Departments do not give sufficient powers to their subordinate officers, for this. The High level Team for District administration appointed under the Chairmanship of Shri Mathuradas Shah, has mentioned as follows ( page No. 30 of the report ) :—

"Mistrust of officers is at root of inadequate delegation of powers. The high er level feels that the lower level will abuse the powers. Even if the officers are competent, the mistrust is there. Such mistrust is fatal to the working of an organisation. Whenever any officer makes a *bonafide* mistake or even a *mala fide* mistake in exercising powers delegated to him, remedial measures that the Department usually takes is to withdraw such powers from all officers of that level".

If democratic decentralisation is accepted as Moto of conscience, it is necessary to adopt undoubtedly the approach to march forward to delegate all possible functions and powers to basic democratic institutions keeping full faith and trust in them.

(3) Doubts are being entertained in some quarters that Panchayat Raj Institutions have not been able to perform functions and exercise powers satisfactorily as are entrusted to them. This outlook creates not only mistrust but the atmosphere of doubts. This matter is also very clearly reviewed as follows by Shri Balavantraya Mehta Committee (Para 2.5 of the report, Vol. 1).

"It ( Local Government ) must not be cramped by too much control by the Government or Government agencies. It must have the power to make mistakes and to learn by making mistakes, but it must also receive guidance which will help it to avoid making mistakes. In the ultimate analysis, it must be an instrument of expression of the local people's will in regard to local development".

## 2. PRINCIPLES AND FORMS OF REAL DECENTRALISATION

12.3 On account of reasons mentioned above and due to some other reasons Panchayat Raj Institution are not in a position to perform freely the functions, activities, schemes and powers entrusted to them. A condition to obtain "Prior sanction" of the higher authority is made compulsory in Panchayats Act. Various officers and office bearers have experience that provisions relating to terms and conditions under Panchayats Act are creating confusion and hindrances in the routine working of Panchayats. Various controls and regulations are imposed by the State Government and "competent authority" on Panchayat Raj Institutions under Panchayats Act. The Committee believes that in the context of the fact that Gujarat occupies a unique and special position in India in the field of democratic decentralisation, it is the principle responsibility of Gujarat to provide to the nation a real and well-defined picture of democratic decentralisation. Therefore, it is very necessary that Panchayat Raj institutions in Gujarat should be more autonomous and more freedom should be given to them in their working and there should be decentralisation of powers in its real sense. The Committee recommends to consider the following principles which have a bearing on decentralisation in its real sense :-

(1) Care should be taken to see that alongwith the functions, schemes and activities entrusted to Panchayats, all necessary financial provisions, equipments, establishments, powers, rights, and responsibilities should also be entrusted to them.

(2) It is likely that erroneous decision might be taken in good faith and hence allowance should be made for this exigency and undaunted advances should be made in the direction of decentralisation.

(3) Faith and confidence in Panchayat Raj Institution and Panchayat Raj administration should be cultivated.

(4) Delegation of powers should be clear and unambiguous and provisos and exceptions like "if" and "but" should not occur therein.

(5) Functions, duties, schemes and activities should first of all be delegated to District Panchayats, but in as many fields as possible, the approach should be towards gradual delegation of power to Panchayats and the officers of Panchayats at lower level.

(6) For the real democratic decentralisation six monthly reviews of the pattern of delegation of powers should be entrusted to a special Sub-Committee of the State Council for Panchayat. Superior Government Officers should be included in the said Sub-Committee for review.

(7) Present rules should be examined from a constructive point of view and rules which are imposing improper or impractical control should be liberalised. Shri Ikbal Narayan and other authors have properly said in the book "Panchayat Raj Administration" ( Page No. 190 ) that —

"The most important criteria for effecting any change in the pattern of financial control and supervision over the Panchayati Raj System should be to determine whether it tends to increase or reduce the operational autonomy or scope of internal self-regulation on the part of various Panchayati Raj institutions."

(8) One approach should be towards gradual elimination of external control and check over Panchayati Raj bodies in all possible fields yielding place to internal check by the bodies themselves.

12.4. The Committee believes that for prompt and effective implementation by the Panchayats of the schemes and activities transferred to them, it is necessary to make considerable changes in the terms and conditions of transfer of power incorporated in the present rules, regulations and arrangement. After detailed consideration the Committee thinks it necessary to make proper changes mainly in the following fields :—

(1) To effect changes in the delegation of technical powers relating to construction works of Panchayats and to relax the controls and limitations imposed in that respect.

(2) For the day-to-day easy implementation of activities, schemes and functions entrusted by the State Government more administrative powers may be given.

(3) Regulations, restrictions and controls under rules and laws relating to financial matters of Panchayats may be relaxed and made liberal.

(4) Out of certain duties and powers of the State Government under Panchayats Act, necessary powers may be transferred to District Panchayat Officers.

With a view to relax and to make liberal regulations, restrictions, conditions and controls under the above said four types of decentralisation and transfer of powers and the Panchayat Raj institution, may get necessary autonomy and independence in their routine work, the Committee has studied in detail and seriously all the types mentioned above and other relevant factors. The recommendations and proposals of the Committee in this respect are given below itemwise.

### 3. TECHNICAL POWERS AND CONCESSIONS

12.5 It is vigorously represented before the committee that on account of inadequate technical powers relating to construction works given to Panchayats under the Gujarat Panchayat ( Construction of Works, Development Schemes, Grant-in-aid, and Acquisition of Property ) Rules, 1964, and Gujarat Taluka and District Panchayats Financial Accounts and Budget Rules, and Gujarat Gram/Nagar Panchayats Financial Accounts and Budget Rules, 1963, they have to experience considerable difficulties in construction works. The Committee believes this representation as reasonable on the following grounds:—

(a) Especially the estimates of expenditure of the respective year of works undertaken through Government Grant-in-aid as mentioned in the Government Budget Estimates are taken as criteria for engineering establishment for Panchayats. The estimates of expenditure of works that may be undertaken by the lower level panchayats are not included in the proposals of the respective year, with the result that the Panchayats do not actually get sufficient engineering establishment.

(b) On account of inadequate technical staff Panchayats have to suffer difficulties and there is delay in small development works and especially in simple constructions and due to this dissatisfaction prevails among the people. As for example, generally there is no separate engineering staff at Gram/Nagar Panchayat level and there is no separate Deputy Engineer at each Taluka Panchayat level. This defect also puts control over the funds of Panchayats which creates dissatisfaction.

(c) As the construction in Gram/Nagar/Taluka Panchayat area are comparatively small and scattered the technical officer finds it difficult to supervise the same daily and to record their measurements and check the same, this hinders the progress of the works.

(d) In view of the increase in prices of materials and labour during last few years, the present financial limits of technical powers is impractical and inadequate.

12.6 After full consideration of all matters mentioned above and after the review of all existing powers of Panchayats to works and after the review of powers relating to Government works of Public Works Department, the Committee specially recommends that technical powers for Panchayats works as detailed in Appendix XVII should be given to technical officers. The Committee also recommends to make a specific provision to the effect that the technical powers of technical officers mentioned in this Appendix should be the same even if they are working under Panchayats of different tiers.

12.7 As it appeared that the Government procedure to give completion certificate after registering the final measurements of works carried out by Panchayats from grant in-aid creates hindrances in the progress of works of development blocks, the Bombay Government has decided to give completion certificate from measurements of works (which is not to be registered in measurement blocks) after checking the works and verifying that the works are carried out according to the plan estimates, instead of registering final detailed measurements as mentioned in community Development Manual Part-I, para 9. 11 (1967 edition, P. No. 68) As by this practice it was not necessary to measure the works in progress or to register the final measurement, the works of Panchayats could be undertaken easily and with speed and Gram Panchayats can receive the amount of grant-in-aid of the current instalment as well as of the last instalment without any delay after verification of the work done, but after and the Panchayat Raj came into existence, rules relating to accounts construction works are made applicable to Panchayats whereby it is made obligatory to register the current as well as the final measurements of all the works, and on account of this registration work and other incidental works, the progress of works has remained slow. No technical sanction of senior engineer is necessary under Municipal Act if any municipality wants to undertake any construction or scheme from its own fund and no certificate of such engineer is necessary regarding the supervision and the completion of work. Under section 289 of Gujarat Panchayats Act, and the rules made there under it is obligatory for Gram Panchayat as well as Nagar Panchayat to obtain the technical sanction and completion certificate from Executive or Deputy Engineer of District Panchayat regarding the works costing more than Rs. 500 and Rs. 1,000 respectively. In the case of Gram/Nagar Panchayats, it is necessary to relax this condition. The Committee recommends that at present Gram/Nagar Panchayas can undertake works costing Rs.500 and Rs. 1,000 respectively without any technical sanction and without registering measurements, the said limit should be raised to Rs. 1,000, Rs. 5,000 and Rs. 7,000 for " better " and " best " Gram Panchayats and Nagar Panchayats respectively. Moreover the Committee suggests that the provisions in paragraph 9.11 of the community development manual, should be made applicable to all works within the limit mentioned above undertaken by all Government Departments from the grant-in-aid as well as from their own funds. Committee also believes that precautions as follows should be taken to see that such works can be undertaken efficiently at Gram/Nagar Panchayat level.

(1) Proper technical staff like Sub-Overseer, Technical Assistant, Mistri should be provided or there should be a Government Servant having sufficient technical knowledge which may satisfy the Deputy Engineer to undertake such works at Gram/Nagar Panchayat level.

or

Proper technical staff as mentioned in (1) above should have been appointed by District/Taluka Panchayats on work charged

or on temporary basis to undertake such small and big works for the group of more than one Gram Panchayat.

and

(3) It should be decided that any technical officer or District/ Taluka Panchayat can check such works at any time and can give necessary instructions.

12.8 The Committee has studied the sample that is type design prescribed at State level for small works at Panchayat level like school buildings and rooms, buildings at seed multiplication centre, buildings at health centre, family planning centre and veterinary dispensary and residential quarter for the employees, etc., The Committee believes that the plan of samples of type design is incomplete and unsatisfactory for certain reasons. Firstly, the number of samples of type designs is very small and limited so there remains no alternative or choice. Secondly, type designs are fixed by adopting only one standard for the whole State in respect of nature of materials to be used in building concerned. Thirdly, one condition is that no alterations can be made in type designs without the sanction of the State Government. On account of all these it becomes impossible to construct cheap and good buildings using easily available local materials. Sometimes due to impractical type designs, big and costly buildings have to be constructed incurring unnecessary expenditure. In order that local Government institutions may have certain concessions and freedom in this respect, we recommend as follows :—

(1) Eight to ten separate type designs should be prescribed for various geographical regions of the State.

(2) As many alternatives as possible should be provided in regard to foundations area-size, height, window-doors and roofs in type designs of the buildings.

(3) No ceiling on expenditure should be prescribed for the sanctioned type design, estimates should be left to the engineering establishment of Panchayats in the context of the approved rates of the respective year.

12.9 In respect of plans and estimates of works sometimes it happens that on account of insufficient engineering establishment, in preparing plans and estimates of works entrusted to Panchayats much delay is caused. The Committee recommends that in such circumstances, if the Panchayats get some of them prepared by qualified private engineers and get them technically sanctioned by the Government engineer or an engineer who has been so empowered by the Panchayats, the same should be accepted. The Committee believes that the works of Panchayats may be accelerated by the introductions of practice to give reasonable and proper remuneration to such engineers after verifying that they possess real proper technical qualifications, as mentioned above.



12.10 Instead of taking measures suggested in the above para 12.9, if any District Panchayat finds it necessary to create any special engineering establishment for preparing expeditiously plans and estimates of its works and works of any Panchayat under it the same be allowed to do so from its own fund. It is also necessary that District Panchayats should be allowed by framing rules and regulations to allot the expenditure on such special establishment to various works carried out from their own funds in proportion to estimated expenditure. Similarly, if the District Panchayats create a special engineering establishment for preparing plans, and estimates for co-operative institutions, voluntary agencies, public trusts and private persons and for public works and charge fee for works done as prescribed by rule, the Committee favours the same. Similarly, the Committee recommends that the District Panchayat should be allowed to create a separate establishment of overseer, supervisor, or junior engineer at Taluka level.

#### 4. DELEGATION OF ADMINISTRATIVE POWERS

12.11 It is represented before the Committee that under Municipal Act a municipality can give on rent or can sell out the lands or other immovable property vested in it by the Government and land or other immovable property-acquired by such institution, but as there is no such provision under Panchayats Act, Panchayats have to suffer difficulties.

If any Gram/Nagar Panchayat wants to sell out or to give on lease for a period more than three years any immovable property, it is necessary for it under section 98 of Gujarat Panchayats Act to obtain the prior sanction of competent authority that is Collector. Similarly such prior sanction of Collector is necessary if any immovable property vested in Gram/Nagar Panchayat by the State Government is to be leased out for short period. Against this under sub-section (2) of section 65 of Gujarat Municipalities Act, a municipality can sell out any immovable property whose cost does not exceed Rupees one lakh, without obtaining any prior sanction and can lease out for a period of ten years any such immovable property without any prior sanction. Prior sanction of the State Government is necessary for the sale or lease of property costing beyond this limit.

12.12 In this context the Committee has found the above representation real and genuine. Therefore the Committee recommends that section 98 of the Panchayats Act should be modified as follows :—

- (1) If any land or other immovable property is acquired by any panchayat of any tier from its own fund, it should be allowed to lease it for the period of 7 years without obtaining any previous sanction of the competent authority.

(2) Various panchayats as detailed below may be exempted from obtaining previous sanction of the competent authority for leasing out for a period exceeding 7 years or for absolute sale of their self-acquired immovable property within the limits of amounts shown against them.

Sr. No.	Name of the Panchayat	Limit of amounts Rs.
1	Gram Panchayat :	
	Good	.. Five hundred
	Better	.. One thousand
	Best	.. Five thousand
2	Nagar Panchayat	.. Fifteen thousand
3	Taluka Panchayat	.. Twenty five thousand
4	District Panchayat	.. One lakh

(3) In lieu of the existing provision under sections 98 and 119 of the Panchayats Act which necessitates prior permission from the Collector / the Development Commissioner even for the Government properties vested in the Gram / Nagar / Taluka Panchayats, a provision should be made to the effect that prior permission should be required to be obtained from the Taluka Development Officer in the case of the Gram Panchayats and from the District Development Officer in the case of the Nagar and Taluka Panchayats.

12.13. It has been represented that the municipalities are allowed to enact independent laws and bye-laws for conducting hospitals, dispensaries, secondary schools, libraries, etc. whereas in case of Gram / Nagar Panchayats, the District Panchayats formulate the bye-laws with the prior permission of the State Government.

Though Municipalities are allowed to enact laws and bye-laws under sections 271 and 275 of the Municipal Act sanction from the Government is considered inevitably necessary [ *vide* proviso to section 271 and sub-section (4) of section 275 ].

According to the existing provision under section 324 of the Panchayats Act, the District Panchayat is allowed to enact bye-laws for the Gram / Nagar Panchayats of the concerned district with the prior approval of the State Government. The Committee recommends to modify the same to the effect that any of the Gram / Nagar Panchayats belonging to the "better" and "best" categories may be allowed to make a proposal if it desires to effect changes in the model bye-laws formulated by the Government. Instead of allowing only District Panchayats to formulate bye-laws

for Gram / Nagar Panchayats, it seems, a provision should be made empowering such Gram / Nagar Panchayats to enact by themselves their bye-laws with the prior permission of the Government or modify them so that smooth functioning may be ensured. In such cases, as the Committee recommends, a provision should also be made empowering the District Panchayat to exercise the powers of the State Government to sanction the byelaws.

12.14 Under the provision of sub-section (2) of the section 26 of the Panchayats Act, the District Panchayat is bound to obtain prior approval of the Government if any change such as the creation of a new post is to be effected in the establishment set-up already prescribed for the Panchayat service. The Government has recently delegated some of the powers in this regard to the Development Commissioner. On the other hand, under section 273 of the Municipal Act, municipalities, without obtaining sanction from the Government, are allowed to create posts with the total emolument which does not exceed Rs. 200 or make changes in the pay-scale or allowances upto that amount. It has come to the notice of the Committee that in exercise of the powers under the Municipal Act, some municipalities have created a number of posts and strengthened the establishment by several times. The Committee is, therefore, not in favour of inserting in the Panchayats Act the blanket provision similar to that under the Municipal Act. On the contrary, it prefers to suggest the following modifications in order to relax the provision :—

(1) The Panchayat should be allowed to create a new post without obtaining prior permission of the Government, if it desires to do so from its own funds. Of course, in case of such posts, pay-scale, eligibility and other guiding principles should be prescribed and a limit for the annual expenditure should be fixed so that in the light of the same, the District Panchayat can accord prior approval to the Panchayats of lower tiers. It is recommended to grant such concession. The Committee also recommends to give such relaxation that the District Panchayat may without obtaining the prior permission of the Government, create such posts on its own establishment, subject to the criteria, norms, etc. as may be laid down by the Government.

(2) Such prior permission should not be required to be obtained in cases where the Government has transferred any scheme, etc. to the Panchayat and for the running of which cent per cent grant is being given by the Government and any definite norms or criteria have been laid down by the Government for sanctioning the staff therefor. Of course, in such cases, the Committee recommends powers should be delegated to the District Panchayat to create such number of posts for which the annual expenditure may not exceed Rupees fifty thousand. It does not seem reasonable or practicable to vest powers in this regard in the Panchayats of lower tiers.

¶ 12.15 Under section 133 of the Municipal Act, for the recovery of local taxation and other dues, the provision allows even to forfeit and auction the immovable property, whereas under section 192 (4) of the Panchayats Act, the provision for such recovery is restricted only to movable property. A detailed method and specific provisions for recovering taxes and other dues are described in sections 132 to 142 under Chapter IX of the Municipal Act, while in the Chapter IX of the Panchayats Act, the provisions are contained in brief in only 3 sections. The Committee urges to extend these provisions of the Panchayat Act on the lines of those under the Municipal Act and to empower all the Gram Panchayats, Nagar Panchayats and Taluka / District Panchayats accordingly.

12.16 Under sections 59 and 71 of the Gujarat Panchayats Act, the Presidents of the Taluka and District Panchayats are empowered to stop or start any work in the emergency and debit expenditure thereof to the Panchayats' funds. Since such powers are restricted only to emergency situation, they are found to be insufficient to put into practice. Incidents do occur when expenditure has to be incurred accidentally even for some unforeseen or extraordinary matters. Such incidents might not relate to the emergency situation and still they might require an immediate arrangement and expenditure inevitably. As for example, if the State Government transfers to the Panchayat a scheme in the middle of a financial year, the Panchayat cannot implement the scheme legitimately until a provision therefor is made in its budget. In order to overcome this situation, the Committee thinks it necessary to insert a provision for "extra ordinary circumstances" under sections 59 and 71 referred to above.

12.17 The Committee has felt that under sections 89, 118 and 138 of the Panchayats Act some unnecessary restrictions have been imposed on the Panchayats of all the three tiers in respect of obtaining prior permission from the competent authority. In Appendix XVIII the Committee has suggested some modifications in different sections of the Panchayats Act, wherein is included this point also.

12.18 It is necessary that Panchayats should be allowed to make some suitable changes in the framework of the administrative set-up transferred to the Panchayats by the Government keeping in view the local circumstances and without effecting any increase in the expenditure. The Panchayats would, thereby, avail of the opportunity to give an appropriate form to the pattern of their establishments in accordance with the local circumstances and requirements and these institutions would pay more attention to and show willingness in the work of implementing the scheme. The Committee also thinks that by providing such facility, original ideology, extraordinary insight and understanding and intuition underlying the Panchayat Raj institutions would get an outlet. The District Panchayat, the Committee recommends, should be empowered to

make such local changes in the pattern of the administrative set-up of all the three tiers of Panchayats belonging to the concerned District. Of course, there is no objection if care is taken to see that such powers are exercised on the condition and with the precaution that there should not be any increase in the expenditure and the area level posts are not converted into clerical posts.

12.19 The Panchayats are totally empowered to accord administrative approval to the works being sanctioned from the grant-in-aid. Still, however so far as the Public Works are concerned, such powers, in fact, remain unexercised. The underlying reason is that when provisions for individual works such as road construction or water irrigation are made in the Government Budget, at that time only draft outlays and rough estimates of expenditure are prepared. Hence, the amounts for such individual works which are sanctioned in the State budget proportionately fall short in majority of the cases when their final outlays and estimates are prepared. As a result, when the Panchayats prepare detailed estimates for such works, the estimated amount of the expenditure exceeds the amount sanctioned in the budget. The Panchayats have, therefore, once again, to approach the Government to obtain sanction in this regard. Thus, the District Panchayats' power for according sanction to the construction work is superficial. The Committee, after a detailed consideration, recommends that the District Panchayat should be empowered to accord revised administrative approval in cases where the detailed estimates of any individual work exceeds the amount sanctioned in the budget by and upto ten per cent.

12.20 Panchayats have to face inconvenience of vehicles to a considerable extent. Since the Panchayats have to conduct work in rural areas, generally a vehicle like jeep is useful. However, as jeeps were not being available in adequate number for the last few years, at present, the old jeeps have become as good as scrap goods to be disposed off. But due to nonavailability of new jeeps, in some cases, heavy repair charges are to be incurred after old jeeps as a last resort and the expenditure on oil and petrol for operating the vehicle is also much higher than the average cost. In some cases due to complete nonavailability of vehicle, the touring work becomes very difficult. During the current year, the Government has implemented a scheme of grant-in-aid worth Rs. 10,000 for the purpose of a new vehicle in place of an old one by way of making "token" provision for the purchase of jeeps in the budget. The Committee, however, apprehends that as jeeps are not easily available such a scheme would not be implemented on a large scale. The Committee finds out a convenient remedy after having considered this point. Generally, at District level, an ordinary motor car would serve the purpose in place of a jeep. But at Taluka level, the jeep is a must to contact villages. Hence the abovesaid scheme of sanctioning new vehicles in place of old ones may be implemented in such a way that the District Panchayat would get the Government grant-

in aid of Rs. 10,000 against the purchase of a motor car at District level. The District Panchayat on receipt of such motor car, can transfer its jeep to the Taluka Panchayat in place of old jeep. In order to ensure such relaxations, the Committee recommends to implement the aforesaid scheme in this way.

12.21 Cinematograph and other audio-visual means in charge of Panchayats are not properly utilised. While analysing the reasons thereunto, the Committee felt that all the instruments such as projector-generator, and jeep-trailer, and operator are not equally provided at every place. At one place, if there is one instrument the other is missing. At some place if there are many projectors, vehicles are missing. Generally trained operators are not available. Even when all the audio-visual means are gathered together, they are not utilised to the fullest extent due to want of proper independent vehicle. According to the Committee, since audio-visual means are allotted from different departments of the Government, the District Panchayats' departments cannot establish communication and co-ordination between one another.

Audio-visual means are important and effective media for acquainting the people with the schemes. Such instruments become useless in the long run if they remain idle. The Committee makes the following suggestions to utilise these instruments to the full extent and properly :—

(1) The District Panchayats should be allowed to co-ordinate all the audio-visual means allotted by different departments and devise a proper plan and make their use at local level.

(2) Such facility should be given to the District Panchayats that they can utilise these instruments according to the number and condition of different vehicles at local level, in the light of the local circumstances.

(3) Allowance should be given to the District Panchayats to accord sanction to the post of Operator by combining grants of different Departments and their own funds as per the requirement.

(4) The District Panchayats should be allowed to expand money derived from the sale of the unnecessary audio-visual means out of those allotted to them for that particular scheme.

(5) The District Panchayats should be completely empowered to keep such instruments at different places according to the local circumstances.

## 5. RULES AND REGULATIONS IN RESPECT OF FINANCIAL MATTERS

12.22 The rules regarding the financial matter, mainly contain the following four points :—

(1) Rules regarding financial accounts and budget.

- (2) Rules regarding the implementation of works and development schemes and grant-in-aid.
- (3) Rules regarding taxes and fees.
- (4) Various rules regarding loan and fund.

While studying the rules and regulations for financial matters, the Committee has felt that the Panchayats have to face difficulties mainly in respect of the following matters :—

(a) To utilise the money of the Government grant-in-aid during the respective financial year and to get in time the instalments of the grant-in-aid for the schemes transferred by the Government's various departments and offices.

(b) Nearly all the income being derived from the sources like Local Fund Cess, Irrigation Local Cess and Gram Panchayat Cess, and from the sale of the plots of village site land is generally allotted to the Panchayats. However, since that amount is required to be credited to the State Consolidated Fund in the first instance, the procedure of re-crediting it to the head of Panchayats is delayed.

(c) Delay occurs in obtaining sanction for reappropriation of money from one work or scheme to other work or scheme as per the local need.

(d) Some miscellaneous and general matters.

The Committee, after making a detailed study makes the following recommendations.

**(A) (1) *Utilisation of Government grant-in-aid during the respective financial year***

12.23 It has been emphatically represented before the Committee that in a number of cases, sanction in respect of financial matters are accorded and amounts of the grant-in-aid are given at the fag end of the financial year to implement schemes and works transferred to Panchayats. As a consequence, either expected progress cannot be achieved in the implementation of schemes and works or irregularities and drawbacks are found therein, which are severely criticised in the audit reports. Neither of the situations is good and hence the Committee feels it highly imperative to find out some definite clue to overcome the same.

12.24 Shri Balwantrai Mehta Committee has given a graphic picture of such situation and made a recommendation for not repaying to the Government the grant-in-aid admissible to the Panchayats ( in para 18.10 of Volume I of the Report ) as quoted below :—

“18.10 Delay in the sanction of schemes, lack of detailed planning and un-co-ordinated action between departments lead to

heavy expenditure, especially in the closing months of the financial year or of the project period. In one State, we noticed an expenditure of Rs. 1,70,000 incurred on the construction of urinals attached to schools during the last three months of the project period; we were not satisfied that there was real matching contribution from the local people. In another State, a payment of Rs. 90,000 was made to the Managing Committee of a Girls High School for the construction of a school building even before the work had made substantial progress. There has also been a case where to avoid lapse of provisions in the budget, a substantial amount was drawn by the Block Development Officer from out of the treasury and kept in a safe custody from where it was later stolen much to the embarrassment of the Block Development Officer, he had already shown it in the registers as having been spent. The reasons for all these irregularities and rush of expenditure towards the close of the financial year are the delay in the issue of sanctions, the apprehension that funds once surrendered would not be available during the following year and undue emphasis placed on the figures of expenditure as a measure of the degree of the progress. We recommend that, as far as possible, the provision for grants-in-aid should be non-lapsable at all levels."

Professor Henry Meddik has, in the book "Panchayat Raj - Study of Rural Local Self-Government System in India" cited an example of Andhra Pradesh and recommended that the funds of the Government grants-in-aid should be utilised for a period of complete twelve months from the date of receiving such funds.

Almost a similar type of recommendation has been made by Shri Bongirwar Committee (from para No. 7.25 of its report and onwards) appointed to evaluate the Panchayat Raj Administration in Maharashtra as follows :-

"We, therefore, recommend that whatever finance that are to be released to Jilla Parishads by Government Departments should be released to them as "grant-in-aid" and that the Jilla Parishads should be allowed to spend the grants in a period of 12 months, irrespective of the financial year. However, we would add that such grant-in-aid should be only in respect of Plan Schemes."

On the other hand, the Gujarat Panchayats Act Amendment (Shri Jadavaji Modi) Committee had recommended that the financial year of Panchayats should not co-exist with that of the Government.

The Study Group appointed under the Chairmanship of Shri Ramkrishnaia by the Government of India to go into, the budgets and accounts methods of the Panchayat Raj Institutions has suggested that the Panchayat Raj Institutions should be allowed to



utilise the grant-in-aid received in the current financial year upto the end of September of the next financial year that is upto a further period of six months.

12.25 Out of the grants-in-aid given to the Panchayats during the year 1963-64, the Government of Gujarat had, in fact, allowed to expend the non-recurring grant for the construction works upto six months of the next year. Considering this point and in the context of the recommendations of the various Committees quoted in the above paragraphs, the Committee urges to reintroduce such system and provision on a permanent basis. Due to some reasons, if time would be required to accept the said recommendation of the Committee, the Committee strongly recommends to implement immediately the alternative recommendation made by the Committee in para 12.27 below till the aforesaid recommendation is put to practice.

*(A) (2) To receive the instalments of grant-in-aid in time*

12.26 According to the existing rules and regulations of the Government all the types of grants-in-aid of Panchayats are released through instalment in the respective financial year. At present there is a practice of disbursing itemwise grants in three instalments for the schemes and works transferred to the Panchayats by the heads of the offices on instructions of the Departments of the State Government's Sachivalaya. The following drawbacks and disadvantages of the existing practice have come to the notice of the Committee :—

(1) Mostly, instalments are not released in time.

(2) As the instalments are not released in time, the works and schemes transferred to the Panchayats do not make progress at the expected pace and are not completed within the scheduled period.

(3) As the amounts of grants-in-aid are released itemwise by different officers, there is heavy clerical work for the withdrawal of those amounts from the treasury. Similarly, the work of correspondence with the Heads of Departments is also increasing unnecessarily.

12.27 There should not be any objection continuing the practice of releasing grants-in-aid in respect of recurring expenditure in three instalments. However, the Committee thinks that the progress of the works and schemes would be maintained only if the funds of those grants which are of non-recurrent type as they relate to schemes and construction works are fully allotted in one instalment in the beginning of the year. The amounts of the budget earmarked for the whole financial year are given to the State Government's Departments in the very beginning of the financial year and the officers-

in-charge are allowed to expend them entirely during the period as short as they desire. According to the Committee, the Panchayat Raj institutions, too, should be allowed to enjoy atleast such relaxation as is being enjoyed by the Government machinery. Of course, the Committee is acquainted of the fact that the Government has to bear in mind the position of the ways and means. However, the same would not be adversely affected by implementing the suggestions of the Committee since there is a practice already in force to keep the money of the grants-in-aid of Panchayats in the Government Treasury and withdraw the same only when actual expenditure is to be incurred. Still, however, if this provision seems to be inadequate, the State Government might, during emergency, issue an order to the Treasury Officer, empowering him to stop the withdrawal of money from the personal ledger account of the District / Taluka Development Officer when it exceeds the particular limit. Similarly, when the progress of the work is slow and the funds allotted during year are not fully utilized, the savings can be adjusted against the funds to be allotted the succeeding year. After a detailed consideration of the whole situation, the Committee recommends that full amounts of the non-recurring grants should be allotted to the Panchayats in the beginning of the financial year in the very first instalment by the concerned Government Departments and offices.

12.28 Shri Khanna Study Group appointed by the Central Government to go into audit work has already recommended to delegate to the Development Commissioner the duties and powers to ensure whether the recurring and non-recurring grants-in-aid are allotted to the Panchayats in time or not. The Secretary of the Panchayats and Health Department, the Committee recommends, should discuss this matter when he convenes the meeting of the Heads of the State level offices every year at convenient time. Further, the Committee also recommends that it should also be ensured and discussed similarly as to whether the amounts of unspent balances and receipts creditable to the Government treasury are regularly credited or not.

**(B) *Direct receipt of the income from Cesses of different kinds***

12.29 All the cesses, viz., local fund cess, Irrigation Local Cess, and Gram Panchayat Cess, are based on the land revenue. At present, since all these cesses are imposed by the State Government, they are required to be credited to the Consolidated Funds of the State in the first instance, as per the provisions of the Constitution of India. It is provided in the Act that out of the cess mentioned above, the State Government can impose extra local Fund Cess and Gram Panchayat cess on the request of the District Panchayat and Gram Panchayat, respectively. The Local Fund Cess upto fifty paise on every rupee of land revenue and the Irrigation Local Cess at the rate of twenty paise on every rupee of the irrigation rate have been uniformly imposed by the State Government in all areas. The Committee urges to empower the Panchayats to impose all these

cesses, if the law permits to do so. While making such provision, it should be laid down as a necessary precaution that the Panchayats should be required to obtain from the Government the prior sanction for imposing such cess or effecting an increase or reduction in the rate thereof. Side by side, the Committee also recommends to make a provision enabling the Panchayats to impose all the cess on those rates as have been imposed by the State Government so far. Similarly, it is also recommended that suitable measures should be taken so that the amount of the receipt from sand, pebbles, murrum, etc. which are allotted to the Panchayats as their income should be credited to their heads directly.

12.30 Since the plots of the village site land are not vested in the Gram/Nagar Panchayats, the earnings therefrom are first required to be credited to the Consolidated Fund of the State. Vesting of village site land into Gram/Nagar Panchayats according to the Committee is prohibited by the existing provisions of the Panchayats Act. The Committee recommends to make a specific provision in this regard in the Panchayats Act and accordingly vest the plots of the village site land into the Gram/Nagar Panchayats.

*(C) Facility for reappropriation of funds at local level*

12.31 The schematic budget of the Community Development Block is a land mark in the administrative set up. Under the Community Development Blocks, budget is prepared for a period of five years. Here there is a provision to the effect that if funds are not spent during any one year, such unspent funds can be expended during the succeeding years. Moreover, relaxations have been given to a considerable extent for the transfer of funds from one head of the development to the other or for their reappropriation subject to certain terms and conditions. For instance, out of the amount sanctioned for road works, money can be expended for construction of school buildings as per the local requirements and priority order. Keeping in view the pattern of the Community Development Block, a uniform nucleus fund resembling the budget of the Community Development Block is allotted to all the Taluka Panchayats in the State of Tamil Nadu.

It can be argued that the budget similar to that of the Community Development block might not be consistent with the planning at a higher level, for in the planning at higher level, headwise priority is being fixed for the sector of Development. In fact the Committee thinks, there, is no inconsistency between the planning at Central level and the scope at local level for the implementation of the local level schemes. It would be an excellent and commendable measure, if instead of making different provisions under different heads of Development for small local level requirements, such as, village link roads, simple wells for drinking water, reading centres, adult education, small schemes relating to agriculture, etc., the total amount

allotable for all these purposes is allotted as the nucleus budget to all the Taluka Panchayats as the nucleus fund is given to the Community Development Block. Due to such measure, the Committee believes, the activity of local public, contribution would be revived and organised and the enthusiasm and zeal of people for rural level schemes would be channelised towards the schemes of the Government. Hence, the Committee urges that during the Five Year Plan, funds should be allotted to the District Panchayat every year within the limit of rupees one lakh in all at per capita rate of rupee one for the total rural population in every Taluka. Out of this fund the Committee envisages, the District Panchayat should allot half of the amount to the Taluka Panchayats and from among the rest of the fund local development programmes should be chalked out and implemented at District level in different Talukas.

12.32 If the Taluka Panchayats would get the nucleus budget as mentioned above, some facilities would be created hereby at local level. However, the question would still remain as to whether allowance should be given at District level to transfer from one head to the other the amounts of the schemes under the separate Five Year Plan at District level. The Committee has found a way out. In the Five Year Plan, allotment of amounts for programmes and schemes are mentioned under different heads of Development. According to the Committee, the delegation of powers to the District Panchayats in respect of reappropriating the amounts between different programmes or schemes would be facilitated if in the State Budget, in as many cases as possible, the provision is made under only one detailed head for all the possible programmes and schemes under the same head of Development under one and the same Department. The Committee, in fact, envisages to entrust the District Panchayats totally with the work of devising and sanctioning individual schemes by way of allotting to them the total funds for the schemes and programmes under the Five Year Plan which are transferred to the Panchayats, after determining the heads of Development therefor. However, the Committee knows and understands the limitation of this broad suggestion and therefore, makes the limited recommendation as above.

12.33 As regards the works and programmes excluding those under the Five Year Plan, for which the grant-in-aid are given to Panchayats, the Committee recommends to empower the District Panchayats perfectly to reappropriate the funds between their detailed heads.

12.34 The Committee suggests that meanwhile the above recommendations of the Committee are accepted an arrangement should be immediately implemented increasing the District Panchayat's powers of reappropriation for road work from rupees fifty thousand to rupees one lakh and also assigning similar powers in respect of minor irrigation schemes.

**(D) Miscellaneous**

12.35 In place of external type of financial restrictions of Panchayat Raj institutions, it is desirable that internal self regulatory type of restrictions should be imposed on them in as many cases as possible. It is of extreme importance and inevitably essential that the Panchayat Raj administrative set-up should be controlled and checked by the local popular machinery. The Committee suggests to revise the concerned rules so that a view point might be cultivated that the Panchayat Raj system should first of all remain responsible to the local popular machinery even for the control and check over the financial matter.

12.36 The Government should specifically guarantee to give cent per cent grant-in-aid against the expenditure that may be incurred for the administrative set-up sanctioned by the Government. Similarly, the Committee recommends that in cases where the Panchayat Raj institutions promptly implement the scheme and works transferred to them within the limits of the rule and regulations and criteria sanctioned by the Government, the Government should give cent per cent grant-in-aid to them for the expenditure incurred within such limits, during the respective financial year and in the succeeding financial years.

12.37 It has been represented before the Committee that former Municipal rules and bye-laws relating to taxation are not in consistency with those under the existing Panchayats Act. Moreover, it has also been represented that under the Municipal Act, all Municipalities are allowed to form their own independent rules regarding taxation; whereas, the rules under the Panchayats Act prescribe uniform standard for taxation for all the Panchayats of the State, right from the smallest Gram Panchayat to the biggest Nagar Panchayat. The rules which were framed when the former municipalities existed have not been repealed after the rules regarding taxation and fees were framed under the Panchayats Act in 1964. Thus, since the the old rules are continued, the representations in that regard bear no great value. It is true that every Municipality is empowered to prescribe its own criteria and rules regarding taxation under sections 101 and 271 of the Gujarat Municipalities Act, however, they are subject to the sanction of the State Government under the proviso of the said sections. In these circumstances, it cannot be accepted that Gram/Nagar Panchayats enjoy less relaxations compared to that being enjoyed by the municipalities.

Despite such situation the Committee, feels, different and independent, minimum and maximum limits of taxation should be prescribed for the Gram and Nagar Panchayats belonging to different categories, after considering different frame-works of taxation. The Committee recommends to make such an arrangement that big Panchayats may get greater facility in their routine administration work regarding

taxation and also to empower the Government to fix less or more rates than the minimum or maximum rates of taxation in the individual cases and thereby create exceptions.

12.38 The powers to waive the dues regarding irrecoverable taxes of municipality, etc., can be delegated to the Executive Committee of the Municipality, after framing rules under sub-section (m) of the section 271 of the Municipal Act. If powers are not thus delegated to the Executive Committee, the general body of the municipality is entitled to such powers according to the rules. Against this, under section-193 of the Gujarat Panchayats Act, the powers to write off such dues in respect of all the tiers of Panchayats have been assigned to the District Development Officer to the extent of Rs. 500 and in cases exceeding this limit the State Government is empowered to write off.

This representation seems to be appropriate. The Government has already empowered the District Panchayats to write off in the individual cases, the outstanding irrecoverable dues of the land revenue upto Rs. 1,000 (Rupees One Thousand only). The Committee proposes that if we may not delegate to the converted Gram/Nagar Panchayats such wide powers to write off the irrecoverable dues as are being enjoyed by the municipalities under the Municipal Act, it should at least be considered to empower them to waive the dues in the individual cases on the following basis:—

Gram Panchayat.	Best	.. Dues of Gram Panchayat of Rs. 100.
Nagar Panchayat	--	.. Dues of Nagar Panchayat, of Rs. 100.
Taluka Panchayat	--	.. Dues of Gram as well as Taluka Panchayats of Rs. 200.
District Panchayat	--	.. Dues of all the three tiers of Panchayats including the District Panchayat of Rs. 1,000.

We suggest that the Executive Committee of the Panchayat should adhere to the practice of taking decision to write off such dues only after receiving the proposals and suggestions of the administrative officers of the respective Panchayats.

12.39 In the Chapter relating to the "Financial resources of Panchayats", we have made necessary recommendations to create some facilities for the smooth functioning of the Funds at the State and District levels and for conducting programmes in that regard.

12.40 According to the existing rules, the Panchayat of any tier is required to obtain prior permission of the Government if it desires to raise loan or get loans from the Life Insurance Corporation or Bank. It is quite understandable that the proposals should be sent to the Government in those cases where the Government is required to give guarantee. Similarly, it is also natural that when the Gram/Nagar Panchayat has to get loan from the Life Insurance Corporation or from banks for the water supply scheme or drainage scheme under the Five Year Plan of the State, it should be required to send proposals to the Government. However, it is neither necessary nor desirable to make provision for obtaining sanction from State Government to get loan from the Nationalised Banks or otherwise for other property or for other local works and that too, for raising lucrative property or establishing public enterprises as suggested by us. The Democratic Decentralisation (Shri Parikh) Committee of Gujarat had recommended that a provision should be made to the effect that the Gram Panchayats should get loan from public or from a statutory board or otherwise, subject to the guarantee and sanction of the District Panchayat. This recommendation of the said committee has not been accepted so far. After a serious consideration in this regard, we suggest that a provision should be made enabling the Gram/Nagar or Taluka Panchayat to get loan either from public or from the statutory boards and banks with the guarantee and for sanction of the District Panchayat. By implementing such provision, it is likely that the jurisdiction of the Government in respect of advancement of loan might be restricted. In order to avert this, the State Government may prescribe definite financial limitations in respect of the total amount of loan for which every District Panchayat would be empowered to accord sanction and/or guarantee. We also recommend that if the District Panchayat is required to raise any loan, the Commissioner should be empowered to sanction such proposal after determining a definite priority and limits. ..

12.41 The norms of people's contribution and donation in respect of development works and other activities have been laid down in the Government Resolution. General Administration Department, No. P. C. B. 1061-R. D. D./D., dated 14th March 1963, and made applicable to the works under the Block Development programme. Thereafter, due to representations having been made from time to time to prescribe rates of people's contribution for more and more development activities, such rates have been laid down for more development works. Taking into consideration, the weak economic conditions of the people in Adivasi Development Blocks, there are lower rates of people's contribution for some development activities in those Block, whereas in respect of certain other activities the contribution from people have entirely been condoned. Provisions have also been made empowering the Development Commissioner to reduce the rate of or condone absolutely the people's contribution for some activities on the proposals of the Panchayats. ..

The authority which sanctions the work that is the District Panchayat is empowered to reduce the public contribution upto 50 p. c. of its original scale in villages or areas in which the population of scheduled castes, scheduled tribes and other backward castes is 60 p. c. or more.

Under para 4 of the General Administration Department Resolution, dated 14th March 1963, Panchayat can pay the public contribution from the amount recovered as tax or fee or from any other income but it cannot pay the same from other statutory grants received from the Government.

Generally the amount of state and District Equilisation Fund cannot be used as public contribution but looking to the priority of works relating to supply of drinking water, they are allowed to utilise the District Equilisation Fund for water supply works of permanent nature as public contribution.

12.42 Community development programme has made revolutionary changes in rural life. The extension machinery established under the community development programme has played a great role in multiplication of agricultural production. Now farmers use manure, seeds, insecticides etc. community development programme has also played a great role in the social field. But though twenty years have passed since the implementation of community development programme, there are certain villages still in which there are no wells for drinking water nor have they linking roads; the reason for this appears to be that as the economic condition of such villages is not sound, they can not give necessary public contribution for development works. Therefore it happens that villages which are financially somewhat sound can pay public contribution and development work can be undertaken there while economically backward villages may remain without development work due to lack of public contribution. Therefore it is necessary to consider certain changes in the present norm/rules of public contribution. The Committee is pleased to note that the State Government has recently decided not to call for public contribution for works of check dam and village roads; and it recommends further concessions as follows in this respect for other works :—

- (1) Under para 4 of General Administration Department resolution, dated 14th March 1963, the Panchayats can pay public contribution from the money recovered as tax or fee or from any other income, but cannot pay public contribution from income accrued from statutory grants received from the Government, and they are not allowed to pay public contribution from the District Equilization fund except for special type of works. It is necessary that the present policy, rules and regulations should be made liberal and Panchayats should be allowed to pay full or



partial public contribution from their income from taxes as well as the income from the forest produce and statutory grants of land revenue which they receive. If necessary amount which is not immediately available for paying public contribution payable towards capital works, facility should be provided to them to take loan from the District Development Fund. Similarly, Panchayats should be allowed to pay the amount of full or partial public contribution from the Fund for Advancement of Weaker Sections, District Equilisation Fund and District Harijan and Adivasi fund for any development work for backward villages or for backward classes.

(2) The economic condition of certain small Gram Panchayats is not sound. These Panchayats are not in a position to pay public contribution from the land revenue grant, even if they are allowed to do so because they are receiving meagre grant. Therefore the Committee recommends that the District Panchayat should be empowered to fix public contribution upto 5 p. c. only after examining local circumstances in villages, which are receiving less than Rs. 500 as annual grant of land revenue.

(3) Madras State has classified its regions into four classes according to per capita income at land revenue and has fixed the rate of contribution from 50 p. c. for the first class to 5 p. c. for fourth class. This arrangement should be followed. The Committee earnestly recommends adoption of this scale in Gujarat.

#### 6. DELEGATION OF POWERS OF STATE GOVERNMENT UNDER THE PANCHAYATS ACT TO THE GAZETTED OFFICERS UNDER THE PANCHAYATS.

12.43 Under the present section 321 of the Gujarat Panchayats Act, the powers of State Government can be delegated only to an officer of State Government but they can not be delegated to District/ Taluka Development Officer. Therefore the Committee recommends that the said section should be duly amended and a provision should be made to the effect that the powers of State Government can be delegated to gazetted officers under the District, Taluka Panchayats and following powers should be delegated to the District Development Officer :—

Sr. No.	Section of the Panchayats Act	Item
1	2	3
1	102(I) Proviso	.. Appointing a common secretary for the groups of Gram Panchayats.
2	193 (c) (2)	.. Recovery of rent by deduction from salary or wages of the employee.

Sr. No. 1	Section of the Panchayats Act 2	Item 3
3	287-(a)(1)	.. Gram/Nagar/Taluka Panchayats to invite the officer or a person to remain present in the meeting.
4	300	.. Use of fund, property etc. of an area when it is excluded from Gram/ Nagar.
5	301	.. Use of fund, property etc. of any area when it ceases to be Gram/ Nagar.
6	302(I) ..	.. Appointment of any person on Nyaya Panchayat when the Panchayat is dissolved or superseded.
7	302	.. Appointment of an administrator when Gram/Nagar Panchayats are declared un-constitutional.
8	309(I) (b)..	.. Appointment of an administrator for Gram Panchayats.
9	310(I) (b)	.. Appointment of an administrator till new Gram/Nagar Panchayat is constituted.
10	318	.. Action to be taken for failure to deliver property, record, money etc. of Panchayats.
11	.. ..	.. To sanction earned leave up to two months of Taluka Development Officer and other gazetted officers under Taluka Panchayat as well as of class II and Class III servants deputed to District Panchayats.

**7. MODIFICATIONS IN INCOMPLETE, AMBIGUOUS AND INCONSISTENT PROVISIONS OF THE PANCHAYATS ACT AND RULES MADE THERE-UNDER.**

12.44 Certain present provisions of the Gujarat Panchayats Act are inconsistent, ambiguous and incomplete. Certain contradictions also exist in them, which create different strange and unforeseen situations in the routine working of Panchayats. It can easily be

understood that it is much more difficult for the officers and office bearers of Panchayats to conduct administration and to work according to the provisions of the said Act when even the courts of law get confused in the interpretation of certain sections of the said Act. Under the auspices of the Committee, the member-secretary of the Committee had sectionwise summarised the inconsistency and ambiguity arising from the provisions of certain sections of the Panchayats Act and had formulated proposals suggesting certain necessary modifications aimed at administrative convenience and precision; recommendations suggesting modifications as incorporated in Appendix XVIII are based on the same. The Committee believes that it is however proper that a new Gujarat Panchayats Act be framed. However the Committee likes to make these recommendations as it believes that the proposed modifications will be useful in case the present provisions of law are incorporated in the new law that may be drafted.

12.45. It has been represented before us that Panchayat Raj institutions have to work under the provisions of numerous rules, and especially various administrative complications and obstacles are created at Gram/Nagar Taluka level. Certain suggestions are made before us to the effect that the practice to make provisions under rules in respect of certain matters relating to functions, powers, proceedings and procedure of Panchayats should be done away with and a practice should be introduced enabling the Panchayat Raj institutions to formulate rules in respect of these matters relating to their powers and duties and procedure and proceedings according to local circumstances at their level with the prior sanction of the Government or competent authority and implement the same as the municipalities are implementing the same. It is also represented before us that by creating such a flexible situation local initiative can be given a scope and the situation that the local administration is confused under a plethora of rules can be obviated. The Committee has carefully considered this matter. The administrative machinery of municipalities is local and of a permanent nature, while especially the responsible officers of Taluka/District Panchayats are liable to transfer. Moreover, the Panchayats carry out their administration for the implementation of activities and schemes entrusted to them by the Government in their initial stages. The Government is fully responsible for this administration to the State Legislative Assembly. In this context it is not possible to suggest in the present stage, that instead of framing common rules for the conduct and implementation of Panchayat Raj administration separate norms as per local circumstances should be adopted. However the Committee earnestly recommends that lessening of as many restrictions of rules as possible by incorporation of provision of rules into sections of the Act or by replacing rules by statutory orders and administrative instructions should be considered. Similarly the committee firmly recommends to evoke an arrangement under which the rules of Gram/Nagar Panchayats can be flexible, as far as possible.

12.46 The Committee has studied and reviewed the action taken by the Panchayats and Health Department for preparation of Panchayat Raj manual. The Committee believes that the scheme of preparing Panchayat Raj manual in three parts as under would be useful :

- Volume one .. The Gujarat Panchayats Act.
- Volume two .. Rules under the said Act.
- Volume three : .. Orders directives instructions and notifications published under the said Act.

The scheme contemplated by the said Department for cross-reference and for achieving co-ordination between these three volumes is original and attractive. The Committee believes that the scheme of inserting a note under each section of the Gujarat Panchyats Act, in Vol. 1, indicating on which pages of volumes 2 and 3 the relevant rules and orders etc. applicable under various sections of the Act can be had, will be really useful and will provide guidance. For this work experienced officers and staff are a must and the Committee recommends to make proper arrangement to provide the same.

12.47 With a veiw to effecting administrative convenience in the working, of Panchayat Raj institutions the Committee finds it necessary to modify certain rules under the Panchayats Act. The Committee believes that due to insertion of such modifications certain incomplete, inconsistent and ambiguous provisions of certain rules under the Panchayats Act will be removed and accuracy, clarity and speed will be achieved in routine work and in administration of Panchayats. Modifications suggested in various rules under the Panchayats Act by the Committee from the proposals made by member-secretary of the Committee are given in Appendix XIX.

12.48 The Committee has found it necessary to review the present provisions of bye-laws of Gram/Nagar Panchayat alongwith the rules. Detailed provisions have been made in respect of powers and offences relating to disposal of sewage, drainage, regulation and water supply and control and check over streets and buildings, in sections 146 to 232 chapter 11 of the Municipal Act. As against this, such matters have been covered under bye-laws to be drafted, under section 324 of the Panchayats Act. Converted Gram/Nagar Panchayats have represented before us that inclusion of such section into the Act itself would be more proper and convenient. It can easily be understood that incorporation of such provisions into the Act would help even an ordinary citizen to remain conversant with the same. But modification in any such section is difficult because such changes can be made only by amending the same. In this context the Committee suggests a middle course in the sense that the offences and penalties and main powers relating to them should be clearly specified in the Panchayats Act itself and detailed rules and bye-laws should be drafted under the same. In this regard care should be taken to see that provisions made in the laws are as sufficient as possible.

## CHAPTER XIII

### CONTROL, CHECK, INSPECTION AND GUIDANCE BY THE STATE

#### I. ANALYSIS AND REVIEW

13.1 Under section 11 of the Gujarat Panchayats Act and Government orders issued thereunder a provision exists that technical check or control over Panchayat Raj institutions is exercised by the Heads of Government Departments concerned and administrative control is exercised by the Development Commissioner. The Heads of Departments concerned also exercise financial control over Panchayat Raj institutions in as much as they sanction and allot grant-in-aid to Panchayats. As the concerned Minister of State Government is responsible to the State Legislative Assembly so far as the activity or scheme pertaining to him and entrusted to panchayats is concerned under the present provisions the concerned Departments of the Sachivalaya undertake inspection and keep control over Panchayat Raj institutions for activities and schemes so entrusted to them. In order that the functions, schemes and activities entrusted to panchayats by the State Government can be carried out properly, the Government has given definite instructions in the past to the Heads of Departments concerned to maintain necessary supervision, inspection and control over them. Copies of instruction on this subject issued under the signature of the Chief Secretary to Government, dated 24th June 1966 and 10th May 1971 are given in Appendix XX. An inference can be made from these instructions that the Heads of the Departments concerned should visit at least once in a year the concerned office of each District Panchayat and District wise one Taluka Panchayat office, and inspect and check the same. Moreover, the Heads of Departments and regional officers should visit the District Panchayats and if possible may undertake joint travels with the concerned officers of panchayats for inspection of important schemes, works etc., of the District. From the abovementioned circular, dated 10th May 1971 it is also seen that during last five years the Heads of Technical Departments concerned have not exercised sufficient technical control and have not provided adequate guidance to Panchayats after checking. The Committee from its own study and experience, from representations made before it, from discussions held with the Heads of Department and from the available information has come to the conclusion that the Heads of Departments have carried out and exercised nominal technical inspection and control over the concerned offices of Panchayats. And Panchayat Raj administration have not received adequate guidance, advice and instructions from them in respect of activities and functions carried out by Panchayats. The Committee feels that the contact between the Heads of Departments and the technical officers of the Department concerned of Panchayat Raj, institutions has remained very feeble. It generally happens that

when the Heads of Departments go on tour they inspect the activities and schemes of Government but do not pay attention towards the activities and schemes entrusted to Panchayats. The experience is that the Heads of Departments carry out nominal inspection of functions and works, entrusted to Panchayats in comparison to the technical inspection which they might have carried out if such functions and works were under Government Departments.

It has been represented before us that the Heads of Departments at State level are not actively giving technical guidance to Panchayat Raj institutions and are not keeping proper technical control over them, similarly in certain areas, the officers of District/Taluka Panchayat level could not give guidance or to keep technical control over the Panchayats at lower level.

13.2 Government Departments concerned do not maintain proper supervision and inspection of Panchayat Raj institutions and have no real enthusiasm and interest in giving proper guidance, advice and instructions to Panchayats for functions and activities entrusted to them. After analysis of such a situation the Committee has found that the following reasons and circumstances are responsible for such a situation :—

(1) Some departments and offices concerned, believe and maintain that once the functions, duties and powers are entrusted to Panchayats, Panchayats or the Panchayat Departments should be solely responsible for the same.

(2) In certain cases the Heads of Departments hesitate to carry out technical inspection or supervision because they have fears that due to their lack of experience in such a field, unnecessary, disharmony or conflict may arise by such a proceedings.

(3) As the Heads of Departments and offices are not well conversant with the Panchayats Act, rules, regulations and orders in force they do not have an idea as to how to work in the Panchayat set-up, they hesitate to carry out inspection and to keep supervision.

(4) In certain cases the office bearers and officers of Panchayats do not like that the Heads of Departments should carry out such inspection and give guidance.

(5) Some times the Departments believe that it is sufficient if written instructions and orders in respect of technical rules and regulations are issued and there should not be a need for personal visit and guidance, inspection or checking.

(6) No regular, systematic and thorough review at State level is undertaken of technical guidance given and technical checking undertaken by the Departments. The Committee has found that

the reasons mentioned above are also more or less responsible for the fact that the officers of District/Taluka Panchayat level do not carry out proper supervision or keep control over the panchayats at lower level.

13.3 The Committee thinks that necessary technical inspection, check and control are not exercised by the Heads of technical Departments over Panchayats Raj institutions; Similarly in certain fields the administrative and statutory control over the Panchayat Raj bodies has also not been sufficient and effective. Several persons have represented before the Committee that there is no definite administrative arrangement for listening to complaints against the administration of Panchayat Raj institutions. No action is taken to punish or penalise some office bearers, officers or employees of a Panchayats, who are behaving arbitrarily and wilfully. Necessary steps are not taken to prevent financial malpractices, misappropriation, misconduct, shameful conduct, dictatorial administration and administrative laxity. The Committee feels that there is some truth in these representations.

13.4 It is very important that proper care and treatment should be given to Panchayat Raj institutions. At the same time, proper control is necessary for good and efficient administration of panchayats. The Committee, therefore, recommends the following measures so that the technical inspection and guidance by the Government Departments may be practical, useful and efficient and the administrative and statutory check and control may be more impartial effective and thorough.

## 2. MACHINERY NECESSARY FOR CONTROL; INSPECTION.

13.5 A machinery should be set-up and a system should be evolved to undertake at State level a regular, systematic and realistic review to ensure technical inspection and supervision over Panchayat Raj institutions by the Heads of Departments. Panchayat Evaluation Committee of Maharashtra has suggested that a special establishment should be set-up in the General Administration Department to see that checking and inspection are carried out on a scale laid down by the Government. After detailed consideration we have come to the conclusion that by creating a "Cell" in the General Administration Department, the standard of inspection and guidance at State level can not be considerably improved. The Committee believes that in order that proper instruction, guidance and inspection are available from the State level to the Panchayat administration services of a high level full time officer at State level is inevitably essential.

13.6 At present the Secretary, Panchayats and Health Department looks after the work relating to Panchayats. The work

relating to the main subjects as mentioned below is carried out in this department :—

- (1) Panchayats.
- (2) Municipalities.
- (3) Town Planning.
- (4) Public Health and Medical Services.
- (5) Family Planning Programmes and Nutrition Food Schemes.
- (6) Drugs Control Administration.
- (7) Public Health Engineering Services, that is water supply schemes, drainage schemes, etc.,
- (8) Sarvodaya.
- (9) Community Development.
- (10) Rural Employment Programmes.

13.7 In view of the quantum of Government functions, schemes and activities assigned and to be assigned to the Panchayat Raj Institutions, care and attention of a full time officer of the rank of a Secretary at Sachivalaya level are necessary for smooth running of Panchayats. Panchayat Raj institutions are directly concerned with almost all Government Departments. Proper care and treatment are earnestly needed at State level to establish firm, permanent and fruitful co-ordination between various Government Departments and Panchayats. Various sections and Departments can be made to take interest in the administration of Panchayats only if a permanent liaison by way of free discussions between the office bearers and officers of Panchayats and concerned Departments of Sachivalaya and the Heads of Departments is established. By creating such an arrangement, the Heads of various technical Departments can impart proper technical guidance to the Panchayat Raj institutions and can carry out necessary technical inspection and keep control over them.

Shri Ikbal Narayan and other learned authors, in their monograph entitled "Panchayat Raj Administration" have accurately described the utility of such an independent Development Department in the following words :—

"The proposed Development Department should function under a senior Government Official of the Secretary's rank and its main responsibility should be to ensure that the various technical



Departments maintain the prescribed quantitative as well as qualitative standards and norms as far as control and supervision over the technical contents of the schemes and programmes formulated and executed by the Panchayati Raj institutions are concerned."

According to Shri S. K. Dey the Panchayats Department is like an 'attorney' for Panchayats. As per the opinion of Prof. Henri Meddik, it is very necessary that a particular Department should be concerned about the development of Panchayat Raj. It should be seen that the programmes of other Departments of State Government should be implemented in a democratic way and be in consistence with the development of other responsible Panchayati Raj institutions. Vigilance should be exercised to see that the Panchayat Raj institutions are getting financial resources, other equipments and facilities for the implementation of programmes and schemes transferred to them. It should be seen that all Government Departments carefully implement rules of recruitment, promotion, training and conditions of services of Panchayat Raj Services. According to the opinion of Prof. Henri Meddik, the experiences of various countries provide a lesson that particular Government Department should pay attention to and take care of all these matters.

13.8 The State Government is responsible to the State Legislative Assembly for the implementation of programmes and schemes entrusted to Panchayat Raj institutions. Various Government Departments have to depend considerably on the Panchayats Department in order to discharge this responsibility. The main responsibility to render explanation regarding the accounts and administration of Panchayats and rules under the Pachayats Act before the Estimates Committee, the Public Accounts Committee and Subordinate Legislation Committee of Legislative Assembly rests with the Secretary of the Panchayats Department. There is a separate post of Secretary for Rural Development Department in Maharashtra State. After examining this question from all sides the Committee is of the opinion that it is inevitably necessary to create immediately at Secretariat level a full time separate post of Secretary and to sanction along with, it if necessary, additional establishment for subjects like "Panchayats", "Sarvodaya", "Community Development" and "Rural Employment Programmes". The Committee earnestly recommends sanctioning a full time separate post of office of Secretary's rank as well as proper additional establishment as mentioned above for proper inspection, control and guidance in respect of "Panchayati Raj institutions".

13.9 The Committee believes that it is not in the interest of the the State or Panchayat Raj if the administration at State level is satisfied with entrusting the Panchayats the activitic sand functions and giving them financial resources. The Committee believes it

inevitably necessary that the Heads of Departments, representing the administration at State level assist the Panchayats in the matters mentioned below :—

- (1) To give technical information and guidance in respect of subject concerning Panchayats when required.
- (2) To conveniently provide proper technical equipments and facilities for implementation of schemes.
- (3) To take action to give guidance, inspiration and incentive to other Panchayats or areas in respect of schemes which are being implemented smoothly by those Panchayats or in certain areas, after studying them.
- (4) To undertake regular review to see whether the technical officers of Panchayats undertake proper technical supervision over the subordinate Panchayats, in regards to functions and schemes being implemented by such panchayats and whether they give proper technical guidance to such Panchayats.
- (5) To plan, implement and review technical checking with special interest in order that the officers of State of divisional level may properly inspect the working of Panchayats and may give necessary guidance to them.
- (6) If any scheme entrusted to Panchayats under the Heads of Department concerned, cannot be implemented satisfactorily by any Panchayat or in any area, the reasons thereof should be examined in details and should be discussed with leaders and officers of local Panchayats and the Commissioner and effort should be made and action should be taken to implement the scheme properly.
- (7) Proper proposals to liberalise administrative financial and technical regulations or restrictions which are impeding the implementation of schemes, should be boldly presented before the Government.
- (8) In order that technical officers/employees of department concerned, working under panchayats can get proper technical training, necessary training should be planned and started.
- (9) Formal/informal visits should be paid and checking should be done for verification and supervision of technical matters, proper guidance should be given to technical officers/employees of panchayats by organising camps.
- (10) In case any panchayat has passed a resolution contrary to technical rules and regulations, action should be taken to

understand its views and to explain to it the out look of the Department and for solution of the situation thus arisen.

13.10 It is represented before us that basic changes should be made in the present pattern so that technical inspection at State level can be active and effective. One view is that an independent arrangement at State level should be made for technical supervision and inspection of schemes and activities of Panchayats as distinguished from the organisation of Heads of Departments of Government for the same. According to this view, Heads of technical Departments concerned with Panchayats, the Development Commissioner and the Secretary, Panchayats Department should act under the direct control of the Minister for Panchayats. This arrangement sounds attractive at first sight but thinking deeply in this matter, certain issues and circumstance mentioned below require to be taken into account :—

(1) There should be identical technical standards for schemes and programmes under the Government as well as the Panchayats. Therefore, it is not proper to establish a separate set-up for each Department at Government and Panchayat levels.

(2) Administrative expenses will be unnecessarily increased by the establishment of two separate set-ups.

(3) Services of officers who are technically competent and efficient cannot be spared for Panchayat Raj administration.

(4) It will be practically impossible for the Panchayats Department and the Panchayat sector to maintain liaison with such a large number of Heads of technical Departments simultaneously.

(5) The belief that the panchayats will not get necessary and proper guidance in the present arrangement while they will get the same always in a separate set-up is erroneous. The Committee therefore, disfavours such separate set-up.

13.11 Notwithstanding the fact that there are many officers in the head offices of certain technical departments no specific responsibility in respect of inspection, control and guidance to Panchayat Raj administrations is assigned to any particular officer, with the result that as each officer in respect of the subjects handled by him stands entrusted with the work of control and supervision of panchayats, no definite action can be taken in this respect. The officers in such a head office have no necessary knowledge and information in respect of Acts, rules procedures, working arrangements and regulations of Panchayat Raj administration. In order that this situation can be improved as early as possible and the Heads of Departments concerned can undertake proper inspection and

supervision of Panchayat Raj administration, the Committee recommends as follows :-

(1) The Head of each concerned technical Department should earmark a particular officer from out of the senior most officers of his department and assign to him the responsibility regarding the working of the department in respect of the Panchayat Raj bodies. It should be so arranged that the State Council for Panchayats may directly summon such an officer and issue necessary suggestions and instructions for review and examination of programmes. Arrangement should be made to the effect that such officer can give necessary guidance and training in respect of Panchayat Raj to all officers. The said officer should see that the other officers of the department are undertaking necessary inspection and supervision of Panchayat Raj institution and he should review the same at due intervals. The Committee feels that under such an arrangement the Panchayat Raj institutions and offices of heads of technical departments will come closer which will bring useful and fruitful results.

13.12 The Committee believes that due to the abolition of the Divisional Commissioner's posts, field administration and particularly the Panchayat administration has been adversely affected to a considerable extent. Divisional Commissioner could keep necessary administrative supervision and watch on the Panchayat Raj bodies at field level. Guidance, personal initiative and support of Divisional Commissioner were very useful to Panchayat Raj institutions for the effective implementation of programmes and schemes. When there were Divisional Commissioners, the public feeling of the areas of Panchayat Raj institutions and of the concerned areas was duly and properly reflected through the Divisional Commissioners. Divisional Commissioners were considerably effective in maintaining proper co-ordination and balance between the State Government administration and Panchayat administration. Divisional Commissioners with impartial attitude, used to give justice to the people in a fair and simple manner in respect of appeals against the functions, decisions and powers of Panchayat Raj institutions. A very strong case is made out to revive the posts of Divisional Commissioners, in Chapter VI of the Perspective Plan Report of Gujarat for the decade 1974-1984 and in the report of the High Level Team appointed for District Level Administration. The Committee believes it very essential to revive the posts of Divisional Commissioners to make the administration of Panchayat Raj institutions more efficient, impartial, effective and vigorous. And therefore, the Committee recommends that four posts of Divisional Commissioners with required staff should be created and some posts and offices at State level be reduced, keeping the financial implications in view.

### 3. STATE COUNCIL FOR PANCHAYATS

13.13 The formation of State Council for panchayats is a unique achievement under the Gujarat Panchayats Act. The State Council

for Panchayats constituted under the Chairmanship of the Minister for Panchayats consists of Presidents of all District Panchayats, three members of Legislative Assembly and seven non-official members nominated by the Government and three officers as members. The Deputy Minister in charge of Panchayats portfolio becomes the Vice-Chairman of the Council, otherwise there is a provision that the members of the Council elect their Vice-Chairman from amongst the mselves. The main functions of the State Council for Panchayats are to give advice to the State Government in respect of policy matters concerning Panchayat Raj. The said Council is entrusted with the work of suggesting means to lessen the difficulties experienced by the Panchayat Raj administration and to give advice in respect of training and other matters of employees in Panchayat service.

13.14 It is represented before the Committee that one lacuna in the present constitution of the State Council for panchayats is that there is no direct representation to Gram, Nagar and Taluka Panchayats in it. To rectify this, the Committee recommends that a statutory provision should be made for nominating additional members in the State Council for Panchayats as under :—

(1) Two Presidents of Taluka Panchayats as nominated by the Government.

(2) Two Sarpanchs/Chairman of the Gram/Nagar Panchayats as nominated by the Government.

13.15 The Committee believes that the State Council for Panchayats should be a reviewing agency of Panchayat Raj administration instead of advisory body. A full time permanent set-up is very essential to study various problems, obstacles and difficulties arising from day to day working of Panchayats and to find out proper solution for them in consultation with the Departments concerned. According to us the State Council for Panchayats should be entrusted with administrative functions and their execution as detailed below :—

(1) In addition to the work of giving advice in policy matters, in order that various types of training can be imparted to the office bearers, officers and the employees of Panchayats, the work regarding training, inspection, co-ordination and evaluation can be undertaken by the Council itself and also the administration of training institute at State level, if it so desires.

(2) Getting active co-operation of Voluntary agencies and organisations, the work of publicity, guidance and publications in respect of Panchayats Raj, the work of review and guidance to make "Gram-Sabha" alive.

(3) The work of comprehensive evaluation of various aspects of Panchayat Raj administration with active co-operation of university and research centres.

(4) The conduct schemes of holding competitions and distributing prizes among Panchayats.

(5) The work of giving continuous guidance, advice and instructions to Panchayat Raj institutions. According to Committee's view under the auspices of the State Council for Panchayats, technical experts in different matter should be invited to the State Council for Panchayats, as honorary advisers and the benefits of their experience and study should be availed of by the Panchayat Raj institutions.

(6) Matters at State level such as purchase, storage and sale of medicines, equipments and materials which are concerning or covering various Panchayat Raj institutions. Similarly, if a Panchayat enterprise at State level is to be established, it should be established under the auspices of State Council for Panchayats with the collaboration of all panchayats concerned as well as the State Government.

(7) Under the Panchayats Act there exist provisions to take prior sanction of Government for different matters. It should be considered to delegate such powers of Government to the State Council for panchayats.

(8) The administration will be simple and convenient if any proposals received from Panchayats to make modification in the Panchayats Act and rules, bye-laws, procedures instructions, directives and notifications made thereunder, are first examined by the Sub-committee of State Council for panchayats in consultation with the officers of the Departments concerned and then the work of making modifications accordingly, is undertaken.

(9) The Sub-committee of the State Council for Panchayats as mentioned at (8) above should undertake a six monthly review of the pattern of delegation of powers to ensure decentralisation of democracy in the real sense of the term. Senior Government officers should also be associated with this work of review.

(10) The Council should appoint a Sub-committee for social justice and should see through it whether Panchayats of all tiers from Gram to District level and their administration are paying sufficient attention and taking care of the weaker sections of the society and whether they are implementing satisfactorily the schemes for the economic uplift of such classes.

(11) The work to verify through Heads of Departments concerned whether the Panchayat Raj administration is taking proper action in respect of certain administrative matters like establishing relations between the office bearers and offices and transfers should be entrusted to the State Council for Panchayats.

(12) It can be considered to make provision that the State Government can take policy decisions as regards basic issues and matters of principle relating to Panchayat Raj administration after taking advice and guidance of the State Council for Panchayats. Taxes of Panchayats, Government taxes to increase the income of Panchayats, grants-in-aid to Panchayats, direct delegation of powers to officers of Panchayats are instances of such matters. We believe that the permanent executive committee, committee for social justice and other committees as mentioned above should be constituted by the State Council for Panchayats. We also believe that an arrangement under which the permanent executive committee of State Council for Panchayats should meet once a month, other committees should meet as required and the Council should meet once in two months will be useful.

13.16 The Panchayat Raj Administration Evaluation (Shri Dahyabhai Naik) Committee had recommended that instead of one vice-Chairman there should be two vice Chairmen in the State Council for Panchayats. According to the above committee, the Deputy Minister for Panchayats should continue as an ex-officio Vice-Chairman of the State Council for Panchayats, and members of the Council should elect the other Vice-Chairman from their other non-official members excluding those of district panchayats and the vice-chairman thus elected should devote his full time to the work of State Council for Panchayats. We have considered the recommendations of the above committee seriously and we come to the conclusion that if a fit person having vision and required experience in the field of Panchayat Raj, is appointed as a full time Vice-Chairman on the State Council for Panchayats and if he gives guidance and advice to Panchayat Raj institutions, they will be accepted by the Panchayats spontaneously. If another full time post of Vice-Chairman on the State Council for Panchayats is created, the office bearer holding the said post can give guidance and advice to Panchayats in an unbiased manner and an arrangement can be made to the effect that the Panchayats can always receive guidance and advice from Government administration at State and divisional level. According to our view the functions of State Council for Panchayats are not confined to giving advice only and hence a post of full-time Vice-Chairman is inevitably necessary. The committee is of the opinion that the functions and duties of this office-bearer should be similar to those of vice-chairmen of the District Development Board and Divisional Development Council of the former Bombay state and of Gram Panchayat Madhyastha Mandal of the former Saurashtra State. It is not necessary that this

full-time Vice Chairman of the State Council for Panchayats should be an elected one, because he has to supervise the administration of Panchayats and if he is elected from the members of the Council, most of whom are the Presidents of District Panchayats, it may happen that he may not handle the work of supervision effectively. Moreover, other members of the Council are to be nominated by the Government and hence it is not objectionable if the Vice-Chairman is nominated. On the other hand the President of the District Panchayat can not permanently look after the work of the Vice-Chairman of the Council and therefore such a person should be other than the present Presidents of District Panchayats. In this context, the Committee recommends that a statutory provision should be made to enable the State Government to nominate a deserving person having insight and required experience in the field of Panchayat Raj, as a full time vice-chairman of the State Council for Panchayats and accordingly a deserving person other than the existing President of the District Panchayat be nominated on the said post.

It is also recommended that the nominated Vice-Chairman of the State Council for Panchayats should be given suitable honorarium and accommodation and transport facility and his status should be duly determined.

13.17 The dignity and position of State Council for Panchayats will be maintained and daily relation and contact between different Government departments and the State and Council for Panchayats will be strengthened if the Secretary, Panchayats and Health Department will work as the member-secretary of the State Council for Panchayats.

13.18 A voluntary agency is necessary for realistic regional planning at divisional level and for review at field level of the schemes implemented. When the posts of Divisional Commissioners were in existence Divisional Development Council was performing at regional level useful and effective duties and functions in the fields mentioned above. With the abolition of the posts of Divisional Commissioners, this agency at regional level has also been abolished. The Committee believes that the want of such an agency at the Divisional level is being experienced.

The State Council for Panchayats can undertake the work of review of Panchayat Raj administration at the State level in addition to the work of giving advice in policy matters at State level. But it is difficult for it to make study of districtwise problems in details. The Committee believes that specific regional problems can be studied and analysed in a better way only at regional level. In order that Panchayat Raj can receive effective guidance, direction and instructions and definite administrative control and supervision can be maintained on such institutions, the Committee has proposed to revive the posts of Divisional Commissioners. In this context also it is necessary to form a Divisional Panchayat Council. According



to the Committee the proposed Divisional Panchayat Council should perform the duties and functions of the former Divisional Development Council and should also perform under the advice and guidance of State Panchayat Council the duties and functions concerning Panchayat Raj institutions as may be entrusted by the State Panchayat Council and the Government.

The Committee proposes as follows the formation of Divisional Panchayat Council. The nominated Vice-Chairman of the State Council for Panchayats should be the Chairman of Divisional Panchayat Council for each division. Divisional Commissioner should be the Vice-chairman of Divisional Panchayat Council. The Presidents of District Panchayat of division should be the members of the said Council. The Committee recommends that such officer as may be decided upon by the Divisional Commissioner should act as non-member-Secretary of the said Council.

#### 4. TRIBUNALS AT STATE AND DIVISIONAL LEVELS

13.19 We have recommended in para 9.47 of Chapter IX for the constitution of tribunals at the Divisional level for redressing the disputes and grievances of the personnel under the Panchayat Raj administration and for providing them proper justice and protection. The Committee has also examined the present standard of taking action against the office-bearers of the Panchayats in case of misconduct, mal-practices, maladministration or inaction. Under the present provisions of the Panchayats Act, the powers as detailed below are given for taking action against the office bearers of Gram/Nagar levels, in respect of various matters.

Sr. No.	Item	Officer who can take action
1	To suspend the office-bearers for the time-being.	District Development Officer.
2	To remove the office-bearers for misconduct.	District Panchayat
3	To levy surcharge in case the panchayats had to incur unnecessary expenditure or monetary loss on account of officebearers.	Collector
4	To give permission to institute criminal proceedings against office-bearers.	Development Commissioner.

As the powers mentioned in above serial numbers 1 and 2 in respect of office-bearers of Gram/Nagar Panchayats are at District Panchayat level, in the same way the powers against the office bearers of Taluka Panchayat are also at the same level. In certain cases these powers are delegated to District Development Officers, while in certain districts they are given to Executive Committee of District Panchayats. The Committee has come to know that in both cases difficulties are being experienced in taking steps against the office-bearers of the Panchayats at lower level. The Committee believes that for the pure administration of Panchayats the powers to take action against the office-bearers of Panchayats should be entrusted to some other impartial independent organisation. The Committee is of the opinion that if such powers are delegated to independent and impartial institution like the tribunal instead of delegating them to the Government or Government Department, confidence will be created in people and such an independent organisation can work impartially without being subjected to any political influence.

13.20 When such tribunals are established the practice of blaming Government or Government Departments unnecessarily will be stopped. Moreover, decisions given by such impartial bodies will save the Panchayat Raj administration from difficult situation. The Committee also believes that as these decisions would not be decisions given by the administrative supervisors, they will not become obstacles in the development and administration of Panchayats. The detailed recommendations of the Committee in this respect are as follows :—

(1) Tribunal consisting of three members should be constituted at divisional level. An officer of the rank of District and Sessions Judge should be appointed as the Chairman of the tribunal. Out of the other two members, one should be Deputy Divisional Commissioner and the other one should be by rotation from Presidents of District Panchayats of the Division. The presence of the Chairman at hearing should be considered indispensable and presence of one member out of the other two should be considered as sufficient.

(2) The jurisdiction of the Divisional Tribunal should be as follows:—

(a) Following matters relating to Gram/Nagar/Taluka Panchayats and proposed Federal Group Panchayats, office bearers and members of Local Development Authority and elected members of of Nyaya Panchayat.

(1) Suspension of office-bearers in view of Criminal proceedings in a court of law or departmental proceedings against them.

(2) Removal of office-bearers or member in case of mis conduct, shameful behaviour by them.

(3) Appeals in respect of election of office-bearers.

(4) Applications relating to disabilities of office-bearers and members and vacancies caused.

(5) Disputes relating to motions of no-confidence.

(b) Revision of stay orders given when resolutions of Gram/Nagar /Taluka Panchayats are declared illegal.

(c) Appeals of the employees of Panchayat Service who have been punished and who have become victims of injustice.

(d) Revision applications against the order of District Development Officer to recover expenditure which has been disallowed by audit from the statutory grants of Gram/Nagar Panchayats.

(3) A tribunal consisting of three members should be established at State level. An officer of the rank of a judge of High Court should be appointed as the chairman of this tribunal. Out of other two members one should be topmost administrative officer and the other one should be a social worker having experience in Panchayat Raj administration. Bench system should be introduced for hearing and the Chairman should be empowered to constitute a bench.

(4) Following matters should be included in the jurisdiction of the tribunal at state level.

(a) Appeals or revision applications against the decisions of Divisional tribunals relating to the Office-bearers and members of Gram/Nagar/Taluka Panchayats and federal group panchayat and Local Development Authority and elected members of Nyaya Panchayats.

(b) Jurisdiction in respect of matters relating to office-bearers and members of District Panchayats equivalent to the Jurisdiction given to the Divisional tribunal in respect of matters relating to office-bearers and members of Gram/Nagar/Taluka Panchayats.

(c) Revision of stay orders given on resolutions of District Panchayats which are declared illegal.

(d) Revision applications against the order of Divisional Commissioner relating to recovery of expenditure which has been disallowed by audit from the statutory grants of Taluka/District Panchayats.

(e) Appeals against the order to recover panchayat funds from the office-bearers or members of panchayats of all three levels by levy of surcharge.

13.21 Other powers relating to state control over other matters excepting these should be distributed between the Divisional Commissioner and the Government. The Committee believes that work will be more efficient and speedy if all the powers which are vested in the Development Commissioner at present are delegated to Divisional Commissioners.

## 5. OTHER SUGGESTIONS

13.22 The Committee feels that in order to keep the State Assembly conversant with the administration of Panchayats, it will be useful if a period of three days is allotted in any convenient session of the Assembly for discussion on administration of Panchayats. The Committee also believes that the Panchayat Raj institutions will get proper directions and guidance from the opinions expressed in the Assembly at the time of discussion on the administration of Panchayat Raj. In order that the discussions on administration of Panchayats during the allotted days may become useful and directive, the State Council for Panchayats should prepare and place before the Assembly a review in respect of proceedings of Panchayats and implementation of schemes as well as a review in respect of inspection, supervision etc. undertaken by the Government Departments. Similarly, the Committee recommends that the report of State Panchayat Service Selection Board should be presented before the Legislative Assembly and should be included in the above discussion.

13.23 Administrative inspection of Panchayats of all tiers has been considerable. But, the Committee has observed that the quality and level of inspection have remained mediocre and of routine nature. The Committee has noticed that an impression is prevalent among the administrative officials that longer the inspection note embracing as many issues as possible the better it is. The Committee is of the opinion that time is now ripe for reviewing the norm of inspection so that the inspection work may be more clear, exact, perfect, sound and effective. The High Level Team appointed under the chairmanship of Shree Mathurdas Shah on the District Level Administration has suggested the following points as to how to carry out inspection and the form of inspection notes :—

- (1) Description of important shortcomings noticed.
- (2) Suggestion as to how to remove or remedy the shortcomings.
- (3) Note to fix the responsibility of various officers for removal or remedy of shortcomings.
- (4) Laying down of timelimit for removal or remedy of shortcomings.

The Committee also believes that normally an inspection should be held only at the officer level. It is not possible for a team of employees to make effective and exact inspection of Panchayat Raj; administration as they have no wide knowledge of the objects of Panchayat Raj, provisions of the Panchayats Act, and its rules and regulations, Government policy in respect of Panchayat Raj etc. and hence they cannot make proper inspection which is also the case with conventional administration. It is of the view that it is quite essential to see that well-versed, experienced and devoted officers are invariably appointed for inspection purposes.

## CHAPTER XIV

### NYAYA PANCHAYAT

#### 1. INTRODUCTION

14.1 It is a well known fact that in ancient India since the time of Vedas, the institution of Nyaya Panchayat was in vogue in rural areas. Different types of Nyaya Panchayats were known by different names viz, KUL, SHRENI and PUGA in Smritis. Nyaya Panchayats started decaying during the British Rule. With the establishment of popular Government in the various States of the country this institution got revived. However, it is a fact that like the Nyaya Panchayat institution constituted and adopted by the rural community of ancient and medieval India, the Nyaya Panchayat Institution of Modern India constituted by Acts could not be popular and active.

#### 2. NECESSITY AND UTILITY OF NYAYA PANCHAYAT

14.2 Necessity and utility of Nyaya Panchayats are required to be accepted without doubt. The judgment of court in trivial matters is costlier to the village people as compared to the cause of dispute, and also the justice available through the British system's methods, modes and procedures of court happens to be slow and time consuming. As it is a common practice in courts of law that proceedings are conducted by pleaders and as the same is comparatively easily resorted to and is simple, rural population has to depend upon pleaders. As a result generally justice becomes costly and delayed. Against this the institution of Nyaya Panchayats can provide quick and cheap justice at home and this will create a situation under which the geographical and mental distance between village people and the institutions of justice can be diminished. There is scope to create fabricated evidence in a court situated far from the villages, while as the members of local Nyaya Panchayat are familiar with the local customs, traditions, manners, attitudes, values and details, it is natural that the evidence can be evaluated realistically and properly.

A villager understands the judgments of the Nyaya Panchayats and therefore eventhough a person loses his case, he feels satisfied more or less. As the decisions of the courts of law are expressed in involved jargon the rural people cannot understand and digest it easily. It can be also realised that, to that extent, judgments cannot satisfy the rural people.

Under the British jurisprudence one party is always right and the other wrong, while greater scope for compromise exists between the two parties, if there is an institution like the Nyaya Panchayat. The Democratic Decentralisation (Shri Parikh) Committee of Gujarat has rightly said (in para 3.33 of the report) that—

“There is a basic difference between a court of law and a Nyaya Panchayat. A court of law has to hear both the parties, their witnesses or pleaders and has to award justice on the basis of information and evidence produced before the court. In order to get the decision in their favour, parties irrespective of their capacity, spend a lot and ruin themselves. Award of the court has to be in favour of one and in disfavour of the other. As a result compromise never takes place between two parties. On the contrary in some cases much bitterness and at times even animosity may arise and the same is nurtured. Nyaya Panchayat has not to depend only upon the information related or produced. It is more convenient for it to effect proper compromise due to the availability of details and local information about the pros and cons of the dispute. To deliver judgment is not the only important work of the Nyaya Panchayat ; its real merit lies in effecting compromise between both the parties as far as possible. ”

Moreover it is also accepted by all that Nyaya Panchayat is the best medium for imparting education to villagers. This will create a sort of awakening and awareness in village people and this should not be undervalued.

### 3. DORMANT NYAYA PANCHAYATS

14.3 There was a provision to establish separate Nyaya Panchayat in each Gram Panchayat in rural areas in the Panchayats Act, 1933, but it was revised and provision was made to establish Nyaya Panchayat for the group of more than one village under the Bombay Panchayats Act, 1958. Almost similar provisions are included for Nyaya Panchayats in the Gujarat Panchayats Act, 1961. But the main difference is that a provision exists to establish separate independent Nyaya Panchayat for the area of Nagar Panchayat, while there is provision to establish Nyaya Panchayat for a group of not less than five Gram Panchayats. Further, conciliation Panch consisting of three members—one elected by Gram Panchayat and out of the other two, each one nominated by each party is also provided for. It is provided that all the claims or cases brought before Nyaya Panchayats should necessarily be first presented before the Conciliation Pancha.

Even-though most of the Nyaya Panchayats and Conciliation Panchas are established in the State, during the year 1968-69 no case or claim has been disposed of in the districts of Gandhinagar, Bulsar, Bhavnagar, Surat, Kutch, and Amreli, while very few cases have been disposed of in other districts *e. g.* 1 case in Broach, 8 in Surendranagar district, 4 in Rajkot district, 10 in Junagadh district and 23 cases in Banaskantha district have been disposed of. Out of the 2131 Nyaya Panchayats of the State, only 188 Nyaya Panchayats had finalised 1162 item during the year 1968-69, while only

696 cases were finalised in the year 1969-70. Thus it is clearly established that the Nyaya Panchayats have mostly remained inactive. This was also discussed before the Estimates Committee of the Legislative Assembly. At that time it was brought to the notice of the Estimates Committee by the Government that Nyaya Panchayats do not succeed due to following reasons:—

- (1) First introduction of these new systems in village life.
- (2) Lack of previous experience to the office bearers/staff of the Nyaya Panchayat for these new judicial duties.
- (3) Lack of enthusiasm in the people to avail of this new system.
- (4) Solution of some claims and disputes at Conciliation Pancha level.

Moreover some District Development Officers have also assigned the following reasons for the inactiveness of Nyaya Panchayats/ Conciliation Panchas in dealing with the work :—

- (1) As most of the people are backward and most of the offences are cognisable, the cases do not occur within the jurisdiction of Nyaya Panchayats.
- (2) Cases within the jurisdiction of Nyaya Panchayats come before courts of law and no instructions are issued by the courts to present the parties before the Nyaya Panchayat.
- (3) As Nyaya Panchayat consists of the panchas elected from the five Gram Panchayats, there is less possibility of finding so many interested members for the Sabha of Nyaya Panchayat.
- (4) Due to lack of sufficient education and skill, panchas do not shoulder such a responsibility.
- (5) As Nyaya Panchayats have not got separate clerks the work also cannot be properly systematised.

The Committee believes that some truth lies in the reasons shown above for the inactiveness of the existing institution of Nyaya Panchayat. But it thinks that other important reasons besides the above reasons are also responsible for this. First, present system is to place the elected members of the people in Nyaya Panchayat. Generally no member has general knowledge of the law. The Committee is of the opinion that in circumstances where the persons coming as members in Nyaya Panchayat have initiative or innate wisdom to deal with judicial work, but no knowledge of legal principles and provisions, Nyaya Panchayat cannot go a head with the task.



Even existing Nyaya Panchayats could have been made effective in more cases. But the Committee finds that no action or active proceedings efforts have been made in the proper direction at concerned levels in this regard. As a result, it seems an impression has been created throughout the State that the Nyaya Panchayat does not exist.

14.4 Panchayat Raj Administration Evaluation Committee appointed under the Chairmanship of Shri Dahyabhai Naik has concluded in its report that the institution of Nyaya Panchayat has not been accepted by the people. The evaluation Committee has also stated in its report that the changes either in the formation of Nyaya Panchayat or in the jurisdiction assigned to it, will not improve the condition any more.

14.5 As stated by the Legal Aid Committee appointed under the Chairmanship of Honourable the Chief Justice of Gujarat High Court, Nyaya Panchayats under the existing provisions will not succeed in giving justice to poor people due to following reasons:—

(1) Our village community is based upon communalism, conventions and the members elected from it cannot do justice to the people of backward class on the basis of equality.

(2) Due to the existence of groupism and disputes in villages, no impartial justice can be available through the elected Nyaya Panchayats.

(3) Ignorance of law of the members of Nyaya Panchayats does not help in finding out the supportive legal provisions to ensure justice to poor people.

(4) Elected members of the Nyaya Panchayat are not prepared to dissatisfy the representative, reputed or influenced parties of the village.

#### 4. RECOMMENDATION OF THE LEGAL AID COMMITTEE

14.6 Nyaya Panchayats are unable to give special contribution towards legal aid to the economically backward classes. Coming to such a conclusion the Legal Aid Committee has suggested to constitute the Nyaya Panchayats on the following basis, which is at variance with the constitution of Nyaya Panchayat through the members elected according to present pattern:—

(1) Nyaya Panchayat should consist of three members, one of them must possess the knowledge of law. He should function as a Chairman of all the Nyaya Panchayats of the Taluka.

(2) Chairman of the Nyaya Panchayat should be designated the Panchayat Judge. There should be one Panchayat Judge

per each Taluka, who will function as Chairman of all the Nyaya Panchayats of the Taluka. The Panchayat Judge should be given remuneration fixed by the State Government.

(3) The State Government should form a cadre of Panchayat Judges, and Taluka Panchayat Judge should be appointed from it. If this is not found feasible, a practicing pleader or a retired Civil Judge should be appointed as Panchayat Judge.

(4) For the remaining members of the Nyaya Panchayat, Collector should constitute a panel of members able to work as members of the Nyaya Panchayat. This panel should consist of one Panch taken from the elected members of the Panchayats included in a group and not less than two members from persons selected by the Collector from villagers. If possible, one member of scheduled caste should also be taken on the panel of Nyaya Panchayat. If there is considerable population of schedule tribes, any one of them should be taken on panel. Special care should be taken to appoint educated and impartial persons on the panel of Nyaya Panchayats. Panchayat Judges should be empowered to select two members on the panel not belonging to concerned villages and having no relation with both the parties to dispute, for the claims-cases brought before the Nyaya Panchayat.

## 5. VARIOUS ALTERNATIVES

14.7 Following different alternatives require to be considered in context of the existing provisions of the conciliation panch and Nyaya Panchayat :—

(1) Nyaya Panchayat and Conciliation Panch in their existing form should be made active and effective, considering various measures.

(2) In case of inactive Nyaya Panchayat, jurisdiction of civil and criminal courts should be kept open, on receiving certificate in this regard from the officer appointed for the purpose.

(3) At present the jurisdiction entrusted to Nyaya Panchayat includes (a) the proceedings of the suits between private parties, (b) proceedings about the offences, and trials against the State and Panchayat. It should be considered to withdraw the items shown above in (b) from the jurisdiction of the Nyaya Panchayat and assign the same to courts of law.

(4) Constitution of independent Nyaya Panchayat, as in the past should be implemented for all the villages.

(5) Institution of Conciliation Panch should be continued as per existing provisions. Such an arrangement should be made

that the Courts of law may deal with the claims and trials in cases when the Conciliation Panch may not be able to finalise them. In this arrangement the Nyaya Panchayat will have to be abolished.

(6) Conciliation Panch and Nyaya Panchayat Institutions should be completely abolished.

(7) Nyaya Panchayat consisting of three members should be constituted as suggested by the Legal Aid Committee. Out of these one should be Panchayat Judge for the Taluka and elected Panch as may be selected by the said Judge from the panel constituted by the Collector and other villager should be the other two members.

(8) As suggested by the Legal Aid Committee, Panchayat Judge of Taluka level should be chairman of all the Gram/Nagar Nyaya Panchayats, but other two members of every such Nyaya Panchayat should be elected members i. e. instead of being nominated they should be elected as suggested by the Legal Aid Committee. Along with such a constitution of Nyaya Panchayat, provision of Conciliation Panch may be continued or alternatively can be annulled.

## 6. PROPER SOLUTION

14.8 After careful study and consideration of this problem, the Committee finds that the necessity and utility of rural judicial institution which is different from the traditional law court and which is capable of giving justice locally is established. The Committee has come to the decision that the set up of a Nyaya Panchayat elected completely at village level can not be active and effective. The Committee to that extent concurs with the observations of the Legal Aid Committee.

In this context, the Committee feels that the alternatives No 1 to 4 do not merit further consideration. Alternatives 5 and 6 are concerned with the abolition of Nyaya Panchayat Institutions, which also can not be accepted.

14.9 Thus, the Committee has to consider one alternative out of the alternatives 7 and 8. We can not accept the pattern of Nyaya Panchayat suggested by the Legal Aid Committee, due to the reason that it involves an element of constitution of panel through nomination by the Collector. In our opinion appointment of a permanent judge on the Nyaya Panchayat is sufficient. Element of election should be for the remaining members, and the Committee believes that only then the Nyaya Panchayats will become popular and acceptable to the people. Due to this reason we agree with the recommendation of the Legal Aid Committee that the Panchayat Judge

at Taluka level should be the permanent Chairman of the Nyaya Panchayat. We suggest following proposals for the other members of the Nyaya Panchayat :—

(1) Separate Nyaya Panchayat should be formed for each Gram/Nagar and its Chairman should be the Panchayat Judge at Taluka level. One representative elected by the Taluka Panchayat and the other elected by the concerned gram or Nagar Panchayats should take seat as the non-official members.

(2) Each Taluka Panchayat should elect one panel of minimum three and maximum five members. The strength should be, three members for the Taluka with the population upto 60,000, four members for the Taluka having the population exceeding 60,000 but upto one lakh and five members for the Taluka having population over one lakh.

(3) Every Gram Panchayat should select a minimum of three members and maximum of five members from the electorate of the gram, who can be useful in the work of Nyaya Panchayat. A Gram Panchayat with a population of 2,000 should select three representatives that with a population exceeding 2,000 but upto 5,000 four and that with population exceeding 5,000 five representatives. Similarly every Nagar Panchayat should select Five representatives.

(4) While selecting the representatives upon panel at Taluka level, and Gram/Nagar level, atleast one member either of Scheduled caste or Scheduled tribe, whichever has a predominant population in the concerned area should be given place in the panel.

(5) Panchayat Judge should select members from the above panel of Taluka and Gram/Nagar level by rotation for hearing.

(6) A representative to be selected on the Taluka panel should be a person whose name is included in the electoral roll of the Taluka Panchayat area, and as regards academic qualification, he should be atleast a matriculate or possessing equivalent qualifications. While the representatives to be selected on the panel of Gram/Nagar Panchayat should be from the voters of Gram or Nagar, and atleast be able to read and write.

14.10 One cadre for the permanent Panchayat Judge should be maintained at State level. In order to make this arrangement for the whole State, an independent cadre of Panchayat Judges—one for each Taluka should be formed by the State Government. Different alternatives for recruitment to this cadre have been considered by the Committee. The Committee does not favour appointment of retired judges on these posts, because the proposed Nyaya Panchayat

will work as an ambulatory court, and it will not be convenient for the aged officers. Further these individuals perhaps will not fit in the system of popular justice. It is also not desirable to associate the existing officers of Judicial or Revenue Departments with Nyaya Panchayat, the Committee finds it necessary that a judge having experience of the judicial institution of rural area like Nyaya Panchayat should serve that administration for a long time. The Committee is in favour of constitution of a separate cadre of young judges having proper aptitude, bias and spirit for the work. The Committee thinks it desirable to recommend a provision that the State Government in consultation with Honourable the Chief Justice of the High Court should select and recruit the eligible officers from law graduates having experience as pleaders of minimum five years. It is the recommendation of the Committee that the status and pay scale of such a judge should be equivalent to the class II officers of the State. The concession as to three years experience as pleader should be extended to the first class law graduate. In order to ensure proper opportunities of promotions to Panchayat Judges, it is necessary to make proper provision. The candidate selected for recruitment will be well acquainted with law and with the procedure but will be mostly unfamiliar with the objects and aims of the Nyaya Panchayat. The Committee, therefore, recommends to provide for refresher class with the co-operation of the High Court to impart proper training and vision to these officers immediately after their recruitment.

14.11 Taluka Nyaya Panchayats should be given facilities like independent office and establishment and of vehicle at their disposal as well as other facilities. Panchayat Judge is not a part of Taluka Panchayat, but completely independent of it and above it. This should be clearly provided. The Committee believes that the formation of individual entity and image of the Nyaya Panchayat only will establish and augment the confidence in village community about justice being impartial. It is the special recommendation of the Committee to designate the Nyaya Panchayat as 'Janta Adalat'. It is necessary to provide that the confidential reports upon the work and conduct of the Panchayat Judges should be written by the District and Sessions Judge.

14.12 Convenient groups should be formed taking into consideration the total number of villages, distance, population, etc. of the Talukas. A meeting of the Nyaya Panchayat should be held at the principal village of the group and complaints of the villages included in the group should be resolved there. However the meeting of the Nyaya Panchayat can be held at any village other than the head quarters of the group, if the Panchayat Judge thinks it necessary.

14.13. It should be provided that eventhough one or both the members elected upon bench are absent at the time of hearing, the court can proceed further. Only the presence of permanent Chairman should be deemed indispensable.

14.14 The expenditure of the proposed Nyaya Panchayat should be borne by the State Government, in the same way as the expenditure of other courts of law is borne by it by making provision in this behalf in budget. It should be provided that all the penalty receipts of the Nyaya Panchayat should also be credited under the Government head.

14.15 Existing provisions for the procedures and proceedings of the Gram and Nagar Nyaya Panchayats should be continued in respect of the proposed Nyaya Panchayat. This suggestion is made only to ensure non appearance of pleaders, non-application of detailed legal procedures and for progress of proceedings of Nyaya Panchayat expeditiously and informally, which would be convenient to the rural community.

14.16 In order that the procedure of Nyaya Panchayat may not become formal like that of the law courts, the Committee agrees with the observations made in following words in para 13-19 of the report of Legal Aid (Shri Bhagvati) Committee:—

“So far as the procedure of the Nyaya Panchayat is concerned it should not be governed by the Code of Civil Procedure or the Code of Criminal Procedure or the Indian Evidence Act. The Nyaya Panchayat should have a procedure of its own laid down by the relevant law relating to Nyaya Panchayats. The procedure should be simple and uncomplicated and it should not be befogged by technicalities or complexities. The method of inquiry adopted by the Nyaya Panchayat should be inquisitorial method and not adversary method. The Nyaya Panchayat may take all such steps, as it may consider necessary for the purpose of finding out the truth and in this inquiry there should be no procedural fetter on its powers.”

## 7. JURISDICTION OF NYAYA PANCHAYATS

14.17 The Committee recommends continuance of the existing provision which keeps the jurisdiction of Nyaya Panchayat exclusive and allows for revision applications to the District Court alone against the decisions of the Nyaya Panchayat.

14.18 It should be considered to extend the jurisdiction and extent of justice and to assign more rights and powers to the proposed Nyaya Panchayat in relation to present Gram/Nagar Nyaya Panchayat. When there is a suggestion that the judge, well acquainted with the laws and selected carefully should be appointed on Nyaya Panchayat, there is no risk in extending the jurisdiction of Nyaya Panchayat. The final concept of the Committee is to assign all the existing rights and jurisdiction of the court at Taluka level to the proposed Nyaya Panchayat. But the Committee favours that till this arrangement gains ground, initially the jurisdiction assigned

to existing Nyaya Panchayats should be properly extended in favour of the proposed Nyaya Panchayat.

14.19 The Committee recommends that the powers or limits should be increased in respect of the cases and suits at present assigned to Nyaya Panchayat under the sections of the Act and cases and suits under other sections should be assigned to the proposed Nyaya Panchayat as detailed hereunder.

**(1) Powers under the Gujarat Panchayats Act—**

(a) In addition to the existing powers of Nyaya Panchayat further powers as shown below should be given.

(1) Under section 227(1) of the Gujarat Panchayats Act, suits are triable by Nyaya Panchayats where the amount or value of the claim does not exceed Rs. 100. This limit should be increased to Rs. 1,000.

(2) Under section 227(2) with the written consent of both the parties suits, the value of which does not exceed Rs. 250 are triable by it. This limit should be increased to Rs. 2,000.

(3) Under section 227(3) the State Government can increase the limit upto Rs. 250. This should be raised upto Rs. 2,000.

(4) Under section 229(f). The Nyaya Panchayat can try such compoundable offences under any law for the time being in force as the State Government may specify in this behalf by a Notification. It is suggested that Government should examine these details and publish necessary notifications in gazette pertaining to such types of offences under the various Acts and thus enlarge the scope.

(5) At present the financial limit for offences under section 379 and 426 of the Indian Penal Code assigned to Nyaya Panchayats under Section 229 of the Gujarat Panchayats Act, 1961 is of Rs. 20 (twenty). It should be raised to Rs. 250.

(6) Maximum limits of penalty under section 232 should be kept upto Rs. 100 or upto the limit prescribed under the Acts delegating powers, whichever is less.

(7) Under section 233, the State Government has the powers to empower the Nyaya Panchayat to inflict enhanced penalties upto Rs. 100 this should be raised to Rs. 250.

(8) Under section 235, the existing limit of compensation for false complaint is Rs. 5/-. This should be raised to Rs. 50/-.

(9) Existing provision for contravention of a bye-law under section 324(4)(a) is Rs. 50. This should be raised to Rs. 250.

(b) It is recommended to assign special powers under the following sections of the Gujarat Panchayats Act to the proposed Nyaya Panchayat :—

Sr. No.	Section	Item
1	Proviso to 37(1)	All the powers of an arbitrator regarding determination of compensation .
2	93(2)	.. Appellate powers over the orders of Gram/Nagar Panchayat refusing sanction to erection of building.
3	101	.. Powers of enquiry and of decision of claims to landed property in case of disputes between the Panchayat and an individual.
4	178	.. Appeals regarding assessment of taxes and fees of Gram/Nagar Panchayat.

(2) Moreover jurisdiction and powers under relevant sections of other Acts as detailed below should also be assigned to Taluka Nyaya Panchayat.

(a) It is the recommendation of the Committee to assign the powers under following sections of the Land Revenue Code to the proposed Nyaya Panchayats :—

Sr. No.	Section	Item
1	37	.. Formal inquiry into and decision regarding the rights of ownership in land.
2	119	.. Finalisation of disputes about the boundaries of fields.
3	125	.. Fine for injury or damage to the boundary marks.
4	Sub-section (2) of 135-L.	Appeal regarding the entries in record of rights.



(b) All the powers of Mamlatdar under the Mamlatdar's Court Act should be assigned to the proposed Nyaya Panchayats.

(c) Assigning of powers under Acts regarding tenancy and ceiling of agricultural lands may be considered.

## 8. CONCILIATION PANCH

14.20 The Conciliation Pancha method is the best in principle and is found useful in practice at some places. The Committee has carefully considered the aspect of its continuation. The statement that the conciliation method is very much useful for rural areas, made by the Legal Aid Committee in para 13.18 of its report in the following words seems to be the most appropriate to the Committee:-

“ There is no reason why in small petty cases it should not be possible for the Nyaya Panchayat to dispose of the dispute within a few hours. But there is one admonition which the Nyaya Panchayat should take care to bear in mind and that is that the Nyaya Panchayat should, as far as possible, try to bring about a compromise between the parties and it is only if the efforts at compromise fail that the dispute should be adjudicated. The Nyaya Panchayat may, if necessary, involve some respected members of the community in the task of bringing about a settlement and if for that purpose, it is necessary to have a short adjournment, the Nyaya Panchayat may not grudge it.”

Though the method and procedure of compromise for the disposal of disputes and quarrels in rural area is very useful and essential, the Committee finds it difficult to adopt the existing Conciliation Panch in its existing form. The compromise is achieved by persuading, cajoling or pressing the financially and socially exploited classes of the villages. In such circumstances no claims or complaints can be made before the Nyaya Panchayat until the matter or problem is disposed of by the Conciliation Panchs. Such a situation does not seem to be satisfactory. After a deep study, Committee has come to the conclusion that the Conciliation Panch should be formed for each Gram or Nagar Panchayat according to the existing provisions, but it should be provided that the Nyaya Panchayat may utilise such Conciliation Panch for compromise purposes. No preliminary jurisdiction should rest with the Conciliation Panch there should be a provision that the Conciliation Panch should attempt for compromise in only those matters which are assigned to it by the Nyaya Panchayat. This appears to be a happy solution of the problem.

**CHAPTER XV**  
**MISCELLANEOUS**

**1. INDUSTRIAL TOWNS**

15.1 The Gujarat Government had appointed a Committee under the Chairmanship of Shri Maldevajibhai Odedara, Deputy Minister, in August 1963 for the comprehensive study of the problems of industrial towns. Since the establishment of Panchayat Raj in Gujarat in April 1963, a question to fix up the position of industrial towns that existed and were to be established in the set-up of Panchayat Raj had arisen. As this is a many sided problem the decision in this regard will have a lasting effect. Therefore, the abovesaid Committee was informed to make recommendations on different 11 issues during its study.

After a thorough study of the problem the Report of the Committee was submitted to the State Government in July, 1967. Several Departments and Secretariat Departments of Government had considered this in details. But the Government had not taken any policy decision. The work to reconsider the entire problem and to make proper recommendations in this regard has been assigned to the High Level Committee on Panchayat Raj.

15.2 Review of the recommendations of the Industrial Towns Committee in brief shows the following :—

(1) If any organised industrial area or colony has a population of 500 or more people, it should be considered as a separate entity of an industrial town and should be given its own local Self Government Body i.e. Industrial Town Panchayat.

(2) Such an industrial area or colony should be excluded from the area of existing Gram/Nagar Panchayat.

(3) Necessary civic facilities like water supply, drainage, roads and lighting should be organised in industrial area by the unit of industry of that area and in case of industrial colony such facilities should be provided by the organization of colony. Otherwise they should accept the responsibility to provide it within three years.

(4) If the area or colony is spread over more than one Local-Self Government institutions and a separate industrial town Panchayat can't be allotted, it should be kept under any one definite Local-Self Government Institution.

(5) Industrial Town Panchayat should be formed for each industrial town and its membership should be kept between 9 to

15 2/3 members of the Industrial Town Panchayat should be appointed by the administrators of industry or industrial colony and remaining members should be elected by the citizens residing there.

(6) Industrial Town Fund should be kept in two divisions i.e. one General Fund and second Special Fund. The General Fund should be formed of the finance allotted for the maintenance and expansion of civil facilities through industry or industrial colony. While special fund should be formed of the taxes of Panchayat and other income. Executive Committee for the administration of general fund and Welfare Committee for the administration of special fund should be formed. Ratio of the appointed and elected members in Executive Committee should be on the same pattern as the Panchayat. Chairman of the industrial town Panchayat should also be the Chairman of Executive Committee. In Welfare Committee the number of members appointed and elected should be kept equal and Chairman should be appointed from the elected members.

(7) Industrial Town Panchayat should be kept under the direct administration and supervision of the District Panchayat. Industrial Town Panchayat should not be under the control of Taluka Panchayat or subject to the taxes of Taluka Panchayat.

(8) In case the area falling under the jurisdiction of Gram Panchayat is separated for the formation of Industrial Town, the organization of the industry or industrial colony should give the contribution to Gram Panchayat or Panchayats so affected, as may be prescribed by the Government for the limited time of five years at progressively reducing rates, and if it is not possible the Government may pay special grant to such Panchayats, or special non-agricultural cess may be levied on the Industrial Town Panchayat at suitable rates as fixed by the Government itself and the income of cess collected from the District may be given to the District Panchayat for the benefit of affected Panchayats.

15.3 We have carefully considered the recommendations of the Industrial Town Panchayat. We note with regret that we are not in a position to accept the recommendations of the said Committee in principle due to the following reasons and circumstances :—

(1) The jurisdiction of proposed industrial town Panchayat will be too much limited, as no other area except the Factory and colony of the industry will come under its jurisdiction. In this context self governed bodies like Panchayats will not be necessary to discharge extensive functions and duties.

(2) The proposed set-up of industrial town Panchayat will be mostly formed of the members appointed by the industry. A provision of appointment instead of election only for the industries does not seem consistent with the democracy.

(3) Industry and Industrial Colony has to provide certain facilities and benefits for the protection of interest and welfare of the labourers under labour laws. The Committee agrees with the policy of giving proper representation to labour class for the proper implementation and execution of these facilities. But the industrial organization and the board organised by workers cannot be accepted as Panchayat.

(4) Establishment of industries in rural areas is in the interest of rural economy. The Committee has no doubt about it. It is a matter of pleasure that the Government has made good attempts for implementing the policy. The establishment of such industry is followed by the decrease of agricultural lands and occupations of the rural people of concerned villages. In this context Committee believes that suitable contribution should be given by such industries or colony in order to strengthen the economics of those villages. Such industrial area or colony will be separated from the original village or town and therefore Committee views with concern that it will have considerable effect upon the land revenue and income and receipts of the taxes of the concerned villages.

Due to above stated reasons Committee is unable to agree with the establishment of such separate industrial town Panchayats.

15.4 The representatives of the industry have made representations before the Committee that the concerned Gram/Nagar Panchayats earn a good receipt from the taxes in industrial area. But they do not spend anything from it in the industrial field or area. The Committee finds the representation reasonable and recommends that 50 percent amount of the receipts of the taxes earned by the Gram/Nagar Panchayat from such industry or industries or industrial colonies, should be spent towards the common facilities useful to industry or industrial colonies. Accordingly statutory provision should be made and in case of default of Gram/Nagar Panchayats, Committee recommends that the District Panchayat should be empowered to compel them for doing so.

15.5 In order to establish proper co-ordination and co-operation between industries and local Gram/Nagar Panchayat, a co-ordination Committee consisting of the Presidents of concerned Taluka Panchayat, office bearers of Gram/Nagar Panchayats, Collector, District Development Officer, Taluka Development Officer and representatives of the industry under the Chairmanship of the President of District Panchayat should be constituted. The Committee recommends that the problems of mutual interest and

problems of administration of the industries and Panchayats should be discussed and solved by the Co-ordination Committee.

**15.6 Public Administration of Industrial undertakings and colonies** is run by the Central Government or State Government or by the autonomous bodies or Corporations of Public Sector. Therefore the exception to separate such industrial undertakings and colonies from the Gram/Nagar Panchayats is acceptable to the Committee. Even when the exception is implemented, the Committee recommends to make specific provision so that the likely income of the Gram/Nagar Panchayat received from these industries or colonies may be estimated and the same may be made available to Gram/Nagar Panchayats through these boards, corporations or Government Departments, on permanent basis. It will be essential to incorporate the receipts of taxes as well as land revenue in this income.

## **2. STATUS OF OFFICE BEARERS OF THE PANCHAYATS**

**15.7** Several representations are made before the Committee regarding the assignment of proper position and status to the office bearers of Panchayats. Position and status of the office bearers of Municipal Corporations and Municipalities have been traditionally defined. But as the Panchayat Raj Institutions are recently constituted, no standing arrangement for the position and status of its office bearers has come into operation. Presidents of the District/Taluka Panchayat are the leading representatives of the entire area of District/Taluka.

The Government has assigned to the Presidents of the District Panchayats very important responsibilities and administrative control over many officers including District Development Officers of the Collector's rank and staff. Similarly the functions and duties at taluka level have also been assigned to the President of the Taluka Panchayat and still more functions are to be assigned to him. In this context Committee forcefully recommends to give proper position and status to the office bearers of Panchayats of different levels.

**15.8** The concerned Ministries of the Central Government deal with the administration and operation in the various fields like railway, telephone, nationalised banks, major ports etc. in different areas of the State. For this Advisory Committees are also appointed at various levels. Members of the Parliament, Members of the Legislative Assembly, representatives of industries and business as well as municipal councillors are appointed on such committees. But Panchayat sector or the office bearers of Panchayats are not given formal representation. Presidents of the District Panchayats are the local leaders as far as the development and administration of the entire rural area are concerned. The Committee recommends

Government to submit to the Central Government for giving proper representation to Presidents or representatives of District Panchayats on advisory committees, so that the feelings of rural areas may be truly and effectively voiced.

### 3. WORKS CARRIED OUT FROM THE TRUST FUNDS AND VOLUNTARY AGENCIES

15.9 Administration of the dispensaries run under different trust funds has still not been entrusted to Panchayat Raj Institutions, but is under the Civil Surgeon of the district who is directly under the control of the State Government. It seems necessary to make a specific and supplementary provision under the Act that the State Government may assign any activity administered by it under trust funds to the Panchayats. The Committee recommends that any activity or scheme of district level administered by the State Government under trust funds should be assigned to the Panchayats on agency basis.

15.10 The Government has designed and implemented schemes to give adequate grant-in-aid to voluntary agencies for undertaking certain activities. When Panchayats submit proposals for implementing such schemes through them, they are sometimes told that Government grant-in-aid cannot be given to them as they are not voluntary agencies. Panchayats are far more important institutions than voluntary agencies, and this point cannot be forgotten that the Government has assigned the administration amounting to crores of rupees to Panchayat Raj Institutions which was previously under Government Departments. In this context, the Committee suggests that Government should issue policy clarification that if Panchayats desire, to implement any of the Government schemes to be implemented by the voluntary agencies with the Government grants-in-aid they shall be allowed and shall receive Government grants-in-aid for the same.

## CHAPTER XVI

### CONCLUSION

16.1 Everybody recognises that Panchayat Raj in Gujarat is at the leading position in the country. In the coming years, it is necessary to make Panchayat Raj more sound, stable, progressive and viable and only then the Panchayat Raj will prove to be an essential and useful agency to push ahead broad socialistic policy of the State.

16.2 Firstly, it is impertative to clarify various ideas, thoughts and objects of the Panchayat Raj in the minds of all. If we visualise the content of world society placed before us by Mahatma Gandhiji in which social, economical and political decentralization may be rhythmic and tiers of Panchayat Raj and all levels at State may supplement and inspire each other like the different whirls in the sea and assignment of powers and rights according to their capacity but not according to power and force—we may never hesitate in accepting the decentralization in its true sense. Mahatmaji had drawn a very clear picture of decentralization as follows :—

“Such a creation of social structure consisting of number of villages will not be like pyramids rising higher up but will be like circles becoming wider and wider and still covering smaller into bigger ones”. Formation of life will never be of pyramids where top always crushes the base. Its shape will be like the circles of waves extending into the endless horizon of the sea . . . and therefore the biggest circle on the external plane in a circular composition will never utilise its energy in crushing the other one merging in it, but will give strength to all and will get its own strength from the persons in centre. ”

16.3 Control of people and autonomy of public institutions at local level is the very essence of the Panchayat Raj ideology. It is the basic imagination of decentralization that Panchayat Raj institutions may become self-dependent, and autonomous as well as free and light from the restrictions and controls of the Government set-up in day-to-day administration, and make progress in routine administration in proper direction and possess complete power and control over local set-up.

16.4 It is a known fact that Panchayat Raj has emerged from the important recommendations made by Shri Balwantray Mehta Committee with an object to obtain co-operation and contribution of people on a large scale in community development schemes started throughout the country. With the formation of Gujarat State, Panchayat Raj was introduced in Gujarat also with faith and courage,

If the cordial response of the people is to be ensured, administration of local bodies should be handed over to the people with full faith and confidence. With the same objective, Gujarat State has also attempted to assign as many functions, responsibilities and sources as possible to Panchayat Raj institutions. The Committee believes that constant care should be exercised to keep in mind this ideal, so as to evolve stronger and more effective Panchayat Raj.

16.5 Panchayat Raj institutions are basic schools for developing and cultivating local leadership. The objective of local self-Government has been described as follows by Lord Ripon, in his Resolution in 1882 :—

“ It is not primarily, with a view to improvement in administration that this measure is put forward and supported. It is chiefly desirable as an instrument of political and popular education.”

Thus, there is no doubt that the self-Government is the only and best measure for popular education and development of leadership. It is not impractical to expect and wish that if the rural leadership is allowed to develop through Panchayat Raj institutions the future leadership of high level will surely grow from it.

Proper changes will have to be made in the existing form, constitution and pattern of the Panchayats so that bold local leadership which can command confidence and support of the people may come forward.

16.6 If there is illusion that Panchayat Raj set-up is a separate or alien set-up from the State and Government machinery, it has got to be removed immediately. Panchayat Raj set-up is an integral part of the State and mental attitude and approach of all concerned on higher posts should be in the direction of transferring all the Government activities, duties, schemes, programmes and powers as far as possible to this set-up at the respective levels. It is self-evident that the duplication in administration, wastage and unnecessary conflicts can only be uprooted if the outlook and approach of all the persons in power be of this type.

16.7 In order that Panchayat Raj Institutions may give useful and effective contribution towards socialism, there is no doubt that some fundamental basic reforms should be undertaken keeping in view the aforesaid thinking and ideology of Panchayat Raj. In order that the Panchayat Raj Institutions may contribute considerably towards Socialism, apart from Government grant allotment of money from the own fund according to the capacity for the



programme to undertake and complete the important works *viz.* Survey of unemployment, planning of employment programmes, encouragement to village-Cottage industries, necessary facilities for the agricultural development, etc. should be considered to be the prime duty of the Panchayats at all the three tiers. Similarly the issue of implementing the village rehabilitation scheme for the homeless people should also be considered as the top priority function of Panchayats. These institutions are required to be made alert so that the office-bearers and officers of the Institution may develop a spirit of equity towards the weaker and backward classes of the society and take sufficient care for their economic development and social justice.

16.8 It is the utmost necessity to have full participation by the Panchayats also in planning of Five Years Plan so that Panchayats at the respective levels may become the units having full jurisdiction of Government *i.e.* the basic units of self-Government. If the District Panchayats make Planning for the whole district including municipal areas, such planning will be realistic and effective. If the participation of Panchayats is to be secured in the planning and execution of the Schemes wholly, a situation that Panchayats may plan only once at the interval of five years and then implement the same within the framework as decided by the Government will not be considered enough.

The District Panchayats will have to be given the liberty and facilities as per the local circumstances to remove the difficulties experienced in day to day work. If this will be done, the planning will be appropriate and living link will be established between planning and implementation

16.9 The Panchayat Raj Institutions, their office bearers and officers—all have to divert their approach and attitude in the direction of Socialism. The time has now come to uproot totally the tendency developed by the society to maintain the spirit of welfare and mercy towards the distressed and depressed sections of the society. The policy of the Panchayat Raj Institutions should be directed towards their economic uplift and social justice of the weaker sections of the society and not towards merely showing mercy towards them. The Committee is of the strong view that the weaker sections of the society will never be self-reliant till they depend upon the mercy of the financially strong and advanced classes. In order that the 'helplessness' of these classes may be removed and their own peculiarities and individuality may be developed fully, the Committee desires that the programmes of economic development and uplift of such classes may be undertaken on the large scales with the joint efforts of Government and Panchayat Raj Institutions.

16.10 From the analysis and conclusions of the Evaluation Committee on the Panchayat Raj working regarding the priorities fixed by the office-bearers of the Panchayats, for the main objectives of the establishment of Panchayat Raj, it is seen that the objectives of administrative efficiency, economy in administration and educating the people have been given subsidiary place. In order that the Panchayat Raj administration may be efficient, administration and working of Panchayats may be economical and the defects and irregularities in the administration are removed, there is an utmost necessity for the officer-bearers and officers of the Panchayats to be alert. Shri Balvantray Mehta Committee discussed the apprehension that the standards of efficiency in the Panchayat Raj set-up will come down and corruption will increase. The said committee had come to the conclusion that centralised administration apparently seems more efficient but there is no doubt that the decentralised administration will in the long run gain greater efficiency with reference to the development and uplift of the local areas. While analysing the various reasons prevailing for corruption, the said committee stated that the corruption might be uprooted only if the local voters would atleast know the persons in whom the powers have been vested. Cases of corruption have been brought out in certain quarters of Gujarat, but it should be noted that the democratic elements have played a significant role in bringing out such cases in light. However, the Committee prefers to point-out that the Departments and offices of the State Government and office-bearers and officers of the Panchayat Raj institutions will have to gird up their loins for increasing the efficiency and removing corruption.

16.11 At the end, the Committee desires that the attention of all the concerned should be focussed on the following important matter. Panchayat Raj is the only instrument and definite form for bringing the esteemed democracy to rural areas and making it deeprooted there. Panchayat Raj is permanent carrier of the broad socialistic policy of the State and it should be made clear that there is no other alternative but this. It should be firmly realised by all concerned that though Panchayat Raj has no distinct and definite place in the Constitution of India like that of the Union Government and the State Governments, it has already occupied a definite and permanent place for ever in the sphere of Democracy in India. Unless this atmosphere is realised by all of those in power, scattered and well planned efforts for weakening and uprooting the Panchayat Raj gradually will continue which will not be in the interest of Panchayat Raj in particular and in general democracy of the country. Panchayat Raj is permanent. Best solution of the situation lies not in taking back the functions transferred to the Panchayat Raj, but it lies in equipping the Panchayats to perform the functions well and in developing suitable atmosphere therefor and also in imparting suitable guidance and instructions to the Panchayat Raj Institutions for that. The Committee earnestly urges the Government

to formulate and categorically declare the definite policy in this regard.

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Gandhinagar,  
30th September 1972.

All the members of the Committee convey their thanks to Shri Zinabhai Darji, the Chairman of the Committee who always took keen interest in the working of the Committee and who gave proper guidance and direction to all the members of the Committee by comparing and assessing different views and bringing unanimity by suggesting best solution acceptable to all.

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Gordhanbhai S. Patel  
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Harisinh Mahida  
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J. M. Joshipura  
S. N. Mehta  
Dahyabhai Parmar

**SUMMARY OF THE RECOMMENDATIONS MADE  
IN THE REPORT OF THE HIGH LEVEL  
COMMITTEE ON PANCHAYATI RAJ**

Sr. No.	Paragraph No.	Summary of the recommendations
		<b>Position of Gram Sabha, nature, constitution, organisation and administration of Panchayats at the Gram/Nagar level</b>
		<b>Position and Importance of Gram Sabha</b>
	3.1 and 3.2 ..	In order that Gram Panchayats and the rural community may recognise the existence of Gram Sabha in its real spirit and the basic democratic institution at that level may develop, the committee makes the following important recommendations:
1	3.2(1)	.. There should be a provision that though Gram Panchayat may sanction its annual budget, it cannot incur any expenditure until the budget is placed before Gram Sabha for information and discussion.
2	3.2(2)	.. In case of conflict between a Gram Panchayat and its Sarpanch or when a motion of no confidence is moved against the Sarpancha, the Gram Sabha should be empowered to take a majority decision regarding such a motion.
3	3.2(3)	.. Meetings of the Gram Sabha should be convened at least thrice a year. It may be provided in the rule that in its first meeting during every year, the Gram Panchayat should fix dates for convening the meetings of the Gram Sabha. The Taluka Panchayat should also chalk out before hand a schedule for convening Gram Sabhas of all the villages in the Taluka in consultation with the Sarpanchas.

Sr. No.	Paragraph No.	Summary of the recommendations
4	3.2(4)	.. There should be a provision that if ten per cent of the voters of the Gram Sabha put up a requisition for convening the Gram Sabha, it should be obligatory to call a special meeting of the Gram Sabha.
5	3.2(5)	.. The duty of attending the meeting of the Gram Sabha should be shared by the president and other office-bearers of the Taluka Panchayat, Taluka Development Officer and other Extension Officers.
6	3.2(6)	.. In the Gram Sabha meeting the first hour be Question-hour.
7	3.2(7)	.. There should be a statutory provision that important matters, viz. allotment of village site and village outskirts lands, entries recorded and sanctioned in the record of rights, encroachments upon village site and village outskirts lands, purchase and sale of immovable and movable properties of the Gram Panchayat, decisions regarding construction sites for providing public amenities and assessment, recoveries and arrears of taxes etc. should invariably be placed before the Gram Sabha.
8	3.2(8)	.. There should be a provision that in case any issue is referred for consideration to the Gram Panchayat by the Gram Sabha, it should be obligatory for the Gram Panchayat to place the same before the Gram Sabha at its next meeting after consideration and due decision thereon by the Gram Panchayat.
9	3.2(9)	.. Specific provision regarding existing and proposed functions and powers of the Gram Sabha should be made not by rules but only under an enactment, wherein it may be provided that it should be the duty of the Gram Panchayat to place before the Gram Sabha, such additional items as are decided by the State Government.

Sr. No.	Paragraph No.	Summary of the recommendations
10	3.2(10)	<p>.. District/Taluka Panchayats should make firm determination and do concrete work for rendering the Gram Sabha, which is the prime source of the Panchayati Raj system, dynamic and vital, and the State Council for Panchayats should keep constant watch over it. In this sphere, it will be useful if District/Taluka Panchayats Plan as follows :—</p> <p>(a) The Gram Sabha should be convened at appropriate public places in the evening on holidays or festivals.</p> <p>(b) Entertainment programme should be arranged after the meeting of the Gram Sabha.</p> <p>(c) With a view that District/Taluka level Officers / Office-bearers may invariably remain present in all the Gram Sabha meetings, a definite programme should be drawn out and implemented.</p> <p>(d) Wide publicity about the meeting of the Gram Sabha should be made among the village community well in advance.</p> <p>(e) It should be ensured through vigilance registers maintained at the Taluka/District level that meetings of the Gram Sabha are held regularly from time to time.</p> <p style="text-align: center;"><b>Nature, constitution and organisation of the Gram Panchayat</b></p>
11	3.4	<p>.. A principle of constituting Gram Panchayat for every village instead of the existing Group Gram Panchayats should be adopted in view of the concept that the village community may identify itself as a village unit and develop its own unique and independent entity.</p>
12	3.5(1) (2) and (3)	<p>Gram Panchayats should be constituted for every revenue village and hamlets having a population of more than 500 and belonging to the same revenue village, if situated</p>

Sr. No.	Paragraph No.	Summary of the recommendations
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- at a distance of more than 3 kilometers from the village; should be declared as independent revenue villages and Gram Panchayats should be constituted for them. Further, in case of forest area, a separate Gram Panchayat having its jurisdiction upto the limits of a village site should be constituted for each settlement having a population exceeding 250.
- 13 3.5(4) .. In case such Gram Panchayats coming into existence fail to raise the per capita income of a rupee within five years, recourse to the provision of merging them into Gram Panchayats of the surrounding area should be available.
- 14 3.5 (5) As Gram Panchayats in the Dangs district have been recently constituted, their present group formation should be continued for five years.
- 15 3.6 It should be provided that the electoral officer may prescribe the total number of seats ranging from 7 to 15 in case of different Gram Panchayats subject to the general norm for allocating the total number of seats of Gram Panchayats prescribed by the State Government under general orders after fixing different slabs of population.
- 3.7 Following are the recommendations regarding reservation of seats in Gram Panchayats :—
- 16 3.7 (1) The number of reserved seats for women :—

Total members in Gram Panchayats	Number of reserved seats for women
7	2
9 to 11	3
11 to 15	4

Sr. No.	Paragraph No.	Summary of the recommendations
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In cases where the number of reserved seats for scheduled tribes is proportionately high, reserved sets for women may be allotted in an appropriate number from out of the seats reserved for Adivasis.

17. 3.7 (2)

In case of scheduled castes, minimum one seat and thereafter more seats if entitled on the population basis should be allotted as per the existing provision. But if in case of Gram Panchayats having 9 or more members the minimum percentage of the population of scheduled castes is as follows, minimum two seats or more if entitled therefor on the population basis should be allotted to them.

Total members in the Gram Panchayat.	Minimum percentage of scheduled castes as against the total population in a village.
9	7
11	6
13	
15	5

18. 3.7(3)

The existing provision for allotment of reserved seats for scheduled tribes should be continued.

19. 3.7(4)

As per the existing provision, reserved seats for women should remain rotating and in the circumstances, when out of the reserved seats for scheduled tribes any seats have to be converted into reserved seats for women, it should be provided that the reserved seat for women should remain rotating in reserved wards for scheduled tribes.

20. 3.7(5)

Reserved seats for scheduled castes should remain rotating in the ward having the largest population of scheduled castes.



Sr. No.	Paragraph No.	Summary of the recommendations
21	3.7(6)	Reserved seats for scheduled tribes should remain rotating in the descending order beginning from a ward having the largest population of scheduled tribes.
22	3.8	It is not considered necessary to grant representation to Youth Clubs, Mahila Mandals, Service Co-operatives, agricultural labourers, industries etc. in Gram Panchayats. However, it should be so arranged that Gram Panchayats invite representatives of such bodies to attend their meetings.
23	3.9 and 3.10	The existing system of forming wards consisting of 2 to 4 seats for election of members of Gram Panchayats does not enable the weaker sections to get proper representation and leads to animosity in the election. In case elections are held treating whole of a village as a single ward, the size of the ballot-paper may become too large and illiterate voters may be confused and puzzled in tendering their votes and it may happen that an influential group may capture all the seats. This problem cannot be solved even under the system of one vote to each voter. Therefore the system of constituting one ward for each seat should be adopted since it serves as a blessing to inexperienced and illiterate voters. As direct election has been proposed in case of Sarpancha, wards having single seat each should be constituted in such number as would be arrived at after deducting one from the total number of seats in the Gram Panchayat.
24	3.11 to 3.13	The benefits of direct election of Sarpancha of the Gram Panchayat by the rural electorate are as follows. This would enable the Sarpancha to win a great deal of popular support and confidence and would create bold and strong leadership. The Gram

Sr. No.	Paragraph No.	Summary of the recommendations
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Sabha would become more active and the interest of the weaker sections would be safeguarded. Benefits of indirect election of Sarpancha by the members are that the members would extend their support to him, the election can be held peacefully and smoothly and the members would get due importance. On the whole, it would be in the best interest if the system of direct election of the Sarpancha is adopted. The apprehension that conflict between the Panchayat and its Sarpancha would result in a deadlock is unwarranted. However, if on any occasion the Sarpancha does not agree with a majority decision of the members, a motion of no confidence against him may be moved in the Gram Sabha and further proceedings may be carried out according to the majority decision thereof. After careful consideration of the entire situation, it is recommended that the system of direct election of Sarpancha by the rural electorate should be introduced and the present practice of the election of Upasarpancha by a majority vote of members of the Gram Panchayat should be continued.

3.14 . . . Recommendations as regards constituting committees of the Gram Panchayats are as follows :—

25 3.14(1) . . . Present provisions that Gram Panchayats may constitute committees at their discretion should be annulled, but a provision should be made that only the Gram Panchayats falling under "Best" and "Better" types may constitute the Executive Committee at their discretion. However, the present statutory provision enabling constitution of one or more committees for carrying out enquiry in any matter or for implementation of any scheme or work may be continued.

Sr. No.	Paragraph No.	Summary of the recommendations
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| 26 | 3.14(2) | In case the Executive Committee is constituted by the Gram Panchayat, it should consist of five members, out of which one should necessarily be a woman and one should invariably belong to a scheduled caste or tribe.   |
| 27 | 3.14(3) | There should be a provision making it obligatory for every Gram Panchayat to constitute a Committee for Social Justice consisting of three to five members. This Committee should be under the Chairmanship of the Sarpancha and should consist mainly of members belonging to scheduled castes or/and scheduled tribes. If the total number of members belonging to scheduled castes or/and scheduled tribes in a Panchayat is not equal to the majority members of this committee, all of them would become the members, and in case any members are still wanting, the Panchayat may co-opt them from amongst persons belonging to such castes or tribes. There should be one woman as a member in this committee. The tenure of this committee should be co-extensive with that of the Panchayat. |
| 28 | 3.14(4) | There should be a provision that financial powers to sanction any scheme or work may not be assigned to the Executive Committee of the Gram Panchayat when functions and powers are entrusted to it.  |

#### Federal Group Panchayats

- 3.15 to 3.17 .. Small Gram Panchayats may merge with one another or with other large Gram Panchayats and form federal group Panchayat for getting modern amenities, keeping their autonomy intact. The actual scheme of the committee and the proposal for the purpose are as follows :—

Sr. No.	Paragraph No.	Summary of the recommendations
29	3.17(1) to (3)	The Taluka Panchayat may persuade smaller Gram Panchayats and prepare a detailed proposal regarding Federal Group Panchayats and forward the same to the Government for sanction through the District Panchayat. On receipt of such proposal, the Government may form and establish Federal Group Panchayats.
30	3.17(4)	The Federal Group Panchayat may have the representation of Gram Panchayats in proportion to the population of village units joining it and the members may elect their chairman and vice-chairman.
31	3.17(5)	It may be provided that the Federal Group Panchayat should be an autonomous body corporate which may levy upto twenty per cent of such taxes as may be levied by Gram Panchayats and receive appropriate contributions from the Units joining it.
32	3.17(6)	The administrative set-up of Federal Group Panchayats should be such as may be designed by the District Panchayat.
33	3.17(7)	Rules and regulations applicable to other Panchayats may be made applicable to Federal Group Panchayats unless the Government makes any changes.
34	3.17(8)	The Federal Group Panchayat should be subordinate to the Taluka / District Panchayat.
35	3.18	.. Definite schemes aimed at encouraging villagers from small villages to settle in a group headquarters and avail of modern amenities should be formulated and implemented.
<b>Gram/Nagar Panchayats converted from municipalities</b>		
36	3.19 and 3.20	Keeping in view the fact that there exists no obvious difference or distinction between

Sr. No.	Paragraph No.	Summary of the recommendations
		<p>the converted Gram/Nagar Panchayats and the surrounding rural areas, the question of reverting to the system of municipalities for the converted Gram/Nagar Panchayats does not arise. However, in order that the converted Gram/Nagar Panchayats may have more scope for work, it should be provided that the duties, powers and amenities which were available to them when they were municipalities should be continued as far as possible.</p>
37	3.20	<p>.. It may be specifically provided in the Panchayat as well as Municipal Acts that when the census data is published after census operations at the end of every ten years, a Gram Panchayat may be converted into a Nagar Panchayat and a Nagar Panchayat into a municipality, if the population rises above ten thousand and twenty five thousand respectively. Such a conversion need not be related with the tenure of the Gram/Nagar Panchayat. However, office-bearers thereof may continue in the converted set-up until the tenure is over.</p>
38	3.20	<p>.. If at the time of converting a Nagar Panchayat into a municipality, the scope and jurisdiction of a District/Taluka Panchayat undergoes change, the District/Taluka Panchayat should not be dissolved but its reorganisation with marginal changes in its form and constitution should be provided for.</p>
		<p style="text-align: center;"><b>Nature, organisation and constitution of the Nagar Panchayat</b></p>
39	3.21	<p>.. It should be provided that the Electoral Officer may prescribe the total number of seats ranging from 15 to 21 in case of different Nagar Panchayats according to the different slabs of population prescribed by the State Government under its orders.</p>

Sr. No.	Paragraph No.	Summary of the recommendations
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- 3.22 .. Following are the recommendations regarding reservation of seats in Nagar Panchayats:—
- 40 3.22(1) ∴ Minimum 4 seats may be reserved for women and where the number of members of the Nagar Panchayat ranges from 19 to 21, five seats may be reserved for women. In cases where the proportion of seats reserved for scheduled tribes is comparatively high, reserved seats for women may be allotted in an appropriate number from among the seats reserved for Adivasis.
- 41 3.22(2) .. The existing general provision of reserving atleast one seat for scheduled castes may be continued. However, where the minimum percentage of the population of scheduled castes is as shown in the following table, minimum two seats or more if entitled therefor on population basis should be reserved for such castes.
- | Total members in the Nagar panchayat | Minimum percentage of the population of scheduled castes as against the total population |
|--------------------------------------|--|
| 15                                   | 5  |
| 17                                   | 4  |
| 19                                   | 4  |
| 21                                   | 3  |
- 42 3.22(3) .. The existing provision for allotment of reserved seats for scheduled tribes on population basis may be continued.
- 43 3.22(4) .. The existing system, according to which reserved seats for women remain rotating in different wards is quite in order. But in circumstances when out of the

Sr. No.	Paragraph No.	Summary of the recommendations
		reserved seats for scheduled tribes any seats have been reserved for women, it may be provided that such seats should also remain rotating in reserved wards for scheduled tribes.
44	3.22(5)	.. Reserved seats for scheduled castes should be kept in those wards where the population of these castes is large.
45	3.22(6)	.. Reserved seats for scheduled tribes should remain rotating in the descending order, starting from a ward having the largest population of scheduled tribes.
46	3.23	... It is not necessary to grant representation to any other classes or institutions in the Nagar Panchayat. However, in practice the Nagar Panchayat may invite representatives of such institutions whenever need arises.
47	3.24	.. A system of wards having single seats should be adopted in the case of Nagar Panchayats.
48	3.25	.. In view of the population of the Nagar Panchayat and since it is not feasible to constitute the Nagar Sabha, it would not be possible to hold direct election of the Chairman of the Nagar Panchayat. Hence the practice of electing Chairman as well as Vice Chairman by members may be continued.
49	3.26(1)	.. It is not considered necessary that the Nagar Panchayat may constitute any committee other than the Executive Committee and the Committee for Social Justice. However, the existing provision of constituting one or more committees for implementation of any work or scheme or for carrying out any enquiry may be continued.

Sr. No.	Paragraph No.	Summary of the recommendations
50	3.26(2)	.. An Executive Committee consisting of 5 to 7 members may be constituted at discretion, out of which one should necessarily be a woman and one member should invariably belong to a scheduled caste or scheduled tribe.
51	3.26(3)	.. It should be obligatory to constitute a Committee for Social Justice consisting of 5 to 7 members mainly from scheduled castes and/or scheduled tribes, one of whom should be a woman. This committee should be under the chairmanship of the Chairman of the Nagar Panchayat. The tenure of this committee should be co-extensive with that of the Panchayat. In cases, where the total number of members belonging to scheduled castes/scheduled tribes in a Panchayat does not constitute majority, the wanting members may be co-opted by the Panchayat from amongst persons belonging to such castes or tribes.
52	3.26(4)	.. Financial powers of sanctioning any scheme or work can not be assigned to the Executive Committee of the Nagar Panchayat.
53	3.27	.. As in case of some places of pilgrimage and tourism, holiday homes or other important places, the population of which is below twenty thousand, an institution like Gram/Nagar Panchayat is not suitable, Local Development Authority may be constituted under the Panchayats Act on the pattern of the Notified Area Committee to ensure development of such places.
3.28		.. The constitution of the Local Development Authority has been envisaged as follows :—
54	3.28(1)	.. The Local Development Authority may be named after its respective area, e. g. Saputara Development Authority.



Sr. No.	Paragraph No.	Summary of the recommendations
55	3.28(2)	.. The number of members of the Authority should be determined on the basis of the population of the concerned local area and the nature and extent of the functions of the proposed Authority.
56	3.28(3)	.. $\frac{2}{3}$ of the total members of the Authority should be nominated by the Government and $\frac{1}{3}$ by the District Panchayat. Among members nominated by the District Panchayat at least one member should belong to the concerned local area and the remaining ones should be the voters from that rural area.
57	3.28(4)	.. Decision-making powers as regards determining the functions and duties of the proposed Authority, its administrative establishment and the income from taxation, in context of local circumstances and in consultation with the District Panchayat may be kept with the State Government.
58	3.28(5)	.. The District Panchayat may supervise, regulate and control the working of the Local Development Authority
59	3.28(6)	.. As regards the remaining items, provisions contained in section 264-A to 264-E of the Gujarat Municipalities Act, 1963 may be applied <i>mutatis mutandis</i> .
60	3.29 and 3.30	.. At present, elections of Gram/Nagar Panchayats continue to be held throughout a year as and when their respective terms expire. This position is not satisfactory. Similarly, holding of elections simultaneously in respect of all the Gram/Nagar Panchayats through out the State once in every five years is also likely to create a number of problems of Law and Order and administrative arrangements. Hence,

Sr. No.	Paragraph No.	Summary of the recommendations
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every year, elections of all the Gram/ Nagar Panchayats whose terms expire in that year should be held during the period of two months covering April and May, and in case of Gram/ Nagar Panchayats whose terms expire earlier, the same should be extended upto the month of April-May.

#### Functions and administration of Gram/ Nagar Panchayat

- 61 3.31 ... Necessary provision may be made in the Fifth Five Year Plan enabling implementation of schemes regarding model farms, pasture-land improvement programmes and rural forests in as many villages as possible.

#### Classification of Gram Panchayats

- 62 3.33 .. With a view to encouraging Gram Panchayats to achieve further progress in the spheres of development and administration, Gram Panchayats may be classified into three categories, viz. "Good", "Better" and "Best" and progressively more functions, powers and resources, etc. may be assigned to Gram Panchayats belonging to upper categories. The District Panchayat may be empowered to upgrade any of the Gram Panchayats. The classification may be reviewed continuously by examining "better" and "best" categories of Panchayats, at the end of every two years. In order to obtain and maintain the upper grade, the Gram Panchayat should attain/maintain eligibilities as shown against ten of the indicators mentioned in the Appendix IX, which should necessarily include eligibilities as shown against indicators at serial numbers 8 and 15 together with those against any other eight indicators.

Sr. No.	Paragraph No.	Summary of the recommendations
63	3.34	<p>.. When Panchayats are upgraded from the "good" category, it should be ensured that they are given placing and prestige on the basis of progress achieved by them in the three spheres as mentioned below:—</p> <ol style="list-style-type: none"> <li>(1) Assignment of special functions and powers.</li> <li>(2) Further encouragement in financial as well as other matters.</li> <li>(3) Provision of a suitable administrative establishment.</li> </ol>
64	3.35 (a)	<p>.. As compared to an "a good" Panchayat, a "better" Panchayat may be endowed with additional powers as follows:—</p> <ol style="list-style-type: none"> <li>(1) Priority in implementation of schemes regarding model farms, pasture land improvement and rural forests.</li> <li>(2) Liberty to alter existing bye-laws or make new bye-laws.</li> <li>(3) Powers to sanction use of water from Government reservoirs like river, tank etc. for agricultural purpose.</li> <li>(4) Some of the powers in respect of the village site survey under the Land Revenue Code.</li> <li>(5) Handing over to the greatest possible extent of administration of institutions belonging to the District / Taluka Panchayat situated in the Gram Panchayat area.</li> <li>(6) Liberty to constitute an Executive Committee.</li> </ol>
65	3.35 (b)	<p>.. A Gram Panchayat belonging to the "Best" category may be entrusted with powers to sanction entries into the Record of Rights over and above functions and powers of a Gram Panchayat belonging to the "better" category.</p>

Sr. No.	Paragraph No.	Summary of the recommendations
3.36	..	The following provisions may be made for granting in a greater degree financial and other incentives to Gram Panchayats belonging to the "better" and "best" categories as compared with Gram Panchayats belonging to the "good" category:—
66	3.36 (a)	.. Out of the District Gram Encouragement Fund, a Gram Panchayat belonging to the "better" category may be granted 25 per cent more and a Gram Panchayat belonging to the "best" category may be granted 50 per cent more than the grant of land revenue admissible to a "good" Gram Panchayat.
67	3.36 (b)	.. Relaxing of rules with a view to advancing liberal loans to such Panchayats from the District Development Fund may be considered.
68	3.36 (c)	.. A norm should be prescribed and implemented so as to ensure more amenities to "better" and "best" villages from the State Government and public sector institutions.
69	3.37	.. An experienced and independent Talati-cum-Mantri of the upper grade may be posted in a "better" Gram Panchayat and an outstanding and independent Talati-cum-Mantri of the selection grade may be posted in a "best" Gram Panchayat and the necessary additional staff may be sanctioned liberally.
<b>Administrative Establishment at the Gram/Nagar Level</b>		
70	3.38 and 3.39	.. In view of the degree of knowledge and experience gained by agriculturists in many parts of the State, Gram Sevak holding Diploma in Agriculture would no more be useful. However, looking to the fact that they have been doing useful work in the

Sr. No.	Paragraph No.	Summary of the recommendations
		backward areas, about 75 per cent of the posts of Gram Sevaks should be abolished and the incumbents holding those posts should be absorbed, according to their qualifications, in the posts falling vacant in the cadres of selection grade Talati, Agricultural Assistant or Clerk. Their posts should be filled in by Graduates in Agriculture as they become available ensuring that the expenditure thereby does not increase.
71	3.39	The workload of Talati-cum-Mantri may be lessened to some extent and the work of Gram Sevak may be entrusted to him.
72	3.39	Those Gram Sevaks, who would be taken up as Talatis should be entrusted with the duties of Talati-cum-Mantri after they have been imparted full training in that regard.
73	3.40 to 3.47	<p>For fixing the strength of Talati-cum-Mantri, a norm of four items was implemented at the time of the formation of Gujarat State. As this norm was inadequate and unsatisfactory, norm of three items was suggested for making alterations and additions therein. However, no change was effected. Further, adequate strength of Talati-cum-Mantri is not sanctioned even as per the norm of four items. On the other hand, the functions that have to be discharged by the important village employees like the Talati-cum-Mantri have considerably increased due to various reasons and the workload goes on increasing. In this context, the committee suggests the following norm for fixing the strength of Talati-cum-Mantri :—</p> <p>(1) Under the existing four item norm, population ratio should be kept 2,000 per Talati-cum-Mantri instead of 2,500 and the strength of Talati-cum-Mantri</p>

Sr. No.	Paragraph No.	Summary of the recommendations
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for village areas should be prescribed in the context of the census of 1971.

(2) Additional strength of Talatis may be prescribed for municipal areas.

(3) 75 per cent of the existing posts of Gram Sevaks should be added to the Talati-cum-Mantri cadre.

(4) District Panchayats may be allowed to create necessary temporary-posts of Talati-cum-Mantris, within a ceiling of four per cent of the recoveries to be made excluding land revenue recoveries.

In consideration of above items (1) to (3), 3,177 new permanent posts should be sanctioned immediately in addition to 8,113 posts of Talati-cum-Mantris.

74 3.48

.. As there is no full-time or part-time class-IV servant in most of the Gram Panchayats, in absence of posts of Kotwal, it becomes difficult to execute the entrusted and other work of public nature. Therefore, all the posts of Kotwals transferred to Panchayats at the time of introduction of Panchayati Raj should be continued on permanent basis and their allocation criteria should be worked out.

#### Administrative reforms in the Gram Panchayats

75 3.49

.. With a view to establishing a more stable and firm administration at Gram/Nagar Panchayat level, some recommendations are made as follows :—

(1) Till the Panchayat constructs its own building the records and the office of the Gram Panchayat should be housed in a rented building or failing that in a public building duly adjusting the working hours, instead of keeping them at Talati's or Sarpancha's residence.

Sr. No.	Paragraph No.	Summary of the recommendations
		<p>present organisation of the Taluka and District Panchayats based on indirect election and <i>ex-officio</i> membership :—</p>
		<ol style="list-style-type: none"> <li>(1) Pressure on and temptations to a small electorate.</li> <li>(2) Pressure on the office-bearers of such voters.</li> <li>(3) Weak and submissive leadership.</li> <li>(4) Inadequate representation to some areas and weaker sections.</li> <li>(5) Politics entering the Gram Panchayat level in a disguised manner.</li> <li>(6) Serpent-ladder game in representation link-up.</li> <li>(7) Big size of Taluka Panchayat resulting in heavy expenditure.</li> </ol>
		<p><b>Formation of larger electorate for the sake of indirect election in place of present formation will effect no special improvement in the present arrangement. Above mentioned defects and disadvantages of indirect election mostly disappear in direct election. Broad-based Panchayats can be constituted in real sense of democracy through direct election. In this set-up, officers can work boldly and effectively, public feelings and public opinion is always recognised, the areas and weaker sections can be granted proportional representation and in the election of Gram Panchayat not politics but local issues can come to the fore. On the other hand, the committee does not find any defects or disadvantages in organisation based on direct election. Therefore, the committees favours the popular Taluka Panchayat formed by the representatives elected directly by the people and similarly, the District Panchayat consisting of members elected exclusively by direct election.</b></p>

Sr. No.	Paragraph No.	Summary of the recommendations
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The committee recommends formation of Taluka Panchayat on the following basis and with the following constitution :—

79 4.9(1)

The Government should prescribe the strength of members of Taluka Panchayat based on the village population of the Taluka as shown below :—

Population of Taluka	Total Membership
(1) Upto sixty thousand	15
(2) Above sixty thousand but upto one lakh.	19
(3) Above one lakh but upto one and a half lakhs.	23
(4) Above one and a half lakhs but upto two lakhs.	27
(5) Above two lakhs.	31

80 4.9(2)

.. If the population of scheduled castes is upto one per cent, minimum one seat and if the population exceeds this percentage, minimum two seats, or one and a half times the seats which are allotable to scheduled castes on the basis of total population, whichever is more, should be the reserved seats for a Taluka.

81 4.9(2)

.. Reserved seats to be allotted to scheduled tribes on population basis should not be in excess of 60 per cent of the total seats.

82 4.9(2)

.. Reserved seats for women against the membership of Taluka Panchayat should be as follows :—

Total membership in a Taluka Panchayat	Number of reserved seats for women
15	3
19	4
23	5
27 to 31	6



Sr. No.	Paragraph No.	Summary of the recommendations
83	9(3)	Proportionate wards of equal population and having single membership should be formed, so that one ward of a Taluka Panchayat does not fall under more than one ward of a district and so far as possible one village or town is not covered under more than one ward. Similarly at the time of allotment of one or more wards for a big Gram or Nagar Panchayat, the whole ward or wards should be allotted.
84	9(4)	.. Reserved seats for scheduled tribes should be allotted by rotation to the wards where the population of the said tribes is five per cent or more.
85	9(4)	.. The present practice of District Panchayat as regards allotment of reserved seats of scheduled castes to all the wards of a taluka by rotation, starting in a descending order from the ward having maximum population of such castes, should be adopted.
86	9(4)	.. As regards the reserved seats for women, the existing practice of the District Panchayat with regard to rotational allotment according to the alphabetical order of the names of wards should be adopted.
87	9(5) and 4.11(4)	Direct elections of District and Taluka Panchayats should be simultaneous.  If the District/Taluka Panchayat ceases to function before expiry of its tenure, the newly constituted District/Taluka Panchayat should function for the remaining period only.
88	9(6)	Present provision regarding co-opted members in Taluka Panchayat should be annulled.
89	9(7)	.. The existing provision should be continued in respect of associate members except the

Sr. No.	Paragraph No.	Summary of the recommendations
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Mamlatdar and members elected from the Taluka on the district panchayat. Moreover, one representative either of the Taluka Marketing Union or the Regulated Market Committee as decided by the Government should be granted associate membership.

90 4.10(1) .. Elected members of the Taluka Panchayat should elect the President and Vice President.

91 4.10(2) If should be obligatory on a Taluka Panchayat to form Executive Committee and a Committee for Social Justice.

The strength of these committees may be fixed as follows :--

Total Membership of Taluka Panchayat	Membership of the Committee
15 to 19	5
23	7
27 to 31	9

92 4.10(3) .. Taluka Panchayat may not constitute any standing committee. However, it may constitute a special committee for implementation of any special work or scheme or for giving report about any matter after inquiry. A suitable voter from the Taluka may also be nominated in this committee.

93 4.10(4) .. Taluka Panchayat should so constitute a Committee for Social Justice that the members belonging to scheduled castes or/and scheduled tribes have a majority. If the total strength of members of these castes/tribes is not equal to that of the members in majority, the Taluka Panchayat should co-opt the wanting members from that class. One lady member should also be on this committee. The member of Legislative Assembly belonging to scheduled caste/scheduled tribe and the

Sr. No.	Paragraph No.	Summary of the recommendations
		Police Sub-Inspector should be associate members in the committee.
94	4.10(5)	.. The President of the Taluka Panchayat should be the Chairman of the Committee for Social Justice, while Taluka Development Officer should be its Secretary.
95	4.10(6)	... All the matters excepting the functions, duties and powers assigned to the Committee for Social Justice should be dealt with by the Executive Committee as entrusted by the Taluka Panchayat. The Executive Committee can constitute sub-committees not exceeding two. Such sub-committees can not take any final decision.

#### **District Panchayat Formation and Constitution**

The committee recommends the following set-up for the formation of the District Panchayat :—

- 96 4.11(1) .. The Government should prescribe as follows the number of members for the District Panchayat according to the rural population of the District :—

Population of the District	Total Membership
(1) Up to ten lakhs.	31
(2) Above ten lakhs but upto twelve lakhs.	35
(3) Above twelve lakhs but upto fourteen lakhs.	39
(4) Above fourteen lakhs but upto sixteen lakhs.	43
(5) Above sixteen lakhs but upto eighteen lakhs.	47
(6) Above eighteen lakhs	51

Sr. No.	Paragraph No.	Summary of the recommendations												
97	4.11(2)	.. Out of the membership prescribed as above, at least one seat for scheduled caste where it has one per cent population and minimum four seats where the population exceeds one per cent should be reserved or if one and a half times the allottable seats to such castes on the basis of total population exceeds number four, then that figure should be for the reserved seats.												
98	4.11(2)	.. The reserved seats for scheduled tribes should be in proportion to their population but the number should not exceed 60 per cent of the total seats.												
99	4.11(2)	.. A norm of 6 to 10 seats as under as reserved seats for women should be accepted as against the membership of District Panchayat :—												
		<table border="1"> <thead> <tr> <th data-bbox="476 915 751 979">Total Membership in District Panchayat</th> <th data-bbox="786 915 1027 979">Number of seats reserved for women</th> </tr> </thead> <tbody> <tr> <td data-bbox="596 997 625 1024">31</td> <td data-bbox="883 997 901 1024">6</td> </tr> <tr> <td data-bbox="596 1028 625 1055">35</td> <td data-bbox="883 1028 901 1055">7</td> </tr> <tr> <td data-bbox="596 1059 625 1086">39</td> <td data-bbox="883 1059 901 1086">8</td> </tr> <tr> <td data-bbox="596 1090 625 1117">43</td> <td data-bbox="883 1090 901 1117">9</td> </tr> <tr> <td data-bbox="596 1121 740 1148">47 and 51</td> <td data-bbox="866 1121 901 1148">10</td> </tr> </tbody> </table>	Total Membership in District Panchayat	Number of seats reserved for women	31	6	35	7	39	8	43	9	47 and 51	10
Total Membership in District Panchayat	Number of seats reserved for women													
31	6													
35	7													
39	8													
43	9													
47 and 51	10													
100	4.11(3)	.. Proportional wards having equal population and single membership should be formed. At least one ward should be allotted for every Taluka Panchayat and formation of wards of Taluka and District Panchayats simultaneously by Government is quite imperative.												
101	4.11(3)	.. The present norm of allotment of reserved seats for scheduled castes, scheduled tribes and women by rotation under rule 68 of the District Panchayats Election Rules should continue.												
102	4.11(5)	.. In addition to associate members as per the present provision for the District Panchayat, a representative of the District												

Sr. No.	Paragraph No.	Summary of the recommendations
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- |     |         |  |
|-----|---------|--|
|     |         | Marketing Union should be an associate member.   |
| 103 | 4.12(1) | .. Elected members of the District Panchayat should elect the President/Vice President.  |
| 104 | 4.13(2) | .. It should be obligatory on the District Panchayat to form the following committees. The number of members in the committees as against the total number of members of the District Panchayat should be as follows:— |

Committees	Total number of members in District Panchayat	
	Upto 39	43 and above
(1) Executive Committee	11	11
(2) Committee for Social Justice.	7	9
(3) Education Committee	9	11
(4) Production and Co-operation Committee.	7	9
(5) Public Health Committee	7	9
(6) Public Works Committee	7	9
(7) Appeal Committee	5	5
(8) Finance Review Committee.	3	3

105 4.12(2) .. Though the Chairman of the District Education Committee is not a member of the District Panchayat, he can become an *ex-officio* associate member of the District Panchayat and the Executive Committee of the District Panchayat.

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Sr. Paragraph No. No.	Summary of the recommendations
106 4.12(3)	.. Though the District Panchayat has not got the discretion to constitute any standing committee other than these committees, it can form special committee to implement special work or scheme, or to submit report on a special matter after inquiry. Suitable voter of the district can also be nominated in this committee.
107 4.12(4)	.. The District Panchayat should so form a Committee for Social Justice that the members of the scheduled castes/tribes may form a majority. If the total number of members of such castes/tribes is not equal to the majority members, the required members should be co-opted from the persons of this class by the District Panchayat. Moreover, one lady member should also have a place in it. Member of the Parliament belonging the scheduled caste/tribe and members of the Legislative Assembly belonging to the same caste or tribe not exceeding two, and the District Police supt. Officer should be associate members.
108 4.12(5)	.. The President of the District Panchayat should be the Chairman of the Committee for Social Justice, while the District Development Officer should become its Secretary.
109 4.12(6)	.. The Executive Committee may discharge functions, duties and powers assigned to it by the District Panchayat. The Executive Committee may constitute not more than two sub-committees, but these may not take any independent decision.
110 4.12(7)	.. The Committee for Social Justice can form one or more committees for submission of report regarding cases of discrimination and injustice towards Harijans on public water works, after conducting a personal inquiry.

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Sr. No.	Paragraph No.	Summary of the recommendations
111	4.12(8)	.. In the present circumstances, if any one of the three members of the Appeal Committee remains absent, its working comes to a standstill. In view of this, it should be provided to raise the strength of members of the committee to five including the President of the District Panchayat and the State Government should be authorised for making rules governing conduct of proceedings by constituting benches.
112	4.12(9)	.. The District Panchayat should form a Finance Review Committee to keep a watch over the Taluka and District Panchayats in respect of Budget Planning and propriety of expenditure, financial position, efficiency in implementing schemes and works, administrative economy and disposal of audit reports of all the three tiers of Panchayats. This committee should consist of three elected members other than office-bearers and one member of Legislative Assembly as an associate member.
<b>Panchayati Raj in Gandhinagar and Dangs Districts</b>		
113	4.13	.. In order that Gandhinagar District may not be deprived of the advantages of Panchayati Raj, District Panchayat should be formed through direct election for the discharge of functions and duties of both the District and Taluka Panchayats. The provisions of direct election should be applied at the time of fresh election in the Dangs District. The number of members of the District Panchayat should be 31 and 21 respectively for Gandhinagar and the Dangs Districts. The provisions regarding the reserved seats, membership in committees etc. proposed for other District Panchayats should apply to the Gandhinagar District Panchayat as well. As the membership of 21 is suggested

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Sr. No.	Paragraph No.	Summary of the recommendations
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for the District Panchayat of Dangs, four seats for women and one seat for scheduled castes are suggested as reserved seats. The number of members in the committees of the District Panchayat Dangs should be kept as shown in the paragraph.

The remaining provisions should govern both the District Panchayats like the other District Panchayats. Gandhinagar city should be excluded from the jurisdiction of the Gandhinagar District Panchayat, but the head-quarters of the District Panchayat should be at Gandhinagar.

**General recommendations regarding form, organisation, constitution and relations of Panchayats of different tiers**

**Committees**

- 114 5.1      -- Proportional representation may be given to the minority members of Panchayats in all the committees of Gram/Nagar, Taluka and District Panchayats.
- 115 5.2      ... Recommendations regarding members to be co-opted in the Education Committee of District Panchayat and the Committees for Social Justice of District/Taluka/Nagar and Gram Panchayats have been made taking into consideration special circumstances and needs. But it should be laid down that no such member who is elected indirectly can be a member of the Panchayat concerned and its Executive Committee and in case any of such member is elected as the Chairman of the Education Committee, he can be only an associate member of the District Panchayat and the Executive Committee.
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Sr. No.	Paragraph No.	Summary of the recommendations
116	5.3	.. There should be a definite statutory provision that no member of District/Taluka Panchayat can be a member of more than two Committees of the said Panchayat.
117	5.4	.. There should be a specific provision in the Act that experts and specialists holding degrees in engineering, medical science, accountancy or education and having five years' experience in their respective fields but having no personal interest in the administration of the Panchayati Raj institutions should have a proper place as invitees in general meetings and concerned committees of District and Taluka Panchayats. Similarly, an agent/manager of the leading bank in the district should have a place in the District Panchayat as an invitee.
<b>Office-bearers</b>		
118	5.5	.. It should be statutorily provided that all the office-bearers of Panchayats of all the three tiers and of the committees should possess at least the academic competency enabling them to read and write Gujarati language, before they take over their charge.
119	5.6	.. Since during the last decade the standard of living has gone high and since full-time office-bearers of District/Taluka Panchayats are required to maintain separate establishments at District/Taluka headquarters, the honoraria of the President of the Taluka Panchayat and the Chairman of the District Education Committee should be raised to Rs. 300 p. m. and that of the President of the District Panchayat to Rs. 600 p. m.
120	5.7	.. Furniture as may be prescribed by the Government should be provided to Presidents of District/Taluka Panchayats and Chairman of District Education Committees at their residence.

Sr. No.	Paragraph No.	Summary of the recommendations
<b>Elections and Election machinery</b>		
121	5.8	.. As it was found necessary and desirable to effect certain minor and major changes in the form, constitution and organisation of Panchayats of all the three tiers, the committee had submitted its interim recommendations in brief to the Government in order that the Government may consider postponement for a suitable period the programme of holding elections in February March 1973 for the re-organisation of Taluka/District Panchayat (Appendix VIII).
122	5.8	.. As it has been proposed to hold direct elections of all the members of District/ Taluka Panchayats and Sarpanchas of Gram Panchayats, till a statutory provision to that effect is made, postponement of the forthcoming elections of Gram/ Nagar, Taluka and District Panchayats upto a suitable period and extending the tenure of such Panchayats under section 17 of the Gujarat Panchayats Act upto a suitable period may be considered.
123	5.9	.. In order that the sanctity of election may be observed fully and the faith of people in the election of Panchayats may be sustained for ever, the election machinery of Panchayats should be placed in the charge of a just and impartial authority independent of Panchayat administration. The election authority may entrust some of the duties relating to election to officers/ employees of Panchayats.
124	5.9(1)	.. The Chief Electoral Officer in charge of the work relating to direct elections of District Panchayats may be entrusted with the work pertaining to direct elections of Taluka Panchayats as well. The Chief Electoral Officer may carry out the work of conducting elections through Divisional Commissioners at the divisional level and

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		Collectors at the district level. Similary the work pertaining to the election of office-bearers of District/Taluka Panchayats may be entrusted to Divisional Commissioners.
125	5.9(2)	.. The work pertaining to the election of Gram/Nagar Panchayats may be entrusted to Deputy Collectors and Collectors.
126	5.9(3)	.. It may be statutorily provided that the Panchayati Raj administration should properly carry out without any hesitation, whatever orders and instructions that may be given to it by the Deputy Collector, Collector, Divisional Commissioner and the Chief Electoral Officer in connection with election and no order given by the office-bearers of Panchayats will have any authority in this regard.
<b>Restriction on dual membership</b>		
127	5.10	.. As it has been recommended to hold direct election at each tier, the existing provision of the Panchayats Act to the effect that no person can be a member of more than one panchayat may be continued specifically.
<b>Co-ordination between the three tiers</b>		
128	5.11 and 9.76	.. The following measures may be adopted for ensuring the proper co-ordination and organisation between panchayats of all the three tiers :—
<p>(1) At the district level, meetings of Presidents of Taluka Panchayats may be held once in every two months. Taluka Development Officers also may be asked to attend every alternate meeting.</p>		
<p>(2) For individual problems of Taluka Panchayats, the President of Taluka</p>		

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		<p>Panchayat may meet individually the President of the District Panchayat for consultation.</p> <p>(3) President and officers of the District Panchayat and President of each Taluka Panchayat should arrange a joint meeting once a year.</p> <p>(4) The Taluka Panchayat should organise an annual camp of Sarpanchas and Talati-cum-Mantris, and mutual co-ordination between three tiers can thus be achieved with the presence of office bearers and officers of District Panchayats in the said camp.</p> <p>(5) It should be made a practice to solicit necessary guidance from the officers of Panchayats of upper tier, in the meetings of Talati-cum-Mantris arranged at the Taluka level.</p> <p><b>Elimination of Administration which duplicates the functions and duties of Panchayati Raj institutions</b></p> <p><b>General concept of dual administration</b> <b>Various alternatives</b></p>
129	6.1 to 6.3	<p>... In almost all the fields, there is duplication of work, administrative powers and administrative authority between Government departments and Panchayati Raj administration. Various undesirable situations arise due to such dual administration. On account of dual administration, work is delayed, administration weakens, administrative, technical and financial control slackens, unnecessary administrative expenditure increases, both the administrations have to suffer from lack of sufficient equipments, dissatisfaction prevails in the administrative body and the people because they are entangled in the routine administration and no specific responsibility on either of the administrations can be fixed. There are three alternatives to avoid</p>

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		<p>duplication of administration. Government should resume such functions from Panchayats or they should be totally entrusted to Panchayats or co-ordination or collaboration should be adopted in the present arrangement.</p>
130	6.4. and 6.5	<p>.. In Gujarat, Panchayati Raj has become stabilised and is firmly rooted. The official policy is to consolidate it and make it vigorous. In the performance of functions, activities and duties and exercise of powers entrusted to them under Panchayati Raj system, the Panchayats have not lagged behind the Government machinery. Therefore, Panchayati Raj bodies should be entrusted with more functions, duties and powers without entertaining any fear or doubt of any kind of risk.</p>
131	6.6 and 6.7	<p>.. In this context, no question of resuming by Government, functions which were entrusted to Panchayats arises. Under the present arrangement, the alternative to solve the problem through co-ordination is also not much useful. Therefore, it will be more useful not only in principle but also in practice, if more functions and schemes and powers are liberally and with confidence entrusted by Government to Panchayati Raj Bodies progressively.</p>
132	6.8	<p>.. In view of the position achieved and progress made by the Panchayati Raj administration in Gujarat, all schemes, activities, duties and powers at district level except the work of maintaining law and order, major and medium irrigation schemes, other major works for which a special machinery has been created at State level and except those functions and schemes which are being undertaken by corporations such as State Agro-Industrial Corporation, Transport Corporation and the Electricity Board etc. and except the</p>

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		activities and matters relating to training, co-ordination, evaluation etc. should be entrusted to Panchayati Raj Bodies, without hesitation. The committee specially recommends to the Government entrusting of more schemes, functions, activities and powers to Panchavata. as detailed below :—
132	6.8 and 6.11	(1) Keeping certain spheres in charge of District / Taluka Development Officer under the direct control of the Government, the administration of all matters relating to land and land revenue under the Land Revenue Code and the rules thereunder.
134	6.8 and 6.11 ..	(2) Work relating to scarcity relief, flood relief etc. such as doles distribution of grass, sanction to relief works, loan-subsidy scheme and arrangement for drinking water, etc. which are in-charge of revenue administration.
135	6.8 and 6.11 ..	(3) Distribution of items of civil supplies in rural areas.
136	6.8 and 6.14 ..	(4) Maintenance and repairs to National High Ways and State High Ways and maintenance, repairs and operation of medium irrigation schemes, which are undertaken by the Public Works Department. Construction of original works costing Rs. 5 lacs in advanced districts, which are executed by Government departments and maintenance and repairs to all Government buildings.
137	6.8 and 6.14 ..	(5) Implementation of rural water supply schemes costing upto Rs. five lakhs and the construction work relating to them.
138	6.8 and 6.16 ..	(6) Programmes of soil conservation and land improvement.
139	6.8 and 6.16 ..	(7) Schemes offering benefits of boring and blasting, tractors, bull-dozers, etc. to farmers.

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140	6.8, 6.16 and 6.29	(9) Instead of establishing separate bodies for implementation of special schemes for the economic development of small farmers, marginal farmers and agricultural labourers etc. such work should be entrusted to District Panchayats on agency basis.
141	6.8 and 6.16 ..	(9) Other poultry and animal husbandry centres at district level.
142	6.8 and 6.16 ..	(10) Inland fisheries.
143	6.8 and 6.20 ..	(11) Schemes of Rural Broad Casting Centres.
144	6.8 and 6.21 ..	(12) Activities and schemes assigned to Health, Medical and Ayurved departments as mentioned below :—  (1) Secondary health centres, Referral hospitals, cottage hospitals and class II hospitals and Ayurvedic hospitals (not affiliated to colleges).  (2) National Malaria and Filaria Eradication Programme.  (3) Schemes relating to eradication of contagious diseases like T. B., leprocy, etc.  (4) Family Planning Programme on a permanent basis.
145	6.8 and 6.25 ..	(13) District level schemes assigned to social welfare department not entrusted to Panchayats.
146		(14) District level schemes pertaining to Municipal area unless they are entrusted to Municipality.
147		(15) All other district level schemes or activities that may be initiated in future by the Government.

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148	6.9 to 6.11	.. Some committees which were formerly appointed for overcoming dual administration in Revenue Department have also recommended entrusting as far as possible the work relating to land revenue to Panchayati Raj bodies. It is highly imperative at this moment to end this confusing ambiguous situation prevailing at present regarding revenue work. If the proposal to create a separate revenue administration at village level is accepted, dual administration will be perpetuated, uncalled for encumbrance of dual administration will be created, both the administrations will be far remote from the people and it will be a retrograde step from the omnibus policy of democratic decentralisation. Therefore, to end the dual administration prevailing in this sphere following needs to be done :
149	6.11 (1)	.. The post and the office of Mamlatdar should be abolished.
150	6.11 (2)	.. From amongst the duties and functions which are being performed by the Mamlatdar at present, the functions and powers under the Land Revenue Code and rules thereunder as well as the work regarding scarcity relief, flood relief and the distribution of items of civil supplies in rural areas should be entrusted to Taluka Panchayats. The powers and functions of Mamlatdar as regards "Anawari" and Records of rights under the Land Revenue Code and rules thereunder should be entrusted in the first instance to the Taluka Development Officer as an officer independent of the State Government.
151	6.11 (3)	.. Powers to institute formal inquiry under the Land Revenue Code as well as the powers and the duties of Mamlatdar under the Mamlatdar Court Act should be entrusted to the proposed Nyaya Panchayat



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152	6.11 (4)	.. Functions and duties of Mamlatdar in respect of law and order and controlling authority in relation to civil supplies as well as those relating to Municipal areas and other residuary general functions and duties should be entrusted to Prant Officer of revenue sub-division.
153	6.11 (5)	.. The establishment of Mamlatdar's office should be mainly transferred to the office of Taluka Panchayat and one post of Aval Karkun from each Mamlatdar's office should be transferred to the office of Prant Officer.
154	6.11 (6)	.. Circle Inspector (Revenue) and Circle Inspector (Taluka Panchayat), both of whom come under the joint control of Taluka Development Officer, should be allotted duties which were allotted to them before Panchayati Raj came into existence.
155	6.11 (7)	.. Keeping in view the duties and powers of Mamlatdar as are transferred to Taluka Panchayat/Taluka Development Officer, the duties and powers of Collector and Prant Officer in respect of supervision, appeal, inspection and control should be transferred to the District Development Officer and Deputy District Development Officer on a matching basis.
156	6.11 (8)	.. Duties and powers such as implementation of land improvement laws, maintenance of land records and inspection work related to survey and settlement, land acquisition, inspection and control over administration of the municipality, work relating to industries other than village industries and cottage industries, maintenance of law and order and co-ordination with Government

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		departments should remain with the Collector and the Prant Officer. If any special officer is needed for the efficient performance of these duties in a area with a heavy workload, creation of the post of Assistant Prant Officer may be considered,
157	6.12 and 6.13 ...	The committee recommends laying down of clear and definite provisions as follows for the removal of encroachment and obstacles caused or to be caused on all public properties including Government property.
158	6.13(1) and (4)	In Panchayati Raj—administration, the power of removal of encroachment and obstacles from all public properties and land belonging to Government and Panchayats should be delegated by law to Taluka/ District Development Officers.
159	6.13(2) ...	Planned action should be taken for removal of encroachment by creating a special cell at the district level and the proceeding for making inquiry about the encroachment and for removal thereof should be reviewed from time to time.
160	6.13(3) ..	Lifting of encroachment and obstacles should be the primary duty of the Taluka Panchayats and the duty of District Panchayats thereafter. Gram/Nagar Panchayats may perform this duty voluntarily. It should be so provided that as at present when Gram/Nagar Panchayats remain inactive in this matter, the Taluka Panchayat may take steps according to the present provisions of law. Similarly when Taluka Panchayats remain inactive, District Panchayats should take action.
161	6.13 (5) ...	The powers which are delegated to the revenue administration under sections 61, 79-A and 202 of the Land Revenue Code and the rules made thereunder should be

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		delegated to Panchayats after making provision to that effect in the Panchayats Act.
162	6.13 (6)	.. In certain appropriate instances, the power of removal of encroachment and obstacles should remain with the Commissioner.
163	6.13 (7)	.. A provision should be included in the Panchayats Act to the effect that if a District Panchayat, taking initiative, undertakes survey of village site and grazing land, making appointment of surveyors who have proper technical knowledge and experience thereof, the maps so prepared by them should be considered as authentic.
164	6.13 (8)	.. The proposed Nyaya Panchayats should be vested with powers to settle the matter after formal inquiry in cases where claims are made or disputes arise in respect of right of property of land, between Panchayats and private persons.
165	6.13 (9)	.. A cell for the removal of encroachment and obstacles should be created at the divisional and state level ( in Revenue Department ) and the matter should be reviewed from time to time.
166	6.15	.. Gram/Nagar Panchayats should obtain the views and opinion of District Panchayats on proposals of town planning schemes in Gram/Nagar Panchayat area under the Town Planning Act. In this matter, District Panchayats should have general controlling and mandatory powers over Gram/Nagar Panchayats.
167	6.17	.. As rigorous efforts to implement the programmes of eradication of unemployment are being made by the sound and strong administration of the Panchayati Raj, all programmes of land improvement should be entrusted to it. The establishment for this

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		programme may be deputed to District Panchayats in the initial stage.
168	6.18	<p data-bbox="456 393 1040 797">Some powers under the Fertilizer Control Order, the Seed Act and laws and orders regarding crop protection are given to District Agricultural Officer as Government Officer. District level technical powers under all such laws and orders and all administrative powers and powers relating to control should be given to District Agricultural Officer and District Development Officer respectively, as Government officers under the direct control of Government and not as the District Panchayat officers.</p> <p data-bbox="456 826 1040 1044">Similarly, all technical powers under various Acts and orders which are being implemented by the Animal Husbandry Department should be given to District Animal Husbandry Officer and those relating to administration and control should be given to the District Development Officer.</p>
		<b>Co-operative Movement</b>
169	6.19	<p data-bbox="445 1135 1028 1379">The appointment of a high level committee for co-operative movement is under the consideration of Government. The question of entrusting more co-operative functions and activities to Panchayats should, therefore, be decided after the said committee submits its report and present position should be continued in the meantime.</p>
170	6.22	<p data-bbox="440 1408 1024 1679">All technical powers under the Infectious Diseases Act, Vaccination Order, Factory Act, Births and Deaths Act, Food Adulteration Act etc. should be delegated to the District Health Officer or he should be allowed to exercise all these powers and all powers regarding control should be delegated to the District Development Officer. These officers should exercise these</p>

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171	6.23	<p>powers under the direct control and supervision of the State Government. The District Health Officer should have full technical powers over bye-laws that may be framed in respect of sanitation and health for Gram/Nagar Panchayats.</p> <p>Separate parallel administration and organisations are functioning to-day in the fields of public health and family planning from village level to district level, which is not proper. If necessary, following arrangement may be made after submitting matter to the Central Government:—</p> <p>(1) At district level, District Family Planning Officer should be under the District Health Officer. This should be done observing proper distinction as regards class, seniority or pay-scales of these two officers. As various health programmes at district level are entrusted to the District Health Officer, the post of District Health Officer should be as important as that of Civil Surgeon or the Assistant Director of Medicine and Health. The District Family Planning Officer and two Assistant Surgeons concerned with family planning programmes should be under the District Health Officer. The area of the district should be divided geographically and distributed among them and all the three should be entrusted with the joint responsibility of intensive public health and family planning.</p> <p>(2) Minimum two primary health-cum-family planning centres per taluka should be established gradually at taluka level, and thus a taluka should be divided into two or more geographical divisions and a medical officer in joint charge of public health and family planning should be posted at each centre.</p>

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(3) There are separate establishments at village level for family planning, malaria, small-pox and other infectious diseases; they should be pooled and for implementation of all programmes, the post of a multipurpose basic health worker should be created. However, posts of auxiliary nurse-mid-wife should be continued as separate establishment to supervise the programmes of health of women and children.

17b) 6.24

In order to enable the Taluka/District Panchayat to take proper action by its own administration in cases where the Gram/Nagar Panchayats may not actively perform their functions which are allotted to them under the Shop Establishment Act, Food Adulteration Act, Sanitation Act and under the bye-laws made under the Panchayats Act, etc. Taluka/District Panchayats should be given powers parallel to the powers and functions allotted to Gram/Nagar Panchayats under the above-mentioned Acts.

173 6.25

There is a separate administration under the Social Welfare Department for urban areas. It should be wound up and its work should be transferred to the district officer of the department under the District Panchayat under direct control of the Government, and for efficient discharge, the present non-gazetted staff of the said department should be transferred to the office of the District Social Welfare Officer of District Panchayat in each district, in proportion to the work in each district.

174 6.26

The Chairman of the All India Panchayat Parishad, Shri S. K. Dey, who had visited Gujarat and had studied the Panchayati Raj administration in Gujarat has made certain recommendations about certain

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		schemes and programmes. These should be kept in view by the departments concerned and they should carefully consider inclusion of the same in their Fifth Five Year Plan. There are certain recommendations of a general nature regarding delegation of powers.
175	6.28	-- The activities and schemes upto district level pertaining to extension and development programme which are yet not entrusted to Panchayati Raj bodies should be expeditiously reviewed by the departments concerned and proper proceedings should be started to entrust such schemes and activities to Panchayats without any reservation.
176	6.30	-- All Secretariat Departments and all heads of departments should be properly entrusted to see that whenever any activities, schemes, functions and powers are entrusted to Panchayats by the Government, sufficient provision for the finance, establishment and equipments is made for the same.
177	6.31	.. The provision under section 158 (c) of the Panchayats Act which enables the Government to resume any activity, scheme, function or power entrusted to Panchayats is quite helpful for strengthening the Panchayati Raj and the same should be continued.
178	6.32	.. If out of the various activities, schemes and programmes which are entrusted to District Panchayats by the Government, the maximum possible quantum is transferred to Gram / Nagar / Taluka Panchayats, it will be in conformity with the broad policy of decentralisation.
179	6.32 (1)	-- The activities, schemes and programmes which are entrusted to District Panchayats

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		should be reviewed and their transfer to the Panchayats at lower level should be considered.
180	6.32 (2)	.. Out of the activities, schemes and programmes which are to be entrusted in future to District Panchayats, those which are transferable to the Panchayats at lower level should be included in the order of transfer itself.
181	6.32 (3)	<p>.. All schemes, activities, programmes and functions except the following should be transferred to Taluka Panchayats:—</p> <ol style="list-style-type: none"> <li>(1) Proposed secondary health centres, cottage hospitals and class II hospitals.</li> <li>(2) Major District Roads and original works on other roads.</li> <li>(3) Maintenance and repairs to proposed National Highways and State High Ways.</li> <li>(4) Original construction works of buildings costing more than twenty thousand Rupees.</li> <li>(5) Original construction works of minor Irrigation schemes as well as check-dam, percolation dam etc. costing more than twenty thousand rupees.</li> <li>(6) Powers under sections of the Act pertaining to co-operatives.</li> <li>(7) Schemes which are relating to more than one Taluka and are of district level such as district poultry centre.</li> <li>(8) Powers and functions of an officer superior to the Mamlatdar under the Land Revenue Code and rules made thereunder.</li> </ol>
182	6.32 (4)	.. Entrustment of the activities and schemes to the maximum possible extent especially to Gram and Nagar Panchayats, which are



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		considered as 'better' and 'best' taking into account their efficiency and the staff may be considered.
183	6.32 (5)	Schemes at State as well as District levels should be framed in such a manner that they can be implemented by Gram / Nagar Panchayats.
184	6.32 (6)	If committees at Gram / Nagar level are appointed for the implementation of any scheme or activity of the Government or District / Taluka Panchayats, the office bearer of the Panchayat of that level should be given a higher position therein.
185	6.33 to 6.34	Under the present provisions of the Panchayats Act in Gujarat, no Panchayat of any tier can create sources which may bring income or can establish agricultural or industrial undertakings on commercial basis. Panchayats in Gujarat are capable of raising such sources and undertakings. Village people will get at reasonable rates, proper services, materials and supplies and they will also get a new outlook and inspiration, if Panchayats sponsor certain undertakings in certain fields. A provision should therefore, be made in the law to the effect that Panchayati Raj bodies can establish commercial estates and public undertakings in agriculture, industry, public works and in other fields on commercial basis as per list given in appendix XII and they should be easily provided with necessary capital, equipments and services of experts.
186	6.34	A specific provision should be made in the law to the effect that the State Panchayat Council can undertake joint undertakings relating to Panchayats with the will and support of various Panchayats.

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<b>Primary Education</b> <b>General Observation</b>		
187	7.1	<p>.. The analysis of complications and embarrassments which are on increase year by year in the sphere of primary education reveals that they are due to the extent of the primary education rising at a pace beyond imagination. The Committee feels that thinking on constructive lines and devising a solution is necessary in order that required teaching staff, facilities like teaching aids buildings, etc. and other services would be available in this sphere at an appropriate time and in proper proportion.</p> <p style="text-align: center;"><b>Form, Organisation and Constitution of the Education Committee</b></p>
188	7.2	<p>.. While considering the proposals of constituting a separate School Board, it is felt that the constitution of more than one autonomous body at the district level would prove fatal rather than conducive to the concept and idea of stabilizing and strengthening democratic decentralisation. Therefore, with a view to maintaining the standard of education, the Education Committee should be so constituted as would consist of members who have aptitude for and practical experience in teaching and are educated and cultured.</p>
189	7.3	<p>... The existence of the Education Committee as an integral part of the District Panchayat, its position, jurisdiction, tenure, full-time Chairman and the relations that exist between the two should remain status quo.</p>
190	7.3 (1)	<p>.. Existing functions, duties and powers of the Taluka Panchayat in respect of primary education may be continued subject</p>

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		to the administrative policy chalked out by the District Panchayat. This may be assigned to its Executive Committee, if the Taluka Panchayat so desires.
191	7.3 (2) to 7.3 (4)	Persons having aptitude for and practical experience in teaching may be taken up as members of the Education Committee of the District Panchayat, but selection of all such members should be made by the elected members of the District Panchayat. The Education Committee should consist of 9 members in case of District Panchayats having the total strength upto 39 members and of 11 members in case of District Panchayats having more than 39 members. The committee should be constituted as under :—
		<b>From amongst ordinary voters of the rural district</b>
		(a) From amongst persons holding bachelor's degree in any faculty and having at least five years' teaching experience in any of the categories of education, namely, primary, secondary, higher or vocational. <span style="float: right;">3 2</span>
		(b) From amongst persons having at least bachelors' degree in any faculty and having interest in the field of education. <span style="float: right;">1 1</span>
		(c) From amongst persons having minimum ten years' teaching experience and having aptitude for the work in the educational field. <span style="float: right;">1 1</span>

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		(d) Reserved seats :
		(1) For women .. 1 1
		(2) For Scheduled Castes.. 1 1
		(3) For Scheduled Tribes: 1 1
		in case of those districts where the population of scheduled tribes is more than five per cent of the total population.
		Persons who are at least Matriculate or hold educational qualifications equivalent to it may qualify for the above reserved seats.
		<b>2. From amongst elected members of the District Panchayat</b>
		(e) From amongst elected members of the District Panchayat itself.
		(1) In case of districts, where 3 2 seats have been reserved for scheduled tribes.
		or or
		(2) In case of other Districts 4 3
		<b>Total Seats .. 11 9</b>
		One representative elected by the Presidents of unauthorised municipalities may be taken up as an associate member of the Education Committee.
192	7.3 (5)	.. A specific provision should be made that members of the Education Committee may elect their Chairman from amongst themselves and that the President of the District Panchayat cannot become the Chairman of the said committee and that the Vice-President can become the Chairman of the Committee only if he is elected by the members of the Education Committee.

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193	7.3 (6)	... Since the form of the Education Committee is of a peculiar type, powers to remove the Chairman of the committee on the strength of 2/3., majority may be assigned both to the general body of the District Panchayat and to the Education Committee.

#### Strength of teachers

194	7.4	At least two posts of teachers for Standards I to IV of the primary school and minimum one post of teacher for each standard in respect of standards V, VI and VII should be sanctioned, irrespective of the number of students. Due to financial difficulties, this suggestion should be adopted on experimental basis, first of all in the backward areas.
195	7.4	Posts equivalent to one per cent of the total posts of teachers may be sanctioned as leave reserve posts in every district.

#### Building for Schools

7.5	For the construction, maintenance and proper upkeep of school-buildings and class-rooms, the Committee recommends as follows :
196	7.5 (1) .. Having selected various type designs for school-buildings, calculations for the same may be worked out on the basis of the approved schedule of rates for construction work in force from year to year. The existing ceiling for expenditure per class-room may be abolished and a criterion may be prescribed for giving Government grants for school-buildings at the rate of 50 per cent of the expenditure, against which Panchayats may be allowed to contribute from their local funds.

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197	7.5 (2)	.. In every village in remote and backward areas, at least one class-room may be constructed at Government cost without expecting public contribution.
198	7.5 (3)	.. Liberal provisions should be made in the Fifth Five Year Plan and specific arrangement should be made so that Government grants for school-buildings are received within one year at the latest.
199	7.5 (4)	.. Powers of sanctioning special repairs to school-buildings should be assigned and grants required for the purpose should be allotted to the District Panchayats.
200	7.5 (5)	... As regards routine repairs to school-buildings, if Panchayats allot 50 per cent of amount required for districtwise routine repairs on the basis of the prevailing schedule of the Public Works Department from the datum grant or from their own resources earmarked for primary education, the remaining fifty per cent amount may be sanctioned as Government Grant-in-aid.
<b>Financial resources for primary education</b>		
201	7.6 (1)	.. Having kept in reserve 10 per cent amount of their united resources, Gram Nagar Panchayats may utilise the remaining amount for Balvadis, Kitchen-gardens, adult education and for primary, secondary or vocational education.
202	7.6 (1) and 10.7 (1)	The Taluka Panchayat should levy compulsory education cess at a minimum rate of ten paise per every rupee of land revenue and utilise the income derived therefrom for primary education.
203	7.6 (1)	.. Out of the income derived from the local fund cess on land revenue the District Panchayats, should spend at the rate of ten paise instead of eight paise per rupee for primary education, and the income derived

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		at the rate of five paise per rupee should be spent for education of women and children and also for other educational programmes including adult education.
204	7.6 (2)	<p data-bbox="445 456 1026 766">.. The recommendations regarding payment of datum capitation grant, not exceeding 2/3 of the total expenditure, at the rate of hundred per cent of the total expenditure on non-teaching staff and at the rate of Rs. 2 per pupil on the basis of the attendance of pupils, made by the committee appointed under the chairmanship of the Director of Education, may be accepted with the following liberalizations :</p> <p data-bbox="491 766 1034 1197">(a) In case where the average attendance is about 80 per cent of the total enrolment, the entire amount of grant should be given. However, schools belonging to backward areas should be earmarked and in such cases, full grant should be given even if the average attendance is 60 per cent. In both these areas, where the average attendance is less than 80 and 60 per cent respectively, the grant should be calculated taking 50 or 60 per cent, as the case may be, as equal to 100 per cent and proportionately less grant should be given.</p> <p data-bbox="491 1215 1034 1366">(b) Grant should be given to the extent of 50 per cent of the total expenditure, instead of following the existing standard which restricts it to 2/3 of the total expenditure.</p> <p data-bbox="491 1394 1034 1665">(c) Datum capitation expenditure should be calculated every year and block grant should be given in the beginning of the year, and the amount of the block grant should be adjusted in proportion to the actual expenditure of that particular year, after comparing the figures of the expenditure of that year with those of the preceding financial year.</p>

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**Some of the concepts relating to primary education and programmes thereof**

- 205 7.7 .. In order that the new generation may not remain illiterate, a system of part-time education for two hours either in the morning or in the evening, should be introduced alongwith the Applied Nutrition Programme in backward areas and for the weaker sections.
- 206 7.7 .. It should be made obligatory for the members, officials and personnel of the District and Taluka Panchayats to make every year at least one illiterate adult literate. Similarly, appropriate remuneration should be given to the local teachers by Panchayats for conducting classes for adult education on a permanent basis. Panchayats should chalk out and implement essential schemes in this respect, from their own funds with the help of the Government grant-in-aid.
- 207 7.8 .. A farm admeasuring two to ten acres should be raised by Gram/Nagar Panchayat for conducting activities like farming, cottage industry, animal husbandary, etc. in primary schools, so that the children may be initiated in actual life and get nutritious food. The centrally sponsored scheme of Applied Nutrition Programme should be extended in the period of the Fifth Five Year Plan and Panchayat gardens should be raised to the possible extent, and the scheme of Panchayat Farm should be implemented by the Education or the Agriculture department in other areas as necessity arises.
- 208 7.9 .. A study complex, an activity complex and an educational complex should be created as envisaged in the report of
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Sr. No.	Paragraph No.	Summary of the recommendations
		the Education Commission and action should be taken to plan such a type of education.
209	7.10	<p data-bbox="448 465 1007 906">.. Compulsory education should be strictly enforced when well-to-do families fail to send their children to schools and definite arrangements should be made, <i>viz.</i>, the head-master and teachers of the school should prepare a list of children who do not attend the school and submit the same in writing to the Gram Panchayat, thereonwards the Sarpancha would shoulder the responsibility in this regard, and if the Sarpancha fails to persuade such families, it would be the duty of the Talati-cum-Mantri to file a formal complaint under the Compulsory Education Act and start other legal proceedings.</p> <p data-bbox="500 924 962 984" style="text-align: center;"><b>Recruitment, transfer and training of primary teachers</b></p>
210	7.11	<p data-bbox="448 1008 1007 1097">.. A committee for recruitment of teaching staff of primary education should be constituted on the following pattern :—</p> <ol style="list-style-type: none"> <li data-bbox="475 1124 1007 1184">(1) Chairman of the Education Committee.</li> <li data-bbox="475 1197 1007 1257">(2) One lady member of the Education Committee.</li> <li data-bbox="475 1270 1007 1421">(3) One member of the Education Committee belonging to scheduled castes or tribes (depending on the caste or tribe that has more population in the concerned district).</li> <li data-bbox="475 1434 945 1465">(4) Principal of Training College.</li> <li data-bbox="475 1476 862 1506">(5) Administrative Officer.</li> </ol>
211	7.12(1)	<p data-bbox="448 1536 1007 1652">.. As regards transfer of the teaching staff, a district level Transfer Committee, comprising of any four members of the Recruitment Committee other than the</p>

Sr. No.	Paragraph No.	Summary of the recommendations
		Principal of the Training College and the District Development Officer should be constituted.
212	7.12(2)	<p>The existing instructions regarding transfer of teachers are required to be made more stringent. Following changes are suggested in the instructions issued by the Director of Education, laying down certain norms for transfer :—</p> <ol style="list-style-type: none"> <li data-bbox="494 647 1014 971">(1) A definite standard should be fixed to the effect that teachers should be transferred only once a year during the summer vacation. It should also be resolved that if an exception is to be made therein, the members of the Transfer Committee should assign proper reasons therefor and it should be ensured that the proportion of such transfer does not exceed one per cent of the total strength of teachers.</li> <li data-bbox="494 993 1014 1106">(2) During the year, the Transfer Committee may order transfers upto maximum ten per cent of the total strength of teachers.</li> <li data-bbox="494 1128 1014 1212">(3) The powers at Taluka level regarding provisional transfer of teachers within the Taluka should be annulled.</li> <li data-bbox="494 1233 1014 1408">(4) The existing practice of appointing teachers, immediately after their training, at their native places or places nearby should be discontinued and an interest-free loan with easy instalments should be advanced to them for training.</li> <li data-bbox="494 1430 1014 1627">(5) While transferring teachers belonging to Scheduled castes and Scheduled tribes and also women teachers, apart from the facility of accommodation, all types of conveniences for them and the social atmosphere should invariably be taken into consideration.</li> </ol>

Sr. No.	Paragraph -No.	Summary of the recommendations
		<p>(6) In cases where husband and wife both are teachers or one is a teacher and the other is in service of the Government, Semi-Government or Panchayat authority, both should be transferred simultaneously or the practice of transferring them in such a way that both can stay at one and the same place should be strictly implemented.</p>
		<p>(7) The present provision which generally allows the teachers to work at one and the same place for a period of five years should be revised and the period should be extended upto ten years.</p>
		<p>(8) The Standing Committee of the State Council for Panchayats should keep a vigilant eye on the transfer of teachers and the Director of Education should make necessary scrutiny in this regard.</p>
		<p>(9) Authentic History Cards and compendious pucca-bound registers should be maintained for every teacher, stating details of service, personal details, conveniences and various places for transfer and reasons thereof.</p>
		<p>(10) It should be seen that the members of the Transfer Committee receive proposals of transfer ten days prior to the date of meeting, so that transfers may be ordered after due discussions and the notes of dissent, if any, should specifically be recorded in the minutes.</p>
213 7.12(3)	..	<p>The present constitution of the Appeal Tribunal for teachers and other teaching staff should be changed and the Chairman of the Education Committee, the District Development Officer and the District Educational Inspector should be its members.</p>

Sr. No.	Paragraph No.	Summary of the recommendations
214	7.13	<p>.. When the candidates who desire to be recruited as teachers are not selected, they have to unnecessarily bear the expenditure of training . A policy should, therefore, be implemented, according to which, first of all an interview should be arranged for the selection of teachers and only those who succeed therein should be sent for training and the persons who do not pass the post training examination should be relieved. When the untrained teachers with a long period of service are sent for training, they should be given an interest-free loan, equal to the amount of their last pay, every month during the period of training, and the rate of stipend during the training period should be increased suitably. Training in refresher course should be imparted to teachers once in every four years along with full pay and stipend.</p> <p><b>Protection of interest, and economic development of and social justice for the weaker and backward classes of Society</b></p> <p><b>Uplift of the Backward and Weaker classes</b></p>
215	8.1 and 8.2	<p>The Committee makes the following basic recommendations so as to ensure the economic development of and social justice for the weaker and backward classes of the society.</p>
216	8.2	<p>The following items should be within the scope of the Social Justice Committee whose formation is obligatory at all the three tiers :—</p> <p>(1) Items and schemes relating to individual and community facilities to be given to the weaker sections of the people including the scheduled castes and scheduled tribes, and programme planning and implementation thereof.</p>

Sr. No.	Paragraph No.	Summary of the recommendations
		(2) Investigation into and disposal of cases pertaining to injustice to and discrimination against these classes.
		(3) Preparation, operation and implementation of the schemes from the amounts reserved from the proposed equalisation fund, upliftment fund and internal resources funds.
		(4) All other situations and issues concerning these classes which may arise.
217	8.2	.. Like the existing District Panchayat Education Committee, this committee should be given autonomous and unfettered jurisdiction in the matters mentioned above.
218	8.2	.. The decision of the Social Justice Committee of the State Panchayat Council as to whether any question or issue falls under the purview of the Social Justice Committee, should be considered as final.
219	8.2	.. Provision should be made to the effect that an appeal or revision application against the decision of the Social Justice Committee can lie before the Social Justice Committee formed at a higher level.
220	8.3	.. It should be provided that if a member of the scheduled caste or tribe moves a proposal or a resolution regarding the said class, in Panchayat or in the concerned committee and if it is rejected, the same should be conveyed to the Panchayat at a higher level immediately and that Panchayat should reconsider the same resolution without delay. In the case of District Panchayat, such a representation should be made to the State Government or to the competent authority.

Sr. No.	Paragraph No.	Summary of the recommendations
<b>Economic development of the weaker sections</b>		
221	8.4 and 16.9	The time has come when the tendency to pity the weaker sections should be rooted out. Economic development of these classes is the only true solution for the development of their independent entity and personality.
222	8.5	The present provision in Five Year Plans is required to be increased four to six times for the economic development of the people of the weaker sections in the society. Necessary advance planning should be made so as to ensure a precise approach towards economic development of such sections in the Five Year Plan Schemes.
223	8.6	(a) Panchayats at all the tiers should reserve and utilise minimum five per cent of its aggregate internal resources or minimum twenty per cent of its internal resources that remain in balance after deduction of fixed administrative and other recurring expenditure from the same or an amount in proportion to the population of scheduled castes and tribes of the area-whichever amount is greater-from out of these three alternatives for the work pertaining to social justice and economic development of such castes. Such allocation should be non-lapsable. The District Panchayat should show such amounts from its own fund in the budget every year, which should be credited after raising a non-lapsable fund to be known as 'Harijan and Adivasi Upliftment Fund of the District'. If Gram/Nagar/Taluka Panchayat frequently fails to utilise this amount, the District Panchayat and the State Government should be authorised to credit the said amount in the above fund and utilise it for the development of such classes

Sr. No.	Paragraph No.	Summary of the recommendations
		<p>residing in such areas. If the grant-in-aid of Panchayat is forfeited due to discrimination practised towards Harijan Adivasis, the same should be credited to the said fund and utilised for the development of such classes in that area. Gifts, donations, etc. received for these purposes should also form part of this fund.</p>
324	8.6 (b)	<p>.. Amounts from the State Equalisation Fund should be allotted among districts in proportion to the districtwise population of the weaker sections against the total population of the weaker sections in the State. Until the High Power Commission appointed by the Government defines the 'weaker sections of the society' the expression should mean as under:—</p> <ol style="list-style-type: none"> <li>(1) Members of scheduled castes.</li> <li>(2) Members of scheduled tribes.</li> <li>(3) Members of Denotified and Nomadic tribes.</li> <li>(4) Landless labourers.</li> <li>(5) Rural artisans.</li> <li>(6) Destitute persons.</li> <li>(7) Small farmers having perennial irrigation facilities in one acre or seasonal irrigation facilities in one and a half acres of land or holding three acres of land or those holding five acres of land in desert areas.</li> </ol> <p>All the weaker sections shown above should be entitled to the benefits of the State Equalisation Fund. But the total population only of Sr. Nos. 1 to 5 should be kept in view while allotting the amount of the Fund. Appropriation of the Equalisation Fund should be restricted to the</p>

Sr. No.	Paragraph No.	Summary of the recommendations
		development of such weaker sections for which schemes should be framed and implemented, and the State Equalisation Fund should be renamed as 'State Weaker Sections Upliftment Fund'.
225	8.6 (c)	.. There should be a specific provision that even among scheduled castes and scheduled tribes, the most backward communities like Bhangi, Khalpa, Chamar, Nadia, Advasi, agricultural labourers, Halpati, Kotwaliya, Kolga, etc. should be the prime beneficiaries of at least the double amount in proportion to the total population from out of the special provision kept as reserve.
226	8.6 (d)	.. The present provision of the District Equalisation Fund should be continued for the development of backward areas.
227	8.7	.. Proper schemes for training should be worked out and implemented to impart necessary industrial training to the rural artisans belonging to weaker sections.
228	8.8	. A definite arrangement should be made to ensure that the village artisans avail of necessary raw materials in sufficient quantities at reasonable prices and provision as to advancement of loans to them at reasonable interest from the proposed Revolving Loan Fund should be made.
229	8.9	.. Waste lands on the village outskirts should not be acquired by Panchayats but they should be developed and the people of weaker sections should be settled thereon. Similarly, by reserving the minimum requirements of grazing lands, the surplus lands in charge of Gram Panchayats should be resumed and handed over to the District Panchayat for assigning the same to the agricultural labourers after making it cultivable and for reserving it for small village industries like pottery, tannery and milling work.



Sr. No.	Paragraph No.	Summary of the recommendations
230	8.10	In order to make the weaker sections self-reliant without harming their self-respect, from out of the amounts received by the District from the District Harijan-Adivasi Upliftment Fund and the State Weaker Sections Upliftment Fund, a Revolving Loan Fund like the Revolving Tribal Block Fund should be jointly raised and loan upto Rs. 1,000 per family at two per cent interest should be advanced for occupations like poultry, animal husbandry etc. The District Panchayat should be allowed to take loan from the Bank for this fund. Harijans and Adivasis should be given priority in advancement of loan from the Fund.
231	8.11	.. The Social Justice Committee of the State Council for Panchayats should chalk out schemes and programmes according to the model shown in Appendix XIII, out of the amounts reserved and funds maintained at the Panchayat level for the upliftment of weaker sections and should give proper guidance to Panchayats at all the three tiers.
232	8.12	.. Liaison and co-ordination should be established on a permanent basis between the corporations constituted for the economic development of Adivasis, Harijans and other weaker sections and Panchayats at three tiers.
233	8.13	.. As the Government and the Panchayati Raj Institutions have firmly resolved to abolish the most unbecoming practice of carrying nightsoil as headload, before 15th August 1973, retaining of permanent provision in the Act for Bhangi Kashta Mukti is not proper. However, the following suggestions should be provided for in the Panchayats Act for covering exceptional cases.

Sr. No.	Paragraph No.	Summary of the recommendations
234	8.13 (1)	.. All the public and private basket latrines in the State must be converted into flushed latrines within a year and if it is not possible to convert them they should be demolished.
235	8.13 (2)	.. New basket latrines should not be constructed.
236	8.13 (3) and 10.20	During the period of conversion of basket latrines, the Panchayat should abolish the 'Gharaki' system and make arrangement for cleaning the latrines by imposing special conservancy charges at reasonable rate.
237	8.13 (4)	.. The Government should issue clear directives for absorbing the relieved Bhangi-Workers on road conservancy or drainage works, or on vacant posts of class IV servants. However, the Government grant-in-aid starting from 100 per cent in the first year to 75, 50 and 25 per cent in the second, third and fourth year respectively, should be given to Panchayats for creation of some posts for some years to come for continuing the workers who cannot be so absorbed. The Government should implement a special scheme of settling these Bhangi Workers into proper occupations and admitting their children into Ashram-shalas for primary education.
238	8.14	The Taluka-District Panchayats should strictly enforce the provisions made under bye-laws under the Panchayats Act through Gram/Nagar Panchayats, for the removal of dead bodies of animals.
		Necessary amendments as to payment of reasonable amounts to 'Chamar' families for removal of dead animals by their owners, should be made in the present bye-laws.

Sr. No.	Paragraph No.	Summary of the recommendations
239	8.15	When any public facility is provided to a village, its first benefit should go to backward areas like Harijanvas, tribal areas and such a provision should be strictly implemented.
240	8.16	Strict arrangement should be made so that no separate Harijanvas is established on a village-site. It should be deemed to be the primary duty of Gram/Nagar Panchayat to so arrange things that land for a housing is available per family to weaker sections. In view of this, out of the village-site plots now existing or to be added in future, 30 per cent should be reserved for members of scheduled castes or scheduled tribes and 20 per cent for other economically backward classes.
241	8.17	.. A report regarding discrimination practised against members of the scheduled castes, and tribes by other members of the Panchayat submitted by the Social Justice Committee after investigation should be given due weightage by the competent authority.
242	8.18	.. In places where Harijanvas cannot freely take water from public reservoirs it should be presumed to be due to the fear and opposition of caste-Hindus and a section to that effect should be incorporated in the Act, and statutory grants as well as grants-in-aid to such Gram/Nagar Panchayats should be discontinued forthwith under the statutory provision.
243	8.19	. . . Where the trusts for water-works prevent Harijans from taking water, steps should be taken under other laws. Further if permission has been granted for utilising the public land belonging to Government or Panchayat for such water-works the

Sr. No.	Paragraph No.	Summary of the recommendations
		same should be withdrawn or if it is un-authorised utilisation of it should be stopped immediately.
244	8.20	Regarding discrimination shown towards Harijans, the Government should publish a self-contained manual framing integrated policy of the Government by co-ordinating the orders and instructions issued by the various departments and offices.
245	8.21	.. A statutory provision for constitution of Social Justice Committee under the Chairmanship of the Chairman and Deputy Chairman of the State Council for Panchayats should be made. This Committee should supervise the work of the Social Justice Committees at lower level and make a suitable recommendations to the State Government if necessary.
246	8.22	In order that members of the scheduled castes and tribes may have adequate opportunity for entering into Panchayat Service and also have proper safeguards for service, a specific provision should be made in the Act so that the provisions existing for the State Service apply "Suomotu" to Panchayat Service. The set-up existing at the state level for ensuring reservation of posts for such classes should also keep a watch on the reservation of posts for these classes in Panchayat Service.
247	8.22	.. It should be statutorily provided that one member belonging to scheduled caste/scheduled tribe should be in the State Panchayat Service Selection Board and the District Panchayat Service Selection Committee, and if necessary, suitable person from the said two classes should be appointed as a fourth member in the District Committee.

Sr. No.	Paragraph No.	Summary of the recommendations
248	8.23 and 10.13..	For rationalising the tax structure for Panchayats, suitable recommendations are made in a Chapter on Financial Resources.
249	8.24	.. The schedule of functions of Panchayats should clearly provide for the weaker sections like Harijans and Adivasis according to appendix-XIV.
250	8.25	.. Specific arrangement should be made so that Harijan/Adivasi panchayat members at all the tiers can give certificates to the effect that the Harijans/Adivasis are belonging to backward classes.

#### Establishment and other facilities

251	8.26	.. The present Social Welfare Officer should be designated as the District Social Justice Officer. In view of the nature and quantum of the duties and functions to be assigned, the post should be upgraded and made class-I post. A condition for preference to graduates particularly of Gujarat Vidyapith, Gandhi Vidyapith or Rural Faculty of University or Faculty for Social Work should be inserted in the Recruitment Rules for the above post. If necessary, a provision as to the appointment on this post of experienced and suitable officers from out of Deputy District Development Officers should be made.
252	8.27	.. A post of Extension Officer ( Social Justice ) should be created to deal with the work of social justice at taluka level and to pay special attention to the programmes for women and children. Provisions suggested above for the post of District Social Justice Officer should apply even for recruitment to this post.

Sr. No.	Paragraph No.	Summary of the recommendations
253	8.28	.. Special vehicle like jeep, station wagon or motor-car and facility of personal telephone at office and residence should be given at district level for the extensive and emergent tours of the Social Justice Committee.
254	9.1 to 9.4	.. It is criticised that the Panchayati Raj administration is not as efficient, disciplined and systematic as Government administration. Representations are also made about certain unhealthy trends, inconsistencies, delays and conflicts prevailing in the Panchayati Raj administration, inert attitude of officers and improper conduct and dealings of office bearers of public bodies. However, it cannot be said that the above irregularities, defects and omissions are prevailing only in the Panchayati Raj administration and that the Government and other administrations are free from them. However, in order to make necessary improvements in the Panchayati Raj administration and to make it efficient, strong and effective as far as possible, this Committee, having discussed and reviewed the subject properly desires to suggest certain remedial measures.
255	9.5 to 9.13	.. The circumstances and courses responsible for the unhealthy tendencies arising in Panchayati Raj administration are as under :—  (1) First experience of officers to work under the popular administration at field level.  (2) Basic and significant differences existing between traditional and Panchayati Raj administrations. Different modes of administrative control and responsibilities between the two administrations.

Sr. No.	Paragraph No.	Summary of the recommendations
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Sr. No.	Paragraph No.	Summary of the recommendations
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visits, small conferences, refresher courses of long duration visits, of outside areas, etc. should be arranged and feelings of isolation of the Panchayat Officers should be removed thereby.

259 9:17

Provisions under sections 123 and 143 of the Gujarat Panchayats Act are required to be made more clear and definite. It should be clearly provided that the powers and functions entrusted to District / Taluka Development Officers by the Government or District / Taluka Panchayats should be exercised subject first to the decisions of the Presidents of all the District/Taluka Panchayats and then to the District/Taluka Panchayats. And accordingly the District/Taluka Panchayat and its President should be given specific over riding powers over the District/Taluka Development Officers. These powers should not be restricted only to matters of policy or principle but should extend to giving of written orders in individual cases.

There should be a specific provision that the President or Panchayat can issue any instruction or give guidance in individual cases in matters wherein powers are entrusted to the District Development Officer in quasi-judicial matters. There should be a specific provision that in cases where Government decides to entrust and activity, scheme or duties to the District/Taluka Development Officer in direct control of the State Government instead of the Panchayati Raj Institution, the Panchayat or its President shall have no right to interfere in the matter.



Sr. No.	Paragraph No.	Summary of the recommendations
260	9.17(2)	.. There should be a specific provision in the Act that a Panchayat can entrust any of its powers and duties to the Presidents of District/Taluka Panchayats and the chairmen of the committees.
261	9.18 (1) to (3)	Following specific and clear procedures should be laid down under Acts and Rules. Duties of officers to give correct advice and the responsibility of office-bearers to take final decision in writing should be specifically determined. It should be made clear that the liability of the officer or employee will depend upon the fact as to whether he has given correct exposition and advice to the Panchayat, whatever be the final decision of the Panchayat.
262	9.18(4)	.. The directives issued by the Panchayat Officers should be in harmony with the decisions taken by the concerned Panchayat or committee, and the concerned officers should be kept conversant with the same.
263	9.19	.. Traditions are the core of the Panchayati Raj administration. Certain traditions should be strengthened as shown below :—
		(1) Mutual respect should be observed. Other man's viewpoint should be examined discreetly and at length. Even though there be a difference of opinion no criticism should be made. For establishing mutual understanding there should be exchange of views.
		(2) Sections of the Act should be interpreted not from the view point of asserting of rights but in their true spirit.

Sr. No.	Paragraph No.	Summary of the recommendations
		<p>(3) Healthy traditions should be established between office-bearers and officers for arriving at important decisions.</p> <p>(4) Higher authorities should be immune to wrongful pressures. Similarly, the officers should develop a perspective for making proper representation to effect changes in existing orders.</p> <p>(5) Departmental bias or mentality should be avoided and the importance of community-spirit or the community-works should be recognised.</p> <p>(6) A new officer should be well-acquainted with the prevailing traditions, procedures and delegation of powers of the Panchayat, right from the beginning.</p> <p>(7) Whenever officers of the Panchayat desire to obtain guidance from the higher authority on a particular issue or seek orders in policy-matters, office-bearers must invariably be kept informed about the same.</p>
264	9.20 and 9.53 ..	It should be statutorily provided that uniform conditions and opportunities for service and promotion are ensured in Panchayat service and the benefits and facilities that are granted to Government employees should <i>suo-motu</i> extend to the employees in Panchayat service at the same time.
265	9.21	When any Panchayat makes any resolution or takes a decision contrary to Government policy or any discord arises between the Panchayat officers and its office-bearers, the concerned higher authority should visit the place, get familiar with the situation and try for proper solution. This practice should be established.
266	9.22 and 9.23..	Panchayats at every level should be constituted by the people through direct election, duplication in administration may be

Sr. No.	Paragraph No.	Summary of the recommendations
		removed, independent tribunals should take action against the office-bearers of Panchayat, and employment of officers having proper experience and mental bias should be placed in Panchayats-all these suggestions made elsewhere in the report by the committee will reduce conflict between officers and office-beares.
267	9.24 and 9.62	A practice of holding individual and joint meetings and work-camps of Presidents of District Panchayats, District Development Officers and Heads of the Departments under the auspices of the State Council for Panchayats should be introduced.
268	9.25	.. In oder to investigate into, analyse and solve the conflict existing <i>inter se</i> , investigation through neutral institutions like the University and the Research Centre should be undertaken and the suggestions made therein should be acted upon properly, without hesitation and with an open mind.
269	9.26	.. Technical and administrative officers at the District level should be vested with special powers of appointing the subordinate staff, and also penal powers in that respect.
270	9.27	. Every District/Taluka Panchayat should prepare a complete schedule of delegation of powers, duties and responsibilities.
271	9.30 and 9.31..	The committee appointed by the Government under the chairmanship of the then Development Commissioner, Shri Rasilkal Shukla to review the administrative set-up of the District and Taluka Panchayats. and make recommendations in that respect had recommended an increase in the strength of the establishments of District/ Taluka Panchayats and the High level

Sr. No.	Paragraph No.	Summary of the recommendations										
		<p>Committee on Panchayati Raj concurs with this. However, the recommendations as to the creation of post made in the report of Shri Shukla Committee <i>vide</i> Serial Nos. 30, 31, 37, 38, 39, 40, 54, 79 and 82 do not seem to be necessary. The following special recommendations/proposals should be kept in view.</p>										
272	9.32(a)	<p>.. The necessary establishment as shown below should be created at taluka level for the proper supervision over and visits to Gram Panchayats in order to ensure efficient working and administration of Gram Panchayats:—</p> <table data-bbox="460 771 1037 1130"> <thead> <tr> <th data-bbox="475 771 666 833">No. of Gram Panchayats</th> <th data-bbox="793 771 988 797">Establishment</th> </tr> </thead> <tbody> <tr> <td data-bbox="460 862 629 888">1. upto 30</td> <td data-bbox="709 862 1030 888">1. Extension Officer.</td> </tr> <tr> <td data-bbox="460 906 655 931">2. 31 to 60</td> <td data-bbox="709 906 1030 997">1. Extension Officer and one additional separate clerk.</td> </tr> <tr> <td data-bbox="460 1004 635 1030">3. 61 to 90</td> <td data-bbox="709 1004 1022 1030">2. Extension Officers.</td> </tr> <tr> <td data-bbox="460 1048 689 1073">4. More than 91</td> <td data-bbox="709 1048 1030 1130">3. Extension Officers and two separate additional clerks.</td> </tr> </tbody> </table>	No. of Gram Panchayats	Establishment	1. upto 30	1. Extension Officer.	2. 31 to 60	1. Extension Officer and one additional separate clerk.	3. 61 to 90	2. Extension Officers.	4. More than 91	3. Extension Officers and two separate additional clerks.
No. of Gram Panchayats	Establishment											
1. upto 30	1. Extension Officer.											
2. 31 to 60	1. Extension Officer and one additional separate clerk.											
3. 61 to 90	2. Extension Officers.											
4. More than 91	3. Extension Officers and two separate additional clerks.											
273	9.32(b)	<p>.. Talukas should be classified into grade-1 and grade-2 talukas by the Director of Agriculture considering the number of villages and farmers in each taluka and also the category of farming etc., and accordingly 1 or 2 posts of Agriculture Extension Officers should be allotted.</p>										
274	9.32(c)	<p>.. Regarding the post of Extension Officer (Co-Operation), talukas of grade-1 and grade-2 should be specified by the Registrar of Co-operative Societies considering the number, condition and workload of the co-operative societies and two posts of Extension Officers should be sanctioned for grade-1 taluka.</p>										

Sr. No.	Paragraph No.	Summary of the recommendations
275	9.33 and 12.14 ..	All powers as to the creation of posts from the Panchayats' own funds should be delegated to District Panchayats subject to special or general orders of the Government. Similarly, for the activities transferred by the Government, the District Panchayat should be vested with powers to create the posts of Tagavi clerks, record clerk, general clerk, typist etc. subject to the specific prescribed norms within an annual limit of rupees fifty thousand.
276	9.34	- As important functions in the field of planning, co-ordination and redressal of public grievances at district level are to increase, the revenue administration upto the district level is to be entrusted to Panchayats, and as the scope of various programmes like employment and applied nutrition is widened and is to widen further, in addition to filling the post of the third Deputy District development Officer held in abeyance, minimum one more post of Deputy District Development Officer for each big district and one more post of Chitnis for each remaining district should be sanctioned. Out of the two posts of Chitnis and Head clerk in the collector's office, one post may be kept in abeyance to effect economy.
277	9.35 and 9.73 ..	Suitable officers on the cadre of District Statistical Officers should be posted as Deputy District Development Officer (Planning) as well as programme, on posts not exceeding 25 per cent strength. Permanent planning machinery alongwith proper establishment should be set up for the continuous study of the economic and social conditions at the district level as well as for the preparation, review and evaluation of the schemes.

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278	9.36	.. With reference to the recommendation as to transfer of the revenue administration upto the district level to Panchayats and Development Officers, Talukas of the state should be distributed under two divisions. In Talukas consisting of present Tribal Blocks and in the other Talukas with heavy workload specified by the Government as of grade-I taking into consideration all the matters such as the number of villages, population, annual budget, revenue workload correspondence workload in the Office etc. Class-I Officer should be posted as Chief Administrative officer i. e. Taluka Development Officer-cum-Revenue Officer and Class-II officer should be posted as Deputy Taluka Development Officer under him. In the remaining talukas of grade-II, Class-II officer should be posted as a Chief Administrative Officer and the post of Assistant Taluka Development Officer in Class-III should be sanctioned in the Superintendent's grade of Rs. 250-480.
79	9.37	The posts required to be created as per the recommendations made by the Committee in other chapters, are referred to in this paragraph.
80	9.38 and 9.39	.. For various cogent reasons it is not desirable to form cadres of the administrative and technical officers separate from the State for the Panchayati Raj Institutions.
81	9.40	.. The principle of deputation of officers in Panchayats with previous sanction of the the concerned Panchayats is good in theory but in practice its implementation being too difficult it is not acceptable .
82	9.41 and 9.61	.. In order to ensure that officers sent to the Panchayats on deputation possess proper calibre and efficiency the procedure suggested below should be implemented:— (1) Secretariat Departments and Heads of Departments should submit the proposals

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		<p>of deputation to or reversion from Panchayats of the officers through the Minister for Panchayats or the officer as may be specified by him by special or general order, and after approval, orders in this regard should be issued. This practice should be established. The same procedure should be applied also to the transfer of officer from one Panchayat to the other Panchayat, before the expiry of his term.</p> <p>(2) It should be provided that officers who have not taken training in the Panchayati Raj Refresher Courses cannot be deputed to Panchayats, If as an exceptional case, any untrained officer is so deputed he should be given training in first stage on priority basis.</p> <p>(3) A practice of mutual transfer of the officers under Panchayats and Government at every five years should be established.</p>
283	9.42 and 9.43	<p>.. In consideration of the status and importance of the post of the District Development Officer, it is not desirable or practical to downgrade the said post below that of Indian Administrative Service.</p>
284	9.44	<p>.. Selection grade officer of class I, of the Gujarat Development Service should be appointed as District Development Officer in the Dangs and Gandhinagar Districts.</p>
285	9.45	<p>.. In the whole administrative set up at district level the post of District Development Officer is as important as that of the Collector and this importance is likely to enhance in future. Out of the officers having administrative experience of minimum two years as a Deputy Secretary, Head of the Department or Collector, the</p>

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		officers with proper aptitude, approach and efficiency should be appointed as District Development Officers so that the services of experienced, well acquainted, active, and devoted officers may be available on the post of District Development Officer.
286	9.47 and 9.48 ..	The committee has recommended elsewhere for the constitution of a Tribunal at the Divisional level for hearing and disposing of appeals and complaints regarding service matters of the employees in Panchayat Service. In this context, it is not necessary to continue the provision for taking advice of the Panchayats service selection Board prior to imposing punishment upon the employees of Panchayat service.
287	9.48 ..	Provisions regarding the State Panchayat Service Selection Board and the District Panchayat Service Selection Committees giving advice on the recruitment and other service matters pertaining to Panchayat Service are quite in order and same should be continued.
288	9.48 ..	A separate administration of Departmental Enquiry Officer at State level established for Departmental Enquiry in respect of a Panchayat Employees should be continued and expanded according to requirements.
289	9.49 ..	Necessary provision should be made so that the post charged on the Panchayats own funds should become an integral part of proper cadre at district level and these employees should have proper opportunities for promotion in Panchayat Service as well as State service., after equation of their posts.



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290	9.50	<p>.. Panchayat service staff should be provided opportunities for promotion as follows :—</p> <p>(1) Administrative Staff should be given promotion on the Class-II post of Gujarat Development Service.</p> <p>(2) Accounts Staff should be given promotion on the posts of Gujarat Development Service Class-II or Accounts Officer Class-II post as opted out by them.</p> <p>(3) Extension Officers including other technical staff should be given promotion on the gazetted technical post of the concerned departments or on the Development Service Class-II posts, as opted out by them.</p>
291	9.51	<p>.. Under the statutory provisions made under the Gujarat Panchayats Act, section 203 (4) for granting promotions to the staff of the Panchayat Service in the State service, action should be taken to publish these rules within a fixed period of three months.</p>
292	9.52	<p>.. As the Gujarat Administrative Service cadre has been constituted and as the committee has recommended for abolishing the posts of Mamlatdars, Gujarat Administrative Service Class II should be constituted amalgamating the cadres of Mamlatdar and Gujarat Development Service Class II.</p>
293	9.53	<p>.. Specific actions should be taken to provide sufficient loans to the employees of Panchayat Service for house-buildings, purchase of cycle, motor-cycle, fans etc., as well as to implement for them the schemes of competition and award of prizes.</p>
294	9.54	<p>.. In case a Panchayat employee does not get salary during his pre-service training due to</p>

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		the condition of service he should be given salary amount without interest and in easy instalments.
295	9.55	.. Government land should be assigned to Panchayats for construction of quarters for the employees in Panchayat Service.
296	9.56	.. By creation of 25 per cent posts of selection grade in the cadre of Talati-cum-Mantri and by bringing the pay scales of Circle Inspector and Clerks on par with the same a system of <i>inter-se</i> transfer among the said three cadres should be implemented.
297	9.57	.. It should be clearly provided that rules and regulations and policy laid down for transfers in State Service should <i>Suo motu</i> apply to Panchayat Service, also at the same time. A norm of ten years instead of five years for transfer of certain employees should be introduced, so that the field officers or employees functioning in the fields of agricultural programmes, animal husbandry, family planning, public health, education; social education and social justice can gain necessary confidence at rural level.
298	9.57 (2) and (3) 9.57	If any exception is proposed to be made in the rules, regulations and policy prescribed for the transfers, an officer selected by the District President should first of all personally examine the circumstances of the case and submit a report. Any transfer made during the non-vacation period should be considered an exception.
299	9.57 (4)	.. Following norms should be established for transfers. The Taluka Development Officer should send the proposals of transfers containing the remarks of the President of the Taluka Panchayat along with his own views to the District Officer by name two months in advance of the

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		vacation. The District Panchayat should prescribe the norm for powers and procedure for the transfers. No transfers can be made without taking into account the opinions of the concerned District Officer and the District Development Officers.
300	9.57 (5)	.. The domestic, social and other conveniences of the Harijan, tribal and women employees on their transfer, should always be taken into consideration.
301	9.57 (6)	.. Cards containing the service-history of each employee and his social responsibilities and needs or caderwise registers bearing on transfers of employees should be maintained.
302	9.57 (7)	.. Powers should be delegated to the District Panchayats to make appointment of the officer/employee on a particular post and to transfer them within district, after the orders as to deputation of class II and Class- III Officers / employees to District Panchayats are issued on their being placed on deputation to the Panchayats.
303	9.59 and 9.65	.. In view of the importance of training if the heads of Gram, Nagar, Taluka and District Panchayats, the chairmen of the Committees and elected members of Nyaya-Panchayat fail to avail of the training prescribed for them a specific provision as to the termination of their membership should be made.
304	9.60	.. Office bearers of the Panchayats should be given job training about the acts, rules, administration, functions, duties, routine administration and schemes and programmes of the Panchayat.
305	9.62	.. Arrangement of sending at least one Senior Officer from the Departments concerned

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		with Panchayati Raj, to each training class organised by the National Community Development Institution at Hyderabad should be made.
306	9.63	.. Concerned Departments and offices of the State Government should design and put into operation immediately the necessary schemes for imparting training to the employees concerned with the activities assigned to Panchayats and on its establishment, arrangement as to its review should be made by the State Council for Panchayats.
307	9.64	.. In order to meet with the requirements of training of the office bearers and employees of the Gram Panchayats, one Panchayati Raj Training Centre should be established in every district.
308	9.66	.. In order to impart job training to the office bearers of the District / Taluka Panchayat the teaching staff and other facilities should be increased at the training and study centre at Junagadh. A practice to depute professors to the said centre from the University or Research Centres as per requirements should be formed.
309	9.67	.. Preparation of literature in simple Gujarati Language and of manuals regarding the Panchayati Raj Administration should be entrusted to the Training and Study Centre.
310	9.68	.. It should be provided in the recruitment rules that Panchayat Diploma would be a necessary requirement, for all the staff excluding technical staff recruited directly. A training centre with proper facilities should be established under the auspices of State Council for Panchayats for conducting Panchayat Diploma classes.

Sr. No.	Paragraph No.	Summary of the recommendations
311	9.69	<p>.. Two months' training regarding revenue matters should be organised at the Administrative Training School for the Taluka Development Officers promoted or to be promoted from the rank of Extension Officers, etc.</p> <p style="text-align: center;"><b>Planning, Co-Ordination and organisation at District level</b></p>
312	9.70 and 9.71	<p>.. A District Planning Board presided by the President of the District Panchayat and consisting of the following members should be constituted to make planning more realistic at field level and to ensure willing participation and collaboration from all the people concerned in framing the local schemes :—</p> <ol style="list-style-type: none"> <li>1. President of the District Panchayat.</li> <li>2. All the members of parliament of the District.</li> <li>3. All the members of Legislative Assembly or of the District.</li> <li>4. Collector.</li> <li>5. All the Presidents of Municipalities of the District.</li> <li>6. The Vice-President of the District Panchayat.</li> <li>7. Representatives of the District Co-operative Bank, the District Co-operative Board and the District Co-operative Marketing Association.</li> <li>8. Chairman of various committees of the District Panchayat.</li> <li>9. The Presidents of the Taluka Panchayats.</li> <li>10. The District Development Officer.</li> <li>11. District Level Officers of Government and Panchayat.</li> <li>12. Representatives of the commercial and industrial institutions.</li> <li>13. Representatives selected from institutions like the University, the college, etc. and also amongst local prominent persons such as engineers, doctors, etc.</li> </ol>

Sr. No.	Paragraph No.	Summary of the recommendations
		The District Planning Board should undertake planning of the whole district through study groups.
313	9.71(4)	In the same way a Taluka Planning Board in a miniature form of the District Planning Board should be constituted at Taluka level.
314	9.72	<p>In order that all the District level schemes of the Five Year Plan may be reviewed at local level, a Planning and Review Committee consisting of the members of the District Planning Board should be constituted at District level as under :—</p> <ol style="list-style-type: none"> <li data-bbox="475 797 1028 851">1. President of the District Chairman Panchayat.</li> <li data-bbox="475 857 862 884">2. Members of Parliament.</li> <li data-bbox="475 889 862 944">3. Members of the Legislative Assembly.</li> <li data-bbox="475 950 862 1004">4. Vice-President of the District Panchayat.</li> <li data-bbox="475 1010 862 1101">5. Chairmen of various Committees of the District Panchayats.</li> <li data-bbox="475 1106 644 1133">6. Collector</li> <li data-bbox="475 1139 862 1193">7. The District Development Officer.</li> <li data-bbox="475 1199 1028 1253">8. The District Planning Member-Officer. Secretary</li> </ol>
315	9.74	<p>.. The Co-ordination work of all the matters excluding law and order should entirely, be assigned to the President of the District/ Taluka Panchayat so as to maintain proper co-ordination between the office-bearers / officers of the Panchayats and the Government machinery at that level and the local set-up of the public autonomous institutions. A public co-ordination committee should be constituted at District level under the Chairmanship of the President of the District Panchayat, having</p>

Sr. No.	Paragraph No.	Summary of the recommendations
		<p>the District Collector, the District Development Officer, Heads of Government Departments at District level and District level Officers of Semi Government institutions, as its members. The existing District Co-ordination Committee under the Chairmanship of the District Collector for achieving co-ordination between various departments of the State Government, should be continued. The President of the Taluka Panchayat should be the chairman of the Taluka Level Public Co-ordination Committee, while the Taluka Development Officer should look after the working of the Taluka Co-ordination Committee.</p>
316	9.75	<p>.. The work of conducting and directing the development programmes within the municipal areas should be assigned to the District Panchayat.</p>
317	9.76	<p>.. In order to pay attention to the grievances of the people and for appropriate disposal thereof, a Public Grievances Committee should be constituted as under at district level on a permanent basis :—</p> <ol style="list-style-type: none"> <li data-bbox="474 1179 999 1243">1. President of the District Chairman Panchayat.</li> <li data-bbox="474 1252 632 1279">2. Collector.</li> <li data-bbox="474 1297 850 1361">3. The District Development Officer.</li> <li data-bbox="474 1370 988 1397">4. Members of Parliament of the District.</li> <li data-bbox="474 1406 1011 1470">5. One Member of the Legislative Assembly nominated by the Government.</li> <li data-bbox="474 1479 1011 1561">6. One representative of the District Panchayat's Committee for Social Justice.</li> <li data-bbox="474 1570 999 1597">7. Two social workers nominated by the</li> <li data-bbox="410 1607 712 1634">and 8. Government.</li> </ol>

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318	9.77	.. A definite procedure should be laid down in respect of making applications to the Public Grievances Committee and for the disposal of the same. The District Panchayat may create a necessary set-up for this purpose and an official as may be selected by the President of the District Panchayat should work as the Secretary of the said committee.
319	9.78	.. An arrangement for on the spot disposal of small or big problems should be made. Detailed recommendations in this regard have been made in para 9.78.
320	9.79	.. Papers be should properly inwarded in the offices of Panchayats. Worksheets should be maintained. A definite procedure should be prescribed so that receipts are regularly noted and their disposal is ensured and supervision over pending papers and their systematic disposal is maintained and this work should be entrusted to an officer, specified for this purpose.
321	9.80	<p>.. Following measures are proposed to ensure proper supervision over and inspection of construction works pertaining to flood relief, scarcity relief and rural manpower employment:—</p> <p>(1) Responsibility should be specifically and definitely allotted to the different employees, earmarked for this purpose in respect of these four matters, viz. marking presence of labourers, noting of measurements, verification of measurements and payment of labour charges.</p> <p>(2) The supervision work over such matter should be divided between administrative and technical officers under the District Taluka Panchayat.</p> <p>(3) A regular inspection should be carried out in respect of whatever responsibility, entrusted to the concerned officers.</p>



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322	9.81	.. Definite time-limits for the execution of the functions and duties of the Panchayats should be fixed after consideration. An arrangement should be made so that the Panchayati Raj administration is officer-oriented rather than clerk-oriented. Over and above the high level teams of various departments for Panchayati Raj Bodies, a high level team for Panchayati Raj should be appointed on a permanent basis under the chairmanship of the Vice-chairman of the State Council for Panchayats which would cover all the respective departments.
<b>Financial Resources of Panchayats</b>		
323	10.1 to 10.3	.. Looking to the functions and duties of the Panchayats of all the three tiers, their financial resources are in fact, mostly inadequate and unsatisfactory. Despite slight increase in the income from taxation by the District/Taluka Panchayats, their own funds have shrunk due to the heavy burden of expenditure over them. The Committee, after studying all the aspects of the local resources, makes the following detailed recommendations for the expansion of the sphere of local taxation.
324	10.4	.. The existing provisions for parallel taxation spheres among the panchayats of all the three tiers should be annulled.
325	10.5(1)	.. The present 50 paise rate of compulsory local cess on the land revenue should be increased to Re. 1 and those Panchayats who have already made such an increase under section 169(3) should be included therein.
326	10.5(2)	.. Moreover, a provision may be made to the effect that a District Panchayat may voluntarily, further increase the rate of local cess on the land revenue by 50 paise.

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327	10.5(3)	.. Small farmers paying land revenue upto Rs. 10 should be exempted from a future increase in the rate of local cess.
328	10.6	.. Considering the local circumstances, a statutory provision should be made to empower the Taluka Panchayats to increase the rate of local cess on water tax upto Rs. 0.30 paise per rupee from the present level of Rs. 0.20 P. per Rupee.
329	10.6	.. 50 per cent of the income derived from local cess on water tax should be allotted and utilised for construction and maintenance of local rural roads and small culverts in the irrigation areas. It should also be laid down that if this amount is not fully utilised during a particular year, the same should be utilised for the said purpose in the next year.
330	10.6	.. If roads, culverts, causeways of any particular irrigation area are damaged to a greater extent, expenditure exceeding the above 50 per cent amount may be incurred from out of the income derived from the local cess on water tax.
331	10.7(2)	.. A statutory provision may be made to the effect that the Taluka Panchayats may after obtaining prior permission of State Government, voluntarily impose Education cess upto 50 per cent of the existing rate of Education cess of the State. [For recommendations regarding Compulsory Education Cess, see para 7.6(1) and 10.7(1)]
332	10.8	.. The provision that Gram/Nagar Panchayat may levy a tax on professions should be annulled and a specific provision should be made enabling the District Panchayats to levy a tax on professions as per the rate and scale shown in Appendix XVI, within the limits of Rs. 250 subject to

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		the terms and conditions and the minimum and maximum rates as may be fixed by the Government. This tax recovery work should be entrusted to the Gram/Nagar Panchayats and income upto 50 per cent of the actual amount recovered by way of such taxes should be given to them.
333	10.9	.. At present local cess upto Rs. 0.25 p. per Rupee of land revenue can be imposed by the Gram/Nagar Panchayats, as desired by them. Now, an arrangement should be made so that the Gram/Nagar Panchayats may increase the said rate upto the full Rupee on permanent basis and they may effect a further adhoc increase upto one Rupee solely for a special scheme.
334	10.10	.. The recommendations made by the Octroi Inquiry Committee appointed under the Chairmanship of Maldevjibhai Oedra, should be accepted, and implemented to the fullest extent so that the resources of Panchayats may not dwindle due to the abolition of octroi duty.
335	10.11	.. Specific and definite provisions should be made in the law so that if the State Council for Panchayats so recommends or if the Government themselves find it necessary, the Government may, in consultation with the State Council for Panchayats, impose on behalf of the Panchayats, such taxes as are not within their purview or may increase the rates of existing taxes and allot all the income derived therefrom to the Panchayats.
336	10.12	.. Under the existing provision of clause (ix) of section 178(i) of the Gujarat Panchayats Act, any prescribed tax which the State Legislature has power to impose under the Constitution in the State, can be levied

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		by the Gram/Nagar Panchayats. The benefit of this provision should be extended to Panchayats of all the three tiers and instead of delineating such a policy under rules a criterion should be adopted for according sanction on individual merits.
		<b>Changes in the rates of taxation</b>
337	10.13 and 8.23	The rates of taxes, to be imposed by the Gram/Nagar Panchayats should be made progressive.
338	10.14	.. The existing scale for exemption in house-tax should be revised and the limit for exemption should be made more realistic by raising the standard scale to the value of Rs. 500 or the annual rental value of Rs. 30. The rates of house-tax for buildings worth Rs. 10,000 or more, or offering annual rental upto Rs. 1,000 or more, should be in the ascending order as shown in the table given in the paragraph of the report.
339	10.15	.. The minimum water-charges of Rs. 2 for slum areas, should be reduced to Re. 1 for Harijans, Adivasis and other weaker sections.
340	10.16(1)	.. The provisions contained in section 99 and 100 of the Municipalities Act, regarding exemption from local taxes, should be introduced in the Panchayats Act.
341	10.16(2)	.. The policy for granting exemption from local taxes as may be determined by the State Government, in respect of Municipalities, should remain the same even for Panchayats.
342	10.17	.. The rates of taxes and fees to be levied by Gram/Nagar Panchayats have been prescribed under rule-97 and those for water-supply are prescribed in Rule 98. In the

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		same way minimum and maximum rates for the use of water for construction works should be prescribed in Rule 104.
343	10.18	.. A provision should be made to enable the Gram/Nagar Panchayats to supply water and charging for the same on meters so as to prevent waste and misuse of water for industrial and the like purposes for which water is required in great quantities.
344	10.19	.. The existing minimum rates of vehicle tax should be continued for the weaker sections and an increase in the maximum and minimum rates should be effected as shown in the concerned paragraph.
345	10.20 and 8.13	The weaker sections of the community should be exempted from the general sanitation cess. Special sanitation charges should be made realistic by raising them 6 to 8 times.
<b>Strict taxation measure</b>		
346	10.21	.. The provisions, similar to those contained in section 182 of the Gujarat Panchayats Act, which compel the Panchayats to impose taxes in order to tide over their financial crisis and in cases where they are directed to undertake particular work but do not have adequate funds for conducting the same, should be made applicable to the Taluka Panchayats, and a provision similar to that contained in section 131 of the Gujarat Municipalities Act should be made applicable to the Panchayats of all the tiers.
347	10.22	An arrangement should immediately, be made to supercede all those Gram Panchayats which have failed to levy compulsory taxes under the Gujarat Panchayats Act and to appoint and administrator

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		to impose those compulsory taxes which are to be levied under the law.
		<b>Fees for essential services</b>
348	10.23	- In order to meet with the capital expenditure incurred including the loans taken, for providing the services and facilities of water-supply, street-lights, drainage, sanitation, bus-stand, etc. a statutory provision should be made to enable the Gram/Nagar Panchayats to impose compulsory fees at suitable rates, after making an appropriate calculation and assessment of the expenditure.
349	10.24	.. A provision to the effect that the Panchayats may charge fees at the following rates in those dispensaries which were transferred to them by the Government or which are being run with their own funds, should be made in the Act. <ol style="list-style-type: none"> <li data-bbox="493 1001 1027 1119">(1) The charges shall be recovered subject to the minimum and maximum rates, as may be determined by the State Government.</li> <li data-bbox="493 1137 1027 1192">(2) The weaker sections of the Society shall be exempted from the fees.</li> <li data-bbox="493 1210 1027 1292">(3) The formalities and proceedings as may be laid down by the Government shall be completed before imposing fees.</li> <li data-bbox="493 1310 1027 1428">(4) The income derived from such fees shall be utilised for increasing equipment facilities in dispensaries and for purchase of medicines, etc.</li> </ol>
		<b>Assessment and satisfactory recovery of taxes</b>
350	10.25	A special establishment for assessment consisting of expert employees should be created at District level to make an impartial and appropriate assessment of the taxes levied by the Gram/Nagar

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Panchayats. The District Panchayat should sanction the set up for this purpose and the expenditure thereof should be distributed over the Gram/Nagar Panchayats concerned. The engineering division of the Government should fix the technical criteria for assessment after considering the type of the building and the construction thereof, so that the levy of house-tax can be scientific.

- 351 10.25 — In extreme cases where financial position has deteriorated, action of superseding such Panchayats may be taken.

#### Government Grant-in-aid

- 352 10.26 and 10.27 While the funds of Panchayats are too meagre and inadequate in comparison with their functions and duties, they have to bear more and more financial burden therefrom. In these circumstances, the amount which is being deducted as the contribution of Panchayats at the rate of Re. 00.25 P. from the income of the local cess on land revenue, should entirely be allotted to the District Panchayats.

- 353 10.28 and 10.29 The scope of the District Gram Encouragement Fund should be extended in such a way that a proportional incentive grant may be given to the Gram/Nagar and Taluka Panchayats for the taxes imposed and the recovery made thereagainst, and a norm should be accepted for paying an additional amount of two per cent of the total land revenue of every district to the said fund as Government grant-in-aid.

- 54 10.30 and 10.31 In order that the District Panchayats may raise local resources by way of taxation, a scheme for giving an incentive grant to the District Panchayats by the State Government should be implemented
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		<p>by including the same as an integral part of the Fifth Five Year Plan. A principle of paying an incentive grant to the extent of at least 25 per cent of the actual recovery as against taxation amount increased by the District Panchayats should be accepted in the said scheme and if no satisfactory results are forthcoming the Government should be prepared to further raise the said rate.</p>
355	10.32	<p>Since the existing practice of allotting and deducting 35 per cent amount from the income of land revenue towards salaries of and expenditure on Talati-cum-Mantris for imparting them training, has proved somewhat impractical for Panchayati Raj bodies, they should be assured that no further, increase of any kind would be effected therein.</p>
356	10.33 and 10.46	<p>Five per cent amount out of the amount realised by the Panchayati Raj bodies as current receipts and as arrears of Government dues, excluding the land revenue and taccavi, should be allotted to the Panchayats as recovery charges. However, a provision should be made to the effect that out of the said five per cent amount two per cent should be allotted to the Gram/Nagar Panchayats, one per cent to the Taluka Panchayats and one per cent to the District Panchayats, allowing them to sanction additional staffs from out of this amount, if they so desire and the remaining one per cent amount should be kept as reserve and should be utilised for distributing incentive prizes to those employees whose performance is really good.</p>
357	10.34	<p>After working out the average figure of contingency expenditure incurred by every District/Taluka Panchayat during the last</p>



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		three years, a norm should be implemented for paying a grant-in-aid to the extent of 90 per cent of such expenditure, without any ceiling or limits and changes may be effected in the said norm every three years.
358	10.35	In order to give relief to the Panchayats from bearing out of their own funds, expenditure on uniforms of peons and towards their washing charges, an arrangement should be made so that such expenditure may be entered against the expenditure on pay and other matters of the respective employee and the required additional grant for this purpose may be sanctioned by the concerned department.
359	10.36	Provision for protective measure should be made so that the Panchayats may not have to bear any one-sided financial burden. A specific provision should be made in the Panchayats Act that only after consultation with and concurrence by the State Council for Panchayats, any such order should be issued or norm accepted by any of the departments of the State Government.
360	10.36	All one-sided encumbrances imposed in the past should be removed with retrospective effect; particularly the burden of five per cent amount for the maintenance of Primary Health Centre, which has proved to be too much for the District Panchayat. The same should be removed with retrospective effect.
361	10.37	The practice of collecting contribution from Panchayats for water supply schemes in the backward and inaccessible areas, should be abolished and such scales of maintenance charges for the said schemes should be fixed as would not exceed the local minimum rates of Panchayats.

Sr. No.	Paragraph No.	Summary of the recommendations
362	10.38(1)	In order to carry out the activities assigned to them, mechanical equipments should be allotted to Panchayats according to the criteria and rules and regulations laid down in this regard by Shri Lonkar Committee appointed by the Maharashtra Government. During the time such equipments are being sanctioned, if a District Panchayat with approval of the Government, purchases such machinery out of its own fund or through loan and keeps the work in progress, the Government should pay interest at suitable rate on the capital so invested.
363	10.38(2)	.. For equal and just distribution of existing equipments between the Government and the Panchayat, a specific provision should be made.
364	10.38(3)	.. A definite standard should be fixed and adequate amounts should regularly be provided and allotted every year for reaching safety level in respect of roads constructed under the scarcity relief works in the past, and for appropriate repairs and maintenance.
365	10.38(4)	.. Definite scales should be laid down for the permanent maintenance and preservation of public works carried out under the employment programmes and a norm should be fixed under which 75 per cent of the total amount should be borne by the State Government and 25 per cent by the Panchayats from their funds.
366	10.39	... A definite provision to the effect that the Government should bear all the pensionary charges of the employees of all cadres of the establishment transferred to the Panchayats as part of Government activities, should be made, even by amending the Act, if it is necessary to do so.

Sr. No.	Paragraph No.	Summary of the recommendations
367	10.40	.. According to the existing provisions of the Panchayats Act, Panchayats should be given all the required financial assistance for the activities and programmes transferred by the Government to them. However, for further clarification, the provisions contained in section 157 and 158 should be extended and essential resources and lands should also be included under such assistance.
368	10.41	.. With a view to offering suitable incentive to the Panchayats of all the three tiers for establishing community assets or public undertakings or for any other public activity or scheme, required land should be given by the Government on token price of Re. one.
369	10.42	.. A statutory provision should be made so that Panchayats may not have to pay two per cent commission for buying materials to the Central Stores Purchase Organisation, they may get materials at rates fixed by the Office of the Director-general of Supplies and Disposals, the Panchayat Raj bodies, alike other departments of the Government, may get concessions in the matter of sales tax and avail themselves of the services of the Government Pleaders, as do the Government departments ; and thus they may have all the facilities which are provided to the other departments of the Government. A policy decision should be taken enabling the Panchayats to avail unfailingly of all the facilities and conveniences that are enjoyed by the Government Departments. A statutory provision should be made to this effect. The recommendation for improving the scale of the Datum Capitation Grant against the expenditure incurred in respect of primary education is given in para 7.6.

Sr. No.	Paragraph No.	Summary of the recommendations
370	10.43	.. Various activities and schemes such as the seed multiplication farms, small irrigation works, poultry breedings centres etc. should be transferred to those District Panchayats, which are ready to undertake them on the basis of "no profit, no loss" subject to the condition that if loss is incurred, it should be borne from the Panchayats' own funds and if profit is made, the same should be utilised for developing and conducting all the activities transferred to them.
371	10.44	.. The Committee does not consider the reasons assigned for not giving certain grants to the converted Gram/Nagar Panchayats on the basis adopted for Municipalities, as improper. However, it is recommended that 25 per cent of the income realised from Motor Vehicle tax should be given to the Gram/Nagar Panchayats as grant-in-aid.
<b>Various Funds-District Equiaisation Fund</b>		
372	10.45	.. Even when the Panchayats of backward areas try their level best to raise taxation resources and still the annual income of the Gram Panchayats remains less than five hundred rupees and that of the Taluka Panchayat less than fifteen thousand rupees, then the difference should first be adjusted from the District Equalisation Fund on a lump sum basis.
373	10.46	.. While sanctioning a grant from the District Equalisation Fund, all the demands of the District should be scrutinised simultaneously and the grant should be sanctioned on merits. Backward Panchayats should be informed of this and publicity should be given to this aspect.

Sr. No.	Paragraph No.	Summary of the recommendations
374	10.47	.. The District Panchayat may be allowed to make necessary additions and alterations in the list of backward Panchayats, after examining the same every year.
375	10.48	.. In order to earmark a Panchayat as a backward one, the District Panchayat should determine specific norms by adopting a resolution and give it wide publicity.
376	10.49	.. If the backward and weaker Panchayats do not start the works which are to be undertaken from the Equalisation Fund, within six months or do not complete them within one year, or at instance of the Gram Panchayat, the Taluka Panchayat should complete such works even by incurring additional expenditure. The District Panchayat may be allowed to extend the said period, in such cases, upto two years, after going into the reasons for delay.
377	10.50	.. Investment of the entire amount of the Equalisation Fund in a nationalised bank, the District Co-operative Bank, or in a Post Office for a period of one year should be permitted.
<b>District Gram Encouragement Fund</b>		
378	10.52	.. The District Panchayat may be permitted to invest said Fund amount in the District Co-operative Bank, Post-Office, nationalised bank or in Government securities.
379	10.53	.. If compulsory taxes are levied at a rate exceeding the minimum rate, the income derived at such enhanced rates should be entitled to incentive grant from the said Encouragement Fund. According to the existing standard, grant should be given from the said Fund, against an increase in taxation to the extent of at least five per

Sr. No.	Paragraph No.	Summary of the recommendations
		cent in the case of the backward Panchayats and 10 per cent for other Panchayats. A provision should be made for giving such grant-in-aid in a progressively raising percentage as against the actual enhancing recovery of all the taxes and fees of the Panchayats concerned.
380	10.54	.. The District Panchayat should inform in a simple language all the Panchayats about the criteria and norms fixed for assistance from the District Gram Encouragement Fund, latest by 31st January.
<b>District Development Fund</b>		
381	10.55	.. The jurisdiction of the District Development Fund, which is at present conformed to Gram/Nagar Panchayats, should be extended and Taluka and District Panchayats should be covered thereunder.
382	10.56	.. The present system being clumsy and complicated should be changed and the Gram/Nagar Panchayats should be asked to credit ten per cent amount of the land revenue or grant for forest admissible to the said Panchayats subject to the limit prescribed, to the District Development Fund. Similarly, the Taluka / District Panchayats should be asked to credit to the said Fund the amount to the extent of 5 per cent and 1 per cent, respectively from the Statutory grants, subject to the limits of three thousand rupees in the former and ten thousand rupees in the latter case by direct deduction from the grant for land revenue.
383	10.57(a)	.. The existing policy of treating the Panchayats as agents of the Government, should be continued so far as the matter of advancing <i>taccavi</i> loan through Panchayats during the events of natural calamities, like scarcity relief, famine relief and flood relief, etc. is concerned.

Sr. No.	Paragraph No.	Summary of the recommendations
384	10.57(b)	<p>.. At present various Departments of the Government sanction loan amounts to Panchayats for advancing loan to private parties and institutions not specified in the above (a). Instead, a special scheme should be devised to grant loan to the Panchayats under the Fifth Five Year Plan and a norm to sanction average two lakhs of rupees to every District Panchayat as loan as a part of the District Development Fund should be implemented. The rate of interest for loan advanced to the Panchayats by the Government should be fixed at four per cent and Panchayats may charge interest at six per cent or more as may be locally determined, from private parties and institutions.</p>
385	10.58	<p>.. The existing provision of allowing interest to Panchayats on their contribution to the District Development Fund should be annulled as it is inconsistent and complicated.</p>
386	10.59	<p>.. The District Panchayat may be allowed to incur administrative expenditure to the extent of one per cent of the interest bearing amount of the District Development Fund or of the amounts loaned there from.</p>
387	10.60	<p>.. The objects of and the financial limits for loans from the District Development Fund should be amplified and extended as follows:—</p>
		<p>(1) Loan should be given to the Panchayati Raj institutions from the said Fund on liberal terms at a lower rate of interest, to encourage the said institutions to build up community assets and to undertake productive programmes.</p>
		<p>(2) As regards loans to the District Panchayats from the said Fund, a provision should be made enabling the Development Commissioner to sanction</p>

Sr. No.	Paragraph No.	Summary of the recommendations
		loan upto Rs. two lakhs : loan exceeding this amount should be sanctioned by the State Government.
		(3) A provision should be made, so that in appropriate cases where the Panchayats repay their instalments before due date, rebate may be given to them to the extent of one per cent in the rate of interest, by way of an incentive.
388	10.61	.. A provision should be made enabling the Panchayats to avail of the entire loan amounts for public contribution, from the District Development Fund for capital works.
389	10.62	.. A provision should be made in respect of the Panchayats which fail to repay the instalments of the loan withdrawn from the District Development Fund within the prescribed time limit to the effect that the same should be recovered from whatever grant, is payable to the Panchayats concerned.
390	10.63	.. A provision should be made to enable the District Panchayat to sanction loan from the District Development Fund to the Gram Panchayat as well as the Nagar and Taluka Panchayats upto Rs. twenty thousand and Rs. fifty thousand, respectively, while bearing in mind the concerned Panchayats' financial position for repayment of the amount of loan in appropriate annual instalments and administrative efficiency and for granting higher amount of loan, the District Panchayat should be required to obtain prior-approval of the Development Commissioner.
391	10.64	.. The existing scale of advancing loan from the District Development Fund to the extent of seventy five per cent of the expenditure estimated for the work should be raised to ninety per cent.



Sr. No.	Paragraph No.	Summary of the recommendations
392	10.65	The amount of contributions to the District Development Fund by the concerned Panchayats, which is in arrears should be treated as loan advanced to them and action should be taken to recover it by way of deducting the same from the grant of land revenue in suitable and easy instalments.
<b>Financial requirements for lucrative sources, machinery and Industrial undertakings</b>		
393	10.68 and 10.69	The following three alternatives are of equal importance for satisfying the loan requirements of the Panchayats for raising lucrative sources and establishing industrial undertakings and purchasing machinery, viz : (1) Loans may be taken from the Life Insurance Corporation or nationalised banks as and when required on strength of Government guarantee or (2) The State Government should earmark necessary loan amount in their budget or (3) a Panchayati Raj Finance Corporation should be established. Concrete measures should be taken to provide adequate loan to Panchayats for the above said purposes, after appropriately examining all the three alternatives.
394	10.69	.. A provision of one crore of ruppees on the basis of Rs. 20 lakh per year, should be made in the Fifth Five Year Plan in order to provide financial assistance to the Gram/ Naga Panchayats to the extent of 25 per cent for building community assets in addition to the 75 per cent loan from the District Development Fund.
<b>State-Panchayat relations in financial matters</b>		
395	10.70	.. The principle of appointing a high level team every five years should be accepted and implemented so as to fix the norms of

Sr. No.	Paragraph No.	Summary of the recommendations
		giving statutory grant and other grant-in-aid to the Panchayats and also to include properly the Panchayat level schemes in the Five Year Plan as an integral part thereof.
<b>Audit arrangement</b>		
396	11.1 and 11.2 ...	Since the Panchayati Raj bodies are the institutions which incur expenditure for public schemes it would not be proper to accept any proposal for effecting relaxation in the audit of their accounts.
397	11.2(1) ..	Accounts of the whole year should be audited cent per cent.
398	11.2(2) ..	The accounts of Panchayats of all the three tiers and of Local Development Authority, Federal Group Panchayat and Nyaya Panchayat as suggested by the committee should be audited by the authority set up under the Local Fund Audit Act.
399	11.2(3) ..	It is expedient to continue the limited test audit undertaken by the Accountant General under the Constitution of India over and above the audit under the Local Fund Audit Act.
400	11.2(4) ..	Necessary procedures should be laid down so as to avert duplication of audit work under the Local Fund Audit Act and audit by the Accountant General, and the resultant contradictory recommendations.
401	11.2(5) ..	The practice of making remarks on issues like audit of accounts at the time of administrative or technical inspection by the departments of the Government should be discontinued.
402	11.2(6) ..	Internal Auditor is no longer required as parallel audit is being carried out in respect

Sr. No.	Paragraph No.	Summary of the recommendations
		of the accounts of the District Panchayats. The Internal Auditor should, therefore, take active interest in getting the replies of the audit paras and audit notes of the District Panchayats in time and should see that the replies to the audit notes of the subordinate Panchayats are sent in time and are satisfactory.
403	11.3 and 11.4	.. It is distressing to note that a large number of audit reports and paras pertaining to Panchayats are pending unattended or without proper compliance. Repetition of the same points every year, want of approval or decision by the competent authority, carrying forward of outstanding recoveries from persons held responsible, non-availability of the old record and want of sufficient time with the audit for disposal after verification, are the causes mainly responsible for the pending objections. A lasting solution does not lie in making isolated attempts or launching a move for satisfactory arrangement for auditing of the accounts of Panchayats. It is, therefore, imperative to make radical changes in the system and procedure of audit as follows.
404	11.5	.. The existing rules and regulations regarding certain procedures and practices, which are uncalled for should be revised. The powers of condonation and waiver of objections, for all the three tiers of Panchayats to the extent of Rs. 100 should be vested in the Assistant Examiner of the Local Fund Accounts and to the extent of Rs. 250 should be vested in the Examiner at State level.
405	11.6	.. Primary responsibility for disposal of audit notes should be fixed on the Panchayat Mantri and Sarpanch /Chairman at Gram/ Nagar Panchayat level, on the concerned

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		<p>Extension Officer and Accountant at Taluka level, and on the concerned District level Officer at District level. The responsibility of reviewing the notes of Gram/ Nagar Panchayats should rest on the Extension Officer (Panchayat) at Taluka level and that of Taluka Panchayats and District Panchayats on the Assistant Taluka Development Officer and the Accounts Officer, respectively. Such responsibility should be specifically, earmarked in the Panchayats Act.</p>
		<p>Under the Local Fund Audit Act, the primary responsibility rests on the office-bearers of the District/Taluka Panchayats which is not proper. Hence, the primary responsibility should definitely attach to the officers as shown above and the overall responsibility of the District/Taluka Development Officer and the ultimate responsibility of the Chairman of the District/Taluka Panchayat, should continue.</p>
406	11.7	<p>.. If the office-bearers of Panchayats wilfully hesitate to reply to audit notes, or violate the same, this should be construed as misconduct, and action should be taken to remove them from office, without hesitation. If any Gram / Nagar / Taluka Panchayat which is habitually in default frequently fails to comply with or dispose of audit notes, or shows negligence there at, the powers to stop its statutory grants for the time being should rest with the District Development Officer and in respect of the District Panchayat such powers should vest in the State Government,</p>
407	11.8	<p>.. The recommendation of Shri Khanna Study Group, that the power to impose pre-audit on accounts of the Panchayats which commit irregularities in accounts or financial errors, or violate instructions in respect</p>

Sr. No.	Paragraph No.	Summary of the recommendations
		of financial matters on a large scale or very often, should be vested in the State Government, should be accepted and such powers relating to the Gram/Nagar Panchayats should be delegated to the District Development Officer and those relating to the Taluka /District Panchayats to the Development Commissioner.
408	11.9	.. The Divisional Commissioner should be empowered to fix responsibility and recover money in case of misuse, and misappropriation of money, malpractices and mismanagement of funds, etc. by Panchayats of all tiers. A provision should be made for appeal to the proposed State Level Panchayat Tribunal against the decision of the Commissioner.
409	11.10	.. A provision should be made to the effect that the powers regarding disposal of outstanding disputed notes after examining the merits of each individual case in respect of those Panchayats which do not repay the expenditure held inadmissible by the audit, and of recovery of such amounts from out of the Government grants should be vested in the District Development Officer and the Divisional Commissioner respectively, the jurisdiction of the former being restricted to the Gram/Nagar Panchayats and that of the latter to the Taluka and District Panchayats, and revision application against such orders may lie to the proposed Divisional Tribunal and the State Level Tribunal respectively.
410	11.11	.. A convention may be established in order to avail of the services of the officers of appropriate rank from the Office of the Accountant General who are well conversant with Gujarati language by deputation on the Local Fund Audit set-up so as to make it more vigilant and critical.

Sr. No.	Paragraph No.	Summary of the recommendations
411	11.12	.. In order to have a clear and vivid picture of the accounts position of the Panchayats at the first sight the Panchayats may be classified into three categories. viz. 'Good' 'Average' and 'poor' from the audit point of views.

### Training and Review

412	11.13	.. In order that the audit establishment may be conversant with the concept of the Panchayati Raj, its laws, rules fundamental objections, administrative set-up and its functioning, a practice should immediately be introduced to impart training to all personnel right from the Assistant District Examiner to the sub-auditor in the three-weeks refresher course being conducted by the Orientation and Study Centre at Junagadh.  A three-day peripatetic training should be given to Talati-cum-Mantris and Sarpanchs by the Assistant Examiner of the Local Fund Accounts at Taluka level or at a central place in case of a group of villages. Similarly, the account section of the District / Taluka Panchayat should be imparted one week training at District level by the audit establishment.
413	11.14	.. A manual should be prepared in a simple language providing guidance to the Panchayati Raj bodies in respect of accounts and audit procedure.
414	11.15	.. A meeting between the District Development Officer and the Assistant Examiner of the audit establishment at District level, should be held every quarter for reviewing the audit. The State level Examiner of the audit establishment should also attend such a meeting once a year in every District.

Sr. No.	Paragraph No.	Summary of the recommendations
415	11.16	.. The pending audit notes of the former District Local Board, District School Board, etc., should be reviewed at an early date and prompt action should be taken so that not a single para of the said notes remains pending after 31st March 1973.
416	11.17	.. The outstanding audit notes should regularly be subjected to strict scrutiny in the general meeting of the Panchayats of all the three tiers. The Financial Review Committee of the District Panchayat should review the notes in the audit reports of the Panchayats of all the three tiers and the action taken for their compliance. The District Development Officer and the Assistant Examiner of the audit establishment at District level should attend the meeting of the said Committee to render assistance to it. The annual report of the said Committee should be discussed in the general meeting of the District Panchayat.
<b>Freedom and facilities to the Panchayati Raj bodies in their administration and functioning, Revision of Laws, rules, methods and management procedure</b>		
417	12.2 and 12.3, 6.30, 6.32 and 10.40.	Various sections of the Panchayats Act, which make it obligatory to get prior sanction, provisions of rules made under that act, different kinds of control and checks exercised by the State Government and competent authority, are creating confusion and hindrances in the routine working of the Panchayats. Therefore, certain principles as under which have a bearing on decentralisation in its real sense, should better be kept in mind :—
(1) Alongwith the functions, schemes and activities entrusted to Panchayats,		

Sr. No.	Paragraph No.	Summary of the recommendations.
		<p>all necessary financial provisions, lands, equipments, establishment, powers, rights and responsibilities should be entrusted to them.</p> <p>(2) It is likely that erroneous decision might be taken in good faith. Concessions should be made for this and unhesitatingly advances should be made in the direction of decentralisation.</p> <p>(3) Faith and confidence in Panchayati Raj bodies and Panchayati Raj administration should be cultivated.</p> <p>(4) Delegations of powers should be clear and unambiguous and provisos and exceptions like 'if' and 'but' should not occur therein.</p> <p>(5) In as many fields as possible, the approach should be towards gradual delegation of power to Panchayats and the officers of Panchayats at lower level.</p> <p>(6) Six monthly review of the pattern of delegation of powers should be entrusted to a special sub-committee of the State Panchayat council.</p> <p>(7) Present rules should be examined from a constructive point of view and rules which are imposing improper or impractical control should be liberalised.</p> <p>(8) One approach should be towards gradual elimination of external control and check over Panchayati Raj bodies in all possible fields yielding place to internal check by the bodies themselves.</p>
418 12.4	..	For prompt and effective implementation by the Panchayats of the Schemes and



Sr. No.	Paragraph No.	Summary of the recommendations
		<p>activities transferred to them, it is necessary to effect changes in the following fields, for making considerable changes in the terms and conditions of transfer of power incorporated in the present rules, regulations and arrangement :—</p> <ol style="list-style-type: none"> <li>(1) Technical powers and technical matters.</li> <li>(2) Transfer of administrative power.</li> <li>(3) Regulations, restrictions and controls relating to financial matters to be relaxed and made liberal.</li> <li>(4) Certain powers of the State Government, under the Panchayats Act to be transferred to District Panchayat Officers.</li> </ol> <p style="text-align: center;"><b>Technical powers and concessions</b></p>
419	12.5 and 12.6	Powers mentioned in details in appendix XVII should be delegated to the technical officers.
420	12.7	.. At present Gram/Nagar Panchayats can undertake works costing Rs. 500 and Rs. 1,000 respectively without any technical sanction and without registering measurements; the said limit should be raised to rupees one thousand, five thousand and seven thousand for 'better' and 'best' Gram Panchayats and Nagar Panchayats respectively. Moreover, the provisions in paragraph 9.11 of the Community Development Manual, should be made applicable to all works within the limit mentioned above undertaken by all Government Departments, from the grant-in-aid as well as from their own funds. Care should be taken to see that such Gram/Nagar Panchayats have proper technical staff to undertake such works efficiently.

Sr. No.	Paragraph No.	Summary of the recommendations
421	12.8	<p>.. Following suggestions should be accepted in the interest of freedom in type design pattern:—</p> <p>(1) Eight to ten separate type designs should be prescribed for various geographical regions of the State.</p> <p>(2) As many alternatives as possible should be provided in regard to foundations, area-size, height, windows doors and roofs in type designs of the building.</p> <p>(3) No ceiling on expenditure should be prescribed for the sanctioned type design, estimates should be left to the engineering establishment of Panchayats in the context of the sanctioned rates of the respective year.</p>
422	12.9	<p>.. In order to avoid normal delay caused in preparing plans and estimates of works entrusted to Panchayats on account of insufficient engineering establishment, the Panchayats get some of them prepared by qualified private engineers, and get them technically sanctioned by the Government engineer or an engineer who has been so empowered by the Panchayats, the same should be accepted.</p>
423	12.10	<p>.. Instead of taking measures suggested in the above para 12.9, if any District/Taluka Panchayat finds it necessary to create any special engineering establishment for preparing expeditiously plans and estimates of its works and works of any panchayat under it the same be allowed to do so from its own fund.</p>
<b>Delegation of administrative powers</b>		
424	12.11 and 12.12	<p>Provisions of section 98 of the Panchayats Act should be modified as follows:—</p> <p>(1) If any land or other immovable property is acquired by any Panchayat of any tier from its own fund, it should</p>

Sr. No.	Paragraph No.	Summary of the recommendations														
		<p>be allowed to lease it for the period of 7 years without obtaining any previous sanction of the competent authority.</p> <p>(2) Various Panchayats, as detailed below, may be exempted from obtaining previous sanction of the competent authority for leasing out for a period exceeding 7 years or for absolute sale of, their self acquired immovable property, within the limits of amounts shown against them.</p> <table border="0"> <tr> <td style="padding-left: 40px;">1. Gram Panchayat</td> <td style="text-align: right; padding-left: 20px;">Rs.</td> </tr> <tr> <td style="padding-left: 80px;">Good ..</td> <td style="text-align: right;">Five hundred.</td> </tr> <tr> <td style="padding-left: 80px;">Better ..</td> <td style="text-align: right;">One thousand.</td> </tr> <tr> <td style="padding-left: 80px;">Best ..</td> <td style="text-align: right;">Five thousand.</td> </tr> <tr> <td style="padding-left: 40px;">2. Nagar Panchayat,</td> <td style="text-align: right;">Fifteen thousand.</td> </tr> <tr> <td style="padding-left: 40px;">3. Taluka Panchayat.</td> <td style="text-align: right;">Twenty five thousand.</td> </tr> <tr> <td style="padding-left: 40px;">4. District Panchayat.</td> <td style="text-align: right;">One lakh.</td> </tr> </table> <p>(3) The provision under the sections 98 and 119 of the Panchayats Act which makes it necessary for the Gram/Nagar/Taluka Panchayats to obtain previous sanction of the Collector/Development Commissioner for the Government property vested in them should be replaced by the provision to the effect that Gram Panchayats should take the previous sanction of the Taluka Development Officer and Nagar and Taluka Panchayats of District Development Officer.</p>	1. Gram Panchayat	Rs.	Good ..	Five hundred.	Better ..	One thousand.	Best ..	Five thousand.	2. Nagar Panchayat,	Fifteen thousand.	3. Taluka Panchayat.	Twenty five thousand.	4. District Panchayat.	One lakh.
1. Gram Panchayat	Rs.															
Good ..	Five hundred.															
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2. Nagar Panchayat,	Fifteen thousand.															
3. Taluka Panchayat.	Twenty five thousand.															
4. District Panchayat.	One lakh.															
125	12.13	<p>.. A provision should be made in the Act to the effect that a better or best Gram Panchayat or a Nagar Panchayat can propose changes in the model bye-laws supplied by Government and such Gram/Nagar Panchayats can themselves</p>														

Sr. No.	Paragraph No.	Summary of the recommendations
		frame such bye-laws or make alterations therein with previous sanction. In such cases the powers of State Government to sanction bye-laws should be delegated to the District Panchayats.
426	12.15	.. The summary provisions of Chapter-IX of the Panchayats Act relating to the recovery of local taxes etc., and other dues should be extended as under Chapter IX of the Municipalities Act and all Gram/Nagar Taluka and District Panchayats should be given enlarged powers.
427	12.16	.. Under sections 59 and 71 of the Panchayats Act, the President has been given powers in cases of emergencies. He should be given certain powers under "unforeseen" or "extra ordinary" circumstances by enlarging the same.
428	12.17	.. Modifications in respect of certain restrictions regarding previous sanction imposed on the Panchayats of three tiers under sections 89, 118, 138 of the Panchayats Act, are given in Appendix XVIII.
429	12.18	.. District Panchayats should be delegated powers to make appropriate changes suitable to local situation in the administrative set-up of the Panchayats of all tiers under them provided the expenditure is not increased and the posts of field workers are not converted into those of clerks.
430	12.19	.. Power of granting administrative approval to works being sanctioned from the grant-in-aid is practically not exercised. Therefore, in cases in which the detailed estimates of any individual work exceed the sanctioned budget estimates, by ten per cent, the power to give administrative re-approval should be given to the District Panchayat.

Sr. No.	Paragraph No.	Summary of the recommendations
431	12.20	.. On account of non-availability of new jeeps more expenditure is incurred on the maintenance and repairs of old ones, therefore Government grant of Rs. ten thousand should be given to the District Panchayat to purchase motor-car for the district under the scheme of grant-in-aid, of Rs. ten thousand for the replacement of old vehicles and thereupon replacement of old jeep of Taluka Panchayat by that of District Panchayat should be permitted.
432	12.21	.. For proper use of Cinematographic as well as audio-visual aids in-charge of Panchayats, District Panchayats should be permitted to pool such equipments and to make local arrangement for such vehicles and their operators and to use the income accruing from sale of such old equipments for such schemes.
<b>Rules and restrictions relating to financial matters</b>		
433	12.23	.. In numerous instances financial approval and grant-in-aid for implementation of schemes and works entrusted to Panchayats are received by Panchayats at the end of the year, which bar the implementation of the schemes and works or irregularities and errors are committed therein. This is strongly commented upon in the audit-report. A definite solution should be found out to avoid such a situation.
434	from 12.24 to 12.25	.. A procedure and arrangement should be introduced so that the Panchayats can spend the amount of Government non-recurring grant-in-aid given to them upto six months in the period following the period for which it was granted.

Sr. No.	Paragraph No.	Summary of the recommendations
435	12.26 and 12.27	If the introduction of such a procedure is likely to take some time, a practice to allot in one instalment all the non-recurring amount to Panchayats in the beginning of the year should be introduced forthwith.
436	12.28	.. The Secretary of the Panchayat Department should call a meeting of the Heads of the Departments at State level each year at appropriate time to see whether the recurring and non-recurring grants-in-aid are allotted to Panchayats in time and whether the unused amount and the income are credited in time and he should review the position.
437	12.29	.. In order that the income accruing from the local cess on land revenue as well as the local cess levied at Gram Panchayat level can be credited directly into the account of Panchayats, the powers to levy such cess should, provided the law allows for the same, be delegated to Panchayats, subject to previous sanction of the State Government. Similarly arrangement should be made so that income accruing from sand, gravel, murrum etc. and assigned to Panchayats may be directly credited into the account of Panchayats.
438	12.30	.. Village-sites plots should be vested in Gram/Nagar Panchayats.
439	12.31	.. On the pattern of the proposed budget of the community development scheme, a nucleus budget at local level should be worked out and an amount not exceeding Rupees one lac per taluka at the rate of Rupee one per head of rural population of taluka should be allotted to District Panchayats for implementation of local development programmes.

Sr. No.	Paragraph No.	Summary of the recommendations
440	12.32 and 9.71(5) and (6)	Under the Five Year Plan, amounts for programmes and schemes are allotted under various sectors of development. In the maximum number of cases as possible, the provision for almost all the programmes and schemes falling under one single sector of development under one department, should be made under a single detailed budget head of the State and thus the power to make re-appropriation of amounts between programmes and schemes <i>inter se</i> should be given to District Panchayats.
441	12.33	.. The power of re-appropriation of amounts between the detailed heads of Government grant-in-aid for other works and programmes should be delegated to District Panchayats.
442	12.34	.. The power of re-appropriation upto one lac Rupees for road works as well as irrigation schemes should be given to the District Panchayats till the recommendations mentioned above are accepted.
443	12.35	.. Relative rules should be examined to see that in the matter of financial control and regulation-Panchayati Raj bodies are primarily responsible to local popular authorities.
444	12.36	.. A principle to pay grant-in-aid for all expenditure incurred by Panchayats for implementation as per rules and regulations and criteria prescribed by the Government of schemes entrusted to them, should be accepted.
445	12.37	Different tax structures for Gram Panchayats of various classes as well as Nagar Panchayats should be evolved and minimum and maximum limits of taxation should be fixed on a differential basis and

Sr. No.	Paragraph No.	Summary of the recommendations
		<p>a provision should be made to the effect that in individual cases, Government should have the power to prescribe rates lower than the minimum and higher than the maximum.</p>
446	12.38	<p>.. In individual cases of irrecoverable dues of Panchayats of all the three tiers, 'best' Gram Panchayats as well as the Nagar Panchayat, Taluka Panchayat and District Panchayat should be given powers to waive the amount upto Rupees one hundred, two hundred and one thousand respectively.</p>
447	12.40	<p>.. It should be provided that a Gram, Nagar or Taluka Panchayat can raise loan from open market or from statutory bodies and from banks with guarantee and/or sanction of the District Panchayat. In case of District Panchayat the Commissioner should give the guarantee and/ or sanction.</p>
448	12.41 and 12.42	<p>Present scale of popular contribution should be relaxed as follows :—</p> <p>(1) Panchayats can offer total or partial popular contribution from statutory grants and from the district level funds.</p> <p>(2) In respect of villages which are receiving annual land revenue grant less than Rs. 500 the District Panchayat should be empowered to sanction popular contribution as low as bare five per cent after examining the local circumstances.</p> <p>(3) Villages should be divided into four classes and the scale of popular contribution from 50 per cent for class one villages to 5 per cent for class four villages should be adopted.</p>



Sr. No.	Paragraph No.	Summary of the recommendations
449	12.43	.. Section 321 of the Gujarat Panchayats Act should be modified and certain powers of the State Government mentioned under this para should be delegated to the District Development Officer.
450	12.44	.. Certain proposals for amending certain sections of the Act as mentioned in Appendix XVIII aimed at removal of inconsistency, ambiguity and shortcomings arising from the provisions under certain sections of the Panchayats Act and effecting easy administration and amplifying certain aspects should be accepted. The Gujarat Panchayats Act should be drafted <i>de novo</i> .
451	12.45	.. As many restrictions as possible under rules should be lessened by incorporation of rules/provisions into sections of the Act or by replacing rules by statutory orders and administrative instructions. Similarly, rules of Gram/Nagar Panchayats should be most flexible.
452	12.46	.. Experienced officers and staff should be appointed to prepare Panchayati Raj Manual.
453	12.47	.. Proposals given in Appendix IX should be accepted for effecting accuracy, clarity and speed in routine work and in administration of Panchayats.
454	12.48	.. Provisions in respect of public health and well-being are made under bye-laws under section 324 of Panchayats Act. Instead of that, main powers as regards crimes and penalties should be summarised and clarified under the Panchayats Act and detailed rules and bye-laws should be made thereunder.

Sr. No.	Paragraph No.	Summary of the recommendations.
<b>Control, Check, Inspection and Guidance by the State</b>		
455	13.1 to 13.4	.. The technical check and control over the Panchayats and their inspection and the work of imparting guidance to them have always been nominal. Similarly, the administrative and statutory control over the Panchayati Raj bodies has not been sufficient and effective. The Committee, therefore, recommends the following measures so that inspection and guidance by the Government departments may be practical, useful and efficient and the administrative and statutory check and control may be more impartial, effective and thorough.
456	13.5	.. An establishment should be set up and a system should be evolved to undertake at State level a regular, systematic and realistic review of the technical inspection and supervision by the Heads of Departments.
457	13.5 to 13.8	.. In view of the workload assigned and to be assigned to the Panchayati Raj bodies, separate post of a full time Secretary alongwith the required additional staff should be immediately sanctioned for work pertaining to 'Panchayats', 'Sarvodaya', 'Community Development' and "Rural Employment Programme" at Sachivalaya level so that the Panchayati Raj bodies may continue to get proper guide-lines, directions and instructions at Sachivalaya level for smooth running, co-ordination at State level between various departments and offices of the Government and Panchayats may be consolidated, stabilised and be beneficial, departments may be motivated to take interest in the Panchayati Raj administration, heads of various technical departments may impart proper technical

Sr. No.	Paragraph No.	Summary of the recommendations
		guidance or arrange for supervision work and the responsibility of the State Government to the Legislative Assembly, may be properly discharged.
458	13.9	.. The administration should be so geared up that high officials of the departments at State level may continue providing proper technical information, directions, resources, facilities, impetus and incentive, may render necessary technical assistance, may keep supervision, may review and enter into consultation for the progress of schemes and may boldly make representations in this regard at the proper place, may chalk out and implement training programme and make apt and necessary efforts to understand and to explain the views of the Government and the Panchayats.
459	13.10	.. It is neither essential nor expedient to create a separate administrative machinery for active and effective technical supervision at State level.
460	13.11	.. The head of each concerned technical department should earmark particular officer from out of the senior most officers of his department, and assign the responsibility regarding the working of the department in respect of the Panchayati Raj bodies. The State Council for Panchayats may directly summon such an officer, and issue necessary suggestions and instructions for review and examination of the programme.
461	13.12	.. Due to the abolition of the Divisional Commissioners' posts, field administration and particularly, the Panchayat administration has been adversely affected to a considerable extent. To keep necessary administrative supervision and watch on the Panchayati Raj bodies at field level, to

Sr. No.	Paragraph No.	Summary of the recommendations
		<p>secure guidance and support for implementing the programme and schemes, to maintain proper co-ordination and equilibrium between the Government and the Panchayat administration and to make the Panchayat administration more efficient, effective and vigorous, four posts of Divisional Commissioners with required staff should be created and some posts and offices at State level be reduced, keeping the financial implications in view.</p>
		<p><b>State Council for Panchayats</b></p>
462	13.13 and 13.14	<p>A statutory provision should be made for nominating additional members in the State Council for Panchayats as under :—</p> <ol style="list-style-type: none"> <li>(1) Two Presidents of Taluka Panchayat as nominated by the Government.</li> <li>(2) Two Sarpanchas/Chairmen of the Gram/Nagar Panchayats, as nominated by the Government.</li> </ol>
463	13.15	<p>The State Council for Panchayats may be entrusted with administrative functions and their execution as detailed below :—</p> <ol style="list-style-type: none"> <li>(1) The work regarding training, inspection, co-ordination and evaluation.</li> <li>(2) The work of publicity, guidance and publication.</li> <li>(3) To conduct the scheme of holding competitions and distributing prizes among Panchayats.</li> <li>(4) To render technical assistance to Panchayats with the help of experts.</li> <li>(5) To undertake enterprises for Panchayats at State level.</li> </ol>

Sr. No.	Paragraph No.	Summary of the recommendations
		(6) Certain powers pertaining to previous sanction of the Government.
		(7) To suggest through a sub-committee additions and alterations in laws, rules, bye-laws, procedures, instructions, directives and notifications.
		(8) To undertake a six monthly review of the pattern of delegation of powers by a sub-committee to ensure decentralisation of democracy in the real sense of the term.
		(9) To review the interests of the weaker sections through a Committee for Social Justice.
		(10) Examination and review in respect of administrative matters like transfer, etc.
		(11) To impart guidance to the Government as regards basic issues and matters of policy relating to Panchayats.
464	13.16	- A statutory provision should be made to enable the State Government to appoint a deserving person having insight and required experience in the field of Panchayati Raj, as a full-time Vice-Chairman on the State Council for Panchayats and accordingly a deserving person other than the existing President of the District Panchayat be appointed on the said post. The appointed Vice-Chairman of the State Council for Panchayats should be given suitable honorarium and accommodation and transport facility and his status should be duly determined.
465	13.17	The Secretary of the Panchayats and Health Department will work as the Member-secretary of the State Council for Panchayats

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466 13.18 .. For realistic regional planning at divisional level and for review at field level of the schemes implemented, a Divisional Panchayat Council should be formed as under :—

In addition to the functions and duties of the former Divisional Development Council, the proposed Divisional Panchayat Council should perform such functions and duties pertaining to Panchayati Raj bodies as may be assigned by the State Council for Panchayats under advice, instructions and directions of the said Council. The nominated Vice-Chairman of the State Council for Panchayats should be the Chairman of every Divisional Panchayat Council and Divisional Commissioner should be the Vice-Chairman. The Presidents of the District Panchayats of the respective divisions should be its members and the officer selected by the Divisional Commissioner should function as the Non-member-Secretary.

#### Tribunals at State and Divisional level

467 13.19 and 13.20 In order to ensure clean administration of Panchayats, it is essential that the powers to take action against the office-bearers of Panchayats should be allotted to an impartial independent authority. The establishment of a divisional tribunal for redressing the disputes and grievances of the personnel under the Panchayati Raj administration is found to be essential. In this context, tribunals at divisional and State level may be formed as detailed below :—

A tribunal comprising of three members should be established at Divisional level with an officer of the rank of a district and Sessions Judge as its Chairman and

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Sr. No.	Paragraph No.	Summary of the recommendations
		<p>the Deputy Divisional Commissioner and one of the Presidents of the District Panchayats of the division by rotation should be the two members. Certain powers for taking action against the office-bearers and members of the Gram/ Nagar, Taluka Panchayats, federal group Panchayats and Local Development Boards, and against the elected members of the Nyaya Panchayat and the appellate powers in respect of employees of the Panchayat Service, as regards penalties and injustice done to them should be vested in the divisional tribunal.</p>
		<p>A three-member tribunal should be constituted at state level, with an officer of the rank of a high court judge as its Chairman and a topmost administrative officer and an experienced social worker of Panchayati Raj as its members. Appeals against the awards of the divisional tribunals on action taken against the members of Panchayats, certain powers regarding the proceedings against the members and office-bearers of District Panchayats and appeals in cases of surcharge, etc. should fall within the the jurisdiction of the tribunal at State level.</p>
		<p>The said tribunals should be competent to review the orders issued against the implementation of the resolutions of the Panchayats by declaring them <i>ultra vires</i> and orders against recovery of expenditure held inadmissible in audit.</p>
468 13.21		<p>All other powers regarding State control in respect of matters other than these, should be distributed between the Divisional Commissioner and the Government.</p>

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		All the powers which are at present vested in the Development Commissioner should be delegated to the Divisional Commissioners.
469	13.22	In order that the State Assembly may be kept well informed of the Panchayati Raj administration and that the Panchayats may get guidance, about three days should be allotted for such a discussion in a session convenient to the Assembly. With a view to make such a discussion useful and helpful, a review of the working of the Panchayats and implementation of schemes and of supervision and inspection, etc., made by the Government departments should be prepared by the State Council for Panchayats and it should be placed before the House. In the same way a report of the State Panchayat Service Selection Board should be submitted to the Assembly to be covered in the said discussion.
470	13.23	Test inspection should be re-examined so as to make inspection work more specific, positive, sound, penetrative and effective and the recommendations of the High Level Team should be taken into consideration for the said purpose. Generally inspection should be carried out at officer's level and well versed, experienced and devoted officers should be selected for the purpose.
<b>Nyaya Panchayat</b>		
471	14.2 and 14.7 to 14.9	The necessity and utility of the Nayaya Panchayat should be admitted for, it provides quick and cheap justice locally, it cuts down the geographical and psychological distance between the villagers and judicial bodies and it educates and awakens



Sr. No.	Paragraph No.	Summary of the recommendations
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the Deputy Divisional Commissioner and one of the Presidents of the District Panchayats of the division by rotation should be the two members. Certain powers for taking action against the office-bearers and members of the Gram/ Nagar, Taluka Panchayats, federal group Panchayats and Local Development Boards, and against the elected members of the Nyaya Panchayat and the appellate powers in respect of employees of the Panchayat Service, as regards penalties and injustice done to them should be vested in the divisional tribunal.

A three-member tribunal should be constituted at state level, with an officer of the rank of a high court judge as its Chairman and a topmost administrative officer and an experienced social worker of Panchayati Raj as its members. Appeals against the awards of the divisional tribunals on action taken against the members of Panchayats, certain powers regarding the proceedings against the members and office-bearers of District Panchayats and appeals in cases of surcharge, etc. should fall within the jurisdiction of the tribunal at State level.

The said tribunals should be competent to review the orders issued against the implementation of the resolutions of the Panchayats by declaring them *ultra vires* and orders against recovery of expenditure held inadmissible in audit.

468 13.21

All other powers regarding State control in respect of matters other than these, should be distributed between the Divisional Commissioner and the Government.

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Nagar level should belong to either Scheduled Castes or Tribes, whichever has greater population in the area concerned.

476 14.9 (5) .. The Panchayat Judge should generally select by rotation the members from the above-said panels at Taluka and Gram/Nagar level for hearing.

477 14.9 (6) .. The person to be selected as a representative on the panel at Taluka level must be enrolled on the electoral roll of the Taluka Panchayat area and must be at least a matriculate or possess equivalent educational qualification. The person to be selected as a representative on the panel of Gram/Nagar Panchayat must be one of the voters of that Gram/Nagar and must be able to read and write.

478 14.10 A separate cadre at State level should be created for the posts of Panchayat Judges at Taluka level, consisting of young spirited people having proper aptitude, altitude, and inclination essential for the said posts. The State Government, in consultation with the Chief justice of the High Court, should recruit Panchayat Judges from amongst Law Graduates who possess minimum five year's ( three years in case of first class Law Graduates ) experience of legal practice. The status and pay scale of the Panchayat Judge should be equivalent to that of the Class-II Officer and necessary provision should be made so that they may get chances of promotion. Refresher courses should be conducted in collaboration with the High Court so as to impart proper training and insight to the Panchayat Judges thus recruited for carrying out the aims and objects of the Nayaya Panchayat.

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Sr. No.	Paragraph No.	Summary of the recommendations
479	14.11	.. Taluka Nyaya Panchayats should be provided with necessary facilities of independent office, staff, vehicle etc., at Taluka level. A specific provision should be made to the effect that the Panchayat Judge is not a part and parcel of the Taluka Panchayat, but is absolutely independent and above it. The District Judge should be entrusted with the work of preparing a report on the work and conduct of the Panchayat Judge. The proposed Nyaya Panchayat should be designated as the "Court of the people" ( Janata Adalat ).
480	14.12	.. Convenient group of talukas should be formed and the meeting of the Nayaya Panchayat should be held at the headquarters of the groups. Meeting of the Nyaya Panchayat may be held at any village other than the headquarters of the group, if the Panchayat Judge so desires.
481	14.13	.. A provision should be made to the effect that the proceedings of the Court should be continued even if one of both the members elected on the bench are absent at the time of hearing before the Nyaya Panchayat. The presence of standing chairman alone should be deemed imperative.
482	14.14	.. The expenditure of the proposed Nyaya Panchayat should be borne by the State Government as is done in the case of expenditure of other courts of law and all the income accruing from fine should be credited to Government account.
483	14.15 and 14.16	The existing provisions governing the procedure and proceedings of the Gram/ Nagar Nayaya Panchayat may generally be continued for the proposed Nyaya Panchayat.

Sr. No.	Paragraph No.	Summary of the recommendations
484	14.17	.. Keeping the jurisdiction of the Nyaya Panchayat unfettered, the existing provision for revision application against its decisions to the District Court alone should be continued.
485	14.18	.. The Committee visualises to delegate, ultimately, all the existing powers and functions of the Taluka level court to the proposed Nyaya Panchayat. However, the functions entrusted to the present Nyaya Panchayat should suitably be extended to the proposed Nyaya Panchayat, in the initial stage till this new arrangement gets a firm footing.
486	14.19	.. The detailed proposal made in 14.19 for extending the powers or limits regarding claims and suits already assigned to the Nyaya Panchayat under certain sections of various Acts and also for entrusting the claims and suits under other sections to the proposed Nyaya Panchayat, should be accepted.
487	14.20	.. The Conciliation Panch for every Gram or Nagar Panchayat should be constituted according to the existing statutory provisions. However, a provision should be made to the effect that only those matters which are referred to the conciliation Panch by the Nyaya Panchayat, should fall within its functions and that it shall have no primary jurisdiction.
488	15.1 to 15.3	.. The Committee appointed under the Chairmanship of Shri Maldevjibhai Odedra to go into the problems of industrial towns had made certain recommendations along with the principal recommendation that a separate industrial town should be established for an organised industrial area or estate and a Udyog Nagar Panchayat should be formed. Since no final decision has been taken on the recommendations of the said

Sr. No.	Paragraph No.	Summary of the recommendations
		committee, the whole question has been referred to the high level committee for consideration. As the jurisdiction of the Udyog Nagar Panchayat suggested by Shri Odedra Committee is limited to factories and colonies and its proposed pattern mainly includes the members nominated by industries and as the income from local taxes is likely to be affected adversely by carving out the industrial area or estate from a Gram or Nagar, it is not necessary or desirable to establish separate Udyog Nagar Panchayat.
489	15.4	.. ▲ statutory provision should be made so that at least 50 per cent of the income derived from taxation on industries or industrial estates is invariably spent by the concerned Gram/Nagar Panchayat for providing common facilities useful to industries or industrial estates.
490	15.5	.. ▲ Co-ordination Committee under the Chairmanship of the President of the District Panchayat and concerned office-bearers and officers of Panchayats and representatives of industries should be constituted in the mutual interest of industries and Panchayats and also to solve administrative problems.
491	15.6	.. The industrial enterprises and estates either owned by the Central Government or the State Government, or run by the autonomous organisations or corporations in the public sector should be separated from the Gram/Nagar Panchayat as an exception. However, the probable income from such enterprise or estate should be estimated and a provision should be made so that the Gram/Nagar Panchayat may receive the estimated amount on a permanent basis, from such organisation, corporation or Government department.

Sr. No.	Paragraph No.	Summary of the recommendations
492	15.7	.. Office-bearers belonging to Panchayats of different tiers should be given proper rank and status.
493	15.8	.. Proper representation should be made before the Central Government so that the Presidents of District Panchayats or their representatives may get adequate representation on the advisory committees being appointed at different levels by the departments of the Central Government.
494	15.9	.. Activities or Schemes, conducted or administered upto district level by the State Government under the Trust Fund should be transferred to all Panchayats on agency basis, by inserting a provision to this effect in the Act.
495	15.10	.. It may be laid down that all the Government schemes to be implemented by Voluntary Agencies with the help of the Government grant-in-aid, may be implemented by the Panchayats of the concerned level, if they so desire.

### Conclusion

- 96 16.2 to 16.5 .. It is absolutely necessary for all persons to have a clear picture of the following different concepts, ideologies and objects of Panchayati Raj administration :—

(1) Mahatma Gandhiji's concept of a composite society wherein the administration at State level and at Panchayati Raj level should, like the eddies in the ocean become complementary, motivating and supportive and the powers or rights should be delegated on the basis of efficiency and not on the basis of strength.

Sr. No.	Paragraph No.	Summary of the recommendations
		<p>(2) A concept of popular control ensuring self-support and autonomy of Panchayati Raj bodies and their complete mastery and command over local administration.</p> <p>(3) A conviction that Panchayati Raj administration is the best means for securing co-operation of and zealous participation by people.</p> <p>(4) Introduction of Panchayati Raj bodies as a basic school for developing and training local leadership.</p>
497	16.6	<p>.. The impression that Panchayati Raj administration is isolated from or alien to the administration of the state and the Government should be removed and it should be ensured that the attitude, outlook and approach of all concerned who hold high positions are directed in such a way that all possible activities, duties, schemes and programmes are assigned and powers delegated to the Panchayati Raj administration.</p>
498	2.2 and 16.7	<p>.. In order that the Panchayati Raj institutions may render useful and effective contribution for progress towards socialism, it should be considered to be the primary duty of the Panchayats of all the three tiers to see that maximum possible amount is allotted from their own funds along with necessary Government grants for carrying out the important works, viz. survey of unemployment, planning of employment programmes, incentive to rural cottage industries, housing for persons without accommodation, necessary facilities for agricultural development, lease of land to the agricultural labourers, etc.</p>
499	16.10	<p>.. It is quite imperative for the office-bearers and officers of Panchayats to be alert so that the administration and working</p>

Sr. No.	Paragraph No.	Summary of the recommendations
		of Panchayats be economical and efficient, and malpractices prevailing in the administration are eliminated. The departments and offices of the Government, and office-bearers and officers of the Panchayati Raj should be vigilant to increase efficiency and eliminate corruption.
500	16.11	.. Panchayati Raj administration is the only means and form of Government to develop and consolidate the invaluable democracy in rural areas in the country. It is a permanent medium of the State policy of pan-socialism and it has already attained an everlasting, clear and stable place in the history of democracy in India; it is essential that all concerned should be convinced of this. The solution of situation lies not in resuming from the Panchayati Raj administration the work allotted to it, but in giving proper guidance, advice and instructions to it so as to enable Panchayats to execute the work in a better way and in creating a proper climate for it; a definite policy in that respect be spelled out in no uncertain terms and the same should be announced.
501 to 566		.. 66 amendments have been suggested in 57 sections of the Panchayats Act, in Appendix-XVIII
567 to 588		.. In all 21 amendments have been suggested in 8 Rules under the Panchayats Act, in Appendix-XI



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