

GOVERNMENT OF MADHYA PRADESH



REPORT

OF THE

Janapada Enquiry Committee
Madhya Pradesh

1952



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LOCAL SELF-GOVERNMENT (JANAPADA) DEPARTMENT

Nagpur, the 19th March 1953.

READ—

- (i) Resolution No. 852-1027-J-XIII, dated the 5th April 1952.
- (ii) Report of the Janapada Enquiry Committee, Madhya Pradesh, 1952.
- (iii) Press Communique.

RESOLUTION

In Resolution No. 852-1027-J-XIII, dated the 5th April 1952, the State Government announced the constitution of a Janapada Enquiry Committee under the chairmanship of Shri Gopilal Shrivastava "to review the finances and examine the problems and administrative and other difficulties of the Janapada Sabhas and to make recommendations for the improvement of the Janapada finances, and solution of their problems and difficulties". The terms of reference of the Committee were wide enough to enable the Committee to examine the working of the Janapada Sabhas in the State and to place Janapada finances on a sound footing. The work of the Committee was immense and complex. The Committee submitted on the 31st July 1952 its report. The State Government have given careful consideration to the recommendations of the Committee. This Resolution recapitulates the main recommendations of the Committee and announces the decisions of the State Government thereon.

Constitution of the Janapada Sabhas

There are at present six standing committees. The Janapada Enquiry Committee recommended that an administrative committee composed of chairmen of all the standing committees, the Chairman, Janapada Sabha, and the Chief Executive Officer be constituted to deal with the co-ordination of the standing committees, the implementation of the decisions of the standing committees and the appointment of the Janapada staff. The State Government having considered the recommendations have decided that there should be an administrative committee consisting of one-third members of the Sabha excluding the Chairman and the Vice-Chairman of the Sabha. The Chairman and the Vice-Chairman of the Janapada Sabha will be the Chairman and the Vice-Chairman of the administrative committee.

The proposed administrative committee will be for the period of the Janapada Sabha but will be removable at any time by two-third strength of the Janapada Sabha. It will have power to appoint and transfer all servants. The power to take disciplinary action would remain with the Chief Executive Officer with a right of appeal to Deputy Commissioner or other authority as the case may be.

The present powers of the Chief Executive Officer to make reference to Government and stay execution of any such resolution will continue. The Chairman of the Janapada Sabha may also refer any question decided by the administrative committee to the Janapada Sabha for decision and stay proceedings till then.

The recommendation of the Janapada Enquiry Committee that the number of standing committees should be reduced to four and various duties at present allotted to these committees should be redistributed among these four committees and further that the agriculture and development standing committees should be abolished is accepted.

The Chief Executive Officer

The recommendations of the Janapada Enquiry Committee that the Chief Executive Officer should be responsible to the Janapada Sabha and should be removable by two-third majority of the Sabha is accepted by Government. Each Janapada Sabha will have a Chief Executive Officer generally of an Extra-Assistant Commissioner's grade. He will be Sub-Divisional Officer and Sub-Divisional Magistrate and will ordinarily be not transferred for a period of two years. As Sub-Divisional Magistrate he will have law and order functions and he will not try original criminal cases except cases under preventive sections of Criminal Procedure Code. He will hear appeals against decisions of Second and Third Class Magistrates. Where an Extra-Assistant Commissioner so appointed will not have a full day's job in spite of attempts to do so, a Tahsildar would in addition to his usual duties be the Chief Executive Officer of the place. Such Tahsildar-Chief Executive Officer will however not exercise other powers given to Extra-Assistant Commissioner-Chief Executive Officer.

Finances

The additional cess will be abolished and the rate of compulsory cess will be raised to 30 pies per rupee as recommended by the Janapada Enquiry Committee. The recommendation of the Janapada Enquiry Committee that the special school rate should be substituted by a professional tax on income from non-agricultural sources has also been accepted, in principle and a basis on which the new tax will be imposed will be determined. Government also agree with the Committee that the market rates and cattle-pound charges should be revised where no revision has taken place.

Grants

The Committee had recommended that education grants should be rationalised and procedure for giving these grants should be simplified. One of the most important recommendation of the Committee in this respect was that the grant should be fixed on 75 per cent of the expenditure on *per capita* basis. Government in pursuance of the present policy of conducting primary education through the medium of local bodies have decided that 75 per cent of the approved expenditure on primary education should be met by Government in areas other than scheduled and backward. In backward areas up to 90 per cent of the approved expenditure should be met by Government. It will be necessary to lay down a clear definition of backward areas. In the scheduled areas the Tribal Welfare Department should take over the Janapada and Forest schools to be covered by its Welfare Schemes. Government have also accepted in principle to place the services of the Additional District Inspectors in the Janapada areas at the disposal of the Janapada Sabhas. The principle of giving subventions to financially weak Janapada Sabhas to raise their services to a reasonable standard has also been accepted. Grants will be paid in early part of the financial year. The recommendation of the Committee that the Janapada Sabhas should be encouraged to properly equip their dispensaries and keep enough stocks of medicines by giving them liberal grants has been accepted by Government. In regard to veterinary

dispensaries, the recommendation of the Committee that full cost of serum and other medicines should be borne by Government has also been accepted.

The Janapada Sabhas in the old Central Provinces are being paid grants by Government to compensate them for the loss of compulsory cess income on account of the abolition of the proprietary rights. This grant will hereafter be stopped. The Janapada Sabhas in Berar are being compensated for loss of revenue on account of road cess. This will also be stopped. The general purposes grant will be continued to be paid to the Janapada Sabhas on the basis of population-*cum*-extent of area.

Allotment of a Share in Land Revenue

One of the important recommendations of the Janapada Enquiry Committee was that the State Government should assign 15 per cent of their revenue from land revenue and 5 per cent from forest income. With regard to share from land revenue, Government have partially accepted the recommendation and have decided that the Janapada Sabhas should be given a share of land revenue at 5 per cent of the annual demand in each year. This amount will give the Sabhas the much needed relief in finding adequate resources to render services to the community at the minimum standards expected of them. In case of forest revenues they fluctuate so much that any share from them would always be an indefinite factor in the budget estimates of the Sabhas and therefore assignment of a share therefrom will not help the Janapada Sabhas. However, where land revenue is not substantial and the forest income is more some contribution from general revenues after considering the forest income of a Janapada will be paid. The Committee had recommended that municipal committees should give 50 per cent of the maintenance cost of the veterinary dispensaries in their areas. Government have carefully examined this suggestion and have come to the conclusion that as the veterinary dispensaries are usually situated in municipal areas and do not primarily benefit the remaining areas, such dispensaries where situate in municipal areas should be maintained by the municipal committees and the Janapada Sabhas should make subscriptions according to their ability. The Janapada Sabhas should only maintain veterinary dispensaries in rural areas. The State Government have also accepted the recommendation that wherever Janapada Sabha maintains roads in municipal areas they should be transferred to the municipal committees.

Merged States

Compulsory cess was not leviable on tenants in merged states. The proprietors were liable to pay compulsory cess. But with the abolition of the proprietary rights no cess was leviable in merged areas. The Janapada Enquiry Committee recommended that the compulsory cess should be imposed on all agriculturists at two annas per rupee in merged areas. Government have decided that the rate of compulsory cess should be 30 pies in a rupee, as for all other areas in the State. The assessment in the merged areas being already low the rate will not be very heavy. There will be no additional cess. The State Government have also accepted the recommendation that a professional tax on income from non-agricultural sources as in the rest of the State should be imposed. The recommendation in regard to assignment of a share in income from land revenue has also been accepted with the modification that only 5 per cent of the income will be given to the Janapada Sabhas.

Other Problems

Government do not find it practical to constitute a statutory board of all Janapada Sabhas in the district for maintaining roads. On the other hand Government agree to take over all transferred works and Janapada roads forming part of the road system of the province for maintenance unless they are satisfied that the Sabhas are able to maintain them satisfactorily. The question of establishment of a local body services commission has been postponed. It has been decided that the Deputy Commissioner should perform the supervisory and inspection duties and the Director of Panchayats at provincial headquarters should co-ordinate as the Director of Local Authorities. The recommendation that there should be liberal entrustment of the functions of the State Government under section 52 has been accepted. The list of functions to be entrusted with will, however, be revised. In regard to the urban representation on the Janapada Sabha, the State Government have accepted this recommendation and it has been decided that the number of representatives from urban areas should not exceed one-fifth of the total number of councillors and they should be chosen by indirect election by members of the municipal committees in the area. The recommendation of the Janapada Enquiry Committee to prescribe standard uniform scales of pay and uniform conditions of services will be examined further. One of the important decisions of Government is that the expediture on travelling allowance and daily allowance, etc., of Government servants appointed to conduct Janapada elections should be borne by Government.

Grants-in-aid to Janapada Sabhas for maintenance of transferred institutions in Zamindari areas and in merged areas should be on the lines of grants paid in backward areas. The optional and compulsory duties of the Janapada Sabhas will be reviewed.

Government have passed appropriate orders on the subsidiary recommendations of the Committee.

The recommendations of the Janapada Enquiry Committee regarding (1) transfer of management of E and F class lands in Berar to Janapada Sabhas, (2) portion of income from local charity to be diverted to the improvement of village schools and roads and (3) part of the surplus income from the management of temples, Devasthan and Maths to be made over to the Janapada Sabhas are still under consideration of Government.

The result of the financial implications is that the Janapada Sabhas will get an additional income of about Rs. 34 lakhs.

In conclusion, Government desire to place on record their grateful appreciation of the labour of Chairman and the members of the Committee. The work involved in examining the problems and difficulties of Janapada Sabhas was considerable and the Chairman and the members had to do this exacting work within a short period.

ORDER

ORDERED that a copy of the Resolution be communicated to all departments of Government, all heads of departments and Deputy Commissioners, and that it be published in the "Madhya Pradesh Gazette".

By order of the Governor, Madhya Pradesh,

C. L. GUPTA,

Secretary to Govt., Madhya Pradesh,
Local Self-Govt. (Janapada) Dept.

THE JANAPADA ENQUIRY COMMITTEE, MADHYA PRADESH

FROM

SHRI G. L. SHRIVASTAVA, M.A., LL.B.,
Chairman, Janapada Enquiry Committee,
Madhya Pradesh.

TO

SHRI K. B. L. SETH, I.C.S.,
Chief Secretary to Government,
Madhya Pradesh.

SIR,

I forward herewith the Report of the Janapada Enquiry Committee appointed by the Government of Madhya Pradesh by Notification No. 852-1027-J-XIII of Local Self-Government Department, dated the 5th April 1952, for the purpose of reviewing the finances and examining the problems and other administrative difficulties of Janapada Sabhas and for making recommendations for the improvement of the Janapada finances and solution of their problems and difficulties.

2. The Committee has tried to examine all the problems relating to Janapada Sabhas. The finding on the term of reference No. 5 about the exercise and distribution of executive powers between the Janapada office-bearers, standing committees and Chief Executive Officers, with recommendations are recorded in Chapter IV of this Report while Chapter III deals with the conditions and reasons leading up to these recommendations.

3. The terms of reference Nos. 1, 2 and 3 refer to the existing and prospective sources of revenue of Janapada Sabhas and are inter-related. The findings on these three questions with statistical data and reasons are given in Chapter V.

4. Chapter VI deals with the system of Government grants and Janapada Sabhas and contains the suggestions of this Committee.

5. Merged territories presented their own problems concerning the Janapada Sabha resources and administration. This subject has, therefore, been treated separately in Chapter VII.

6. Other administrative problems of Janapada Sabhas referred to in the last term of reference No. 6 cover a large field and have been treated in Chapter VIII with such recommendations as were thought fit. A summary of recommendation and concluding remarks find place in Chapter IX.

7. It may be noted that the members of the Committee are unanimous regarding the findings and main recommendations save and except two questions, viz., (i) the exercise of revenue, magisterial and other executive powers by Chief Executive Officers and (ii) the power of proposed administrative committees to appoint Janapada staff. Shri R. D. Beohar and Shri K. P. Tiwari hold that Chief Executive Officers should exercise the aforesaid

powers and should appoint Janapada staff while the majority view of four members including the Chairman is, as contained in the recommendations, that such powers should not be exercised by Chief Executive Officers and that the appointment of Janapada staff should be made by the proposed administrative committee of which Chief Executive Officer will be a member along with others. In view of this difference of opinion Shri R. D. Beohar and Shri K. P. Tiwari have written a Minute of Dissent which is appended to this Report, Chapter X.

8. We desire to express our thanks to our Member-Secretary Shri R. D. Beohar, Director of Panchayats, for the valuable assistance given by him in the work of this Committee and specially in the drafting of Chapters V, VI, VII and VIII. Also we record our thanks to the staff of the Director of Panchayats whose services were ungrudgingly offered to us in this enquiry and in the typing of records of this report.

Yours faithfully,

G. L. SHRIVASTAVA,

Chairman, Janapada Enquiry Committee.

SAGAR:

The 31st July 1952.

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