



GUJARAT STATE

REPORT
of the
Democratic
Decentralisation
Committee

(English Translation)

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PART I

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**MINISTER FOR LAND AND HOME,
GUJARAT STATE,
SACHIVALAYA,
AHMEDABAD-15,**

31st December, 1960.

**Dr. Jivrajbhai Mehta,
CHIEF MINISTER,
GUJARAT STATE,
SACHIVALAYA,
AHMEDABAD.**

The Democratic Decentralisation Committee was appointed under Government Resolution, Rural Development Department, No. DDD-1060-G, dated the 15th July, 1960.

I have pleasure in submitting herewith two copies of its report prepared on full consideration of the terms of reference.

**Rasiklal Parikh,
Chairman,
Democratic Decentralisation Committee,
Gujarat State,
AHMEDABAD.**

INTRODUCTION

While presenting the budget estimates for the year 1956-57 before Parliament the Finance Minister of the Government of India stated :—

“With the large and growing outlay in the Second Five Year Plan, both on revenue and on capital account, the question of securing the maximum possible economy and avoiding wastage owing to delays and inefficiency had assumed greater importance than ever.”

2. In this connection the National Development Council appointed a special Committee under the Chairmanship of Shri Govind Ballabh Pant, Home Minister, Government of India, for Plan projects. This Committee appointed different Study Teams for the different aspects of Planning. Of these, the Study Team appointed under the Chairmanship of Shri Balvantray Mehta was entrusted with the task of studying the question of ensuring economy and efficiency in the Community Development and National Extension Service projects and making recommendations.

3. The Study Team appointed under the chairmanship of Shri Balvantray Mehta is known all over the country as the Balvantray Mehta Committee and we have, therefore, referred to it in this report as such.

4. The Second Five Year Plan has recommended that Village Panchayats should be organically linked with popular organizations at a higher level and that, by stages determined in advance, democratic bodies should take over the entire general administration and development of the district or sub-division perhaps other than such functions as law and order, administration of justice and certain functions pertaining to the revenue administration. The National Development Council at its eighth meeting decided that a special investigation into such a reorganization of the district administration should be carried out by the Balvantray Mehta Study Team in addition to the terms of reference pertaining to avoidable delays and inefficiency.*

*Shri Balvantray Mehta's Report-Introduction Para 3.

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5. The Balvantray Mehta Committee undertook a tour of the different States in India and discussed with the State representatives thoroughly every aspect of the questions arising out of the terms of reference entrusted to them. Accordingly the representatives of the Bombay State also had an opportunity of exchanging views with the Balvantray Mehta Committee and conveying to them the views of the State Government. The Balvantray Mehta Committee had sent a draft of their report to every State Government for opinion, before finalising it. Accordingly the Bombay State had also received this draft report. Thereupon the Bombay State gave serious thought to the draft recommendations of the Committee and accepted the recommendations in principle. But the Bombay State had suggested that the question of establishing popular institutions at the second stage above the village level, at the Block level, or at the District level, or at both the levels, may be left to the convenience of each State. It is understood that some other States had also made a similar recommendation. The Balvantray Mehta Committee accepted this suggestion before finalising the report and accorded it its due place in their recommendations.

6. The Balvantray Mehta Committee published its report in November 1957. By this report the Committee has presented to the country a revolutionary programme of democratic decentralisation envisaging a fundamental change in the administrative machinery.

7. When the report of the Balvantray Mehta Committee was published, the process of integrating different laws, operating in different parts of the Bombay State, as a result of States re-organization, was going on. Village Panchayat Acts, operating in the pre-reorganized Bombay State, Saurashtra, Kutch, Vidarbha and Marathawada, were being unified for the entire State of Bombay. In this Act constitution of District Village Panchayat Mandals at the district level was suggested for the purpose of guiding, inspecting and controlling Village Panchayats. At that stage the question whether the District Gram Panchayat Mandals should be constituted or whether popular institutions, according to the recommendations of the Balvantray Mehta Committee, should be constituted came up for consideration. As the question whether popular institutions should be constituted at the block level or at the district level or at both the levels as recommended

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by the Balvantray Mehta Committee needed further consideration, in April 1958, a Bill for the Bombay Village Panchayat Act 1958 was introduced in the Legislative Assembly with a provision for establishment of District Gram Panchayat Mandals as an interim measure. When presenting this Bill the Minister for Village Panchayats had stated in the Legislative Assembly :—

“The Central Government had appointed a Study Team under the leadership of Shri Balvantray Mehta, with a view to taking a decision, to study the village development work that was going on in the country through the National Extension Service and Community Development Projects, as to how this important programme can be made successful through the people and popular institutions. The report of the Study Team has already been published. The Honourable Members of this House are aware of this report and the programme indicated therein. The Team has recommended that for every Development Block, a Panchayat Samiti may be constituted from amongst the Village Panchayats established in that area and all development activities of the block should be carried out through this Samiti. This Study Team has further recommended that instead of the existing District Local Boards or such other institutions at the District level an Advisory Committee in the form of a Jilla Parishad may be constituted.

“These recommendations received favourable response from the people. They have also been discussed sufficiently at different levels. Some States have accepted them in principle. While some States have already started implementing them. Considerable enthusiasm has been generated in this State also by these recommendations. Those concerned with institutions like the District Local Boards are displeased while those concerned with Village Panchayats and Development Blocks are pleased with them. It is natural that a question may be raised as to what Government has thought about it and what decisions are contemplated. This has been fully indicated in this House at question time and during discussions on different occasions. Hon. the Chief Minister has clarified that the State Government has accepted the basis and the principles on which the

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Balvantray Mehta Committee has recommended the constitution of the Block Panchayat Samiti but the question as to how and at what level it should be established is under consideration.”

8. The Village Panchayat Act 1958 came into operation from 1st June 1959. After that the question as to at what level and in what form democratic institutions should be established, in light of these recommendations of the Balvantray Mehta Committee was taken up, but as the question of bifurcation of the Bilingual Bombay State was reopened in August 1959, it was decided to leave this decision to the new States.

9. The Gujarat State took up this question immediately on its formation on 1st of May 1960 and the State Government decided to appoint a Committee to take an overall view of the working and achievements of the various existing popular institutions and of the recommendations of the Balvantray Mehta Committee and then to suggest a coordinated detailed programme for democratic decentralisation. In furtherance of this decision the Democratic Decentralisation Committee was appointed under the following Government Resolution, Rural Development Department, No. DDD-1060-G, dated the 15th July 1960 :—

Democratic Decentralisation-Committee
to examine the question of—

GOVERNMENT OF GUJARAT

Rural Development Department

Resolution No. DDD.1060-G.

Sachivalaya, Ahmedabad, 15th July, 1960.

GOVERNMENT RESOLUTION

The responsibilities of the State Government for the administration and development of rural areas are at present discharged by the State Government through its existing administrative machinery of different departments assisted by Advisory Bodies and through local authorities like Village Panchayats and District Local Boards. After independence and adoption of the Constitution and establishment of a Democratic Republic in the country, need arose for broadbasing democracy in the country by creating and strengthening democratic institutions at lower levels. The

base is the Village Panchayat. The Bombay Village Panchayats Act, 1958, was enacted making necessary provisions with the object of making Village Panchayats effective institutions of local government and development. Under this Act more functions, more powers and responsibilities, and more resources are given to the Village Panchayats. All villages in the State, except a few in Kutch and Dangs districts, are covered by Village Panchayats.

As a further step, there emerges the question of further broad-basing democracy. In the context of planning, need was felt to examine the question of reorganization of the structure of district administration so as to adapt it to the needs of democratic planning. In the Second Five Year Plan the Planning Commission has observed : "The need of creating a well-organized democratic structure of administration within the district is now being widely felt. In this structure Village Panchayats will have to be organically linked with popular organizations at higher level. In some States it may be convenient to have a democratic body at the district level, in others at the level of sub-divisions. In either case, there are two essential conditions to be aimed at. In the first place, the functions of the popular body should come to include, if necessary, by stages, determined in advance, the entire general administration and development of the area other than such functions as law and order, administration of justice and certain functions pertaining to revenue administration. The second condition is that for smaller areas within the district or the sub-divisions, such as development blocks or taluka, sub-committees of the popular body should be assigned clear functions in the implementation of local programmes. The subject requires careful and objective study in the light of conditions prevailing in different parts of the country and experience during the First Five Year Plan. We, therefore, recommend a special investigation under the auspices of the National Development Council". The Planning Commission appointed a Committee on Plan-Projects which further appointed a team under the leadership of Shri Balwantray Mehta to study the working of National Extension and Community Projects and also study problems connected with the re-organization of district administration on the basis of the general conclusion outlined in the Plan and make recommendations. This Team in Section II of its Report recommended what has now been

popularly known as 'Democratic Decentralisation of the district administration.' The Bombay Government accepted the recommendation of 'democratic decentralisation' in principle but postponed decision about the level at which such an institution be created, till the villages in the State were covered by the Village Panchayats. In Gujarat State almost all villages are covered by Village Panchayats and it is now considered necessary, as a further step of broad-basing democracy, to entrust, as far as possible, more responsibilities and powers of administration and development to statutory body or bodies, between the Village Panchayats and the State to be constituted for well defined unit or units, having popular representation thereon and having necessary powers and responsibilities, financial resources and freedom within the general framework of National and State Plan and policy for the discharge of such responsibilities.

To enable the Government to decide how best the aforesaid object can be achieved Government considers that a Committee should be appointed to make an exhaustive study of the matter and submit its recommendations to Government. Government, therefore, hereby appoints a Committee consisting of the following persons :—

- | | |
|--|--------------|
| 1. Shri Rasikbhai U. Parikh, Minister, Lands and Home. | Chairman |
| 2. Shri Ratubhai M. Adani, Minister, Public Works Department and Rural Development Department. | Member |
| 3. Shri Maneklalbhai C. Shah, Minister, Industry and Health. | „ |
| 4. Shri Ghanshyambhai C. Oza, M.P. | „ |
| 5. Shri Babubhai Jashbhai Patel | „ |
| 6. Shri Utsavbhai Parikh | „ |
| 7. Shri Dahyabhai Naik (Panchmahals) | „ |
| 8. Shri Premshankerbhai Bhatt (Surat) | „ |
| 9. Shri Maganbhai Ranchhodbhai Patel | „ |
| 10. Shri V. L. Gidwani, I.C.S., Secretary, Finance Department. | „ |
| 11. Shri L. R. Dalal, I.C.S., Secretary, Agriculture and Lands Department. | „ |
| 12. Shri R. M. Desai, I.A.S., Secretary, Rural Development Department. | „ |
| 13. Shri H. H. Trivedi, I.A.S., Deputy Secretary, Rural Development Department. | Member Secy. |

The Committee is requested to make its recommendations on the following terms of reference :—

(1) To consider and make recommendations about strengthening and vitalising the Village Panchayats.

(2) As a step of extension of local Government and towards democratic decentralisation, to consider and recommend whether establishment and constitution of statutory body or bodies at (i) Block or Taluka and/or (ii) at District level, is necessary.

(3) If No. (2) is in the affirmative, to make recommendations about (i) their constitution, (ii) method of election, (iii) functions, (iv) powers and responsibilities, (v) resources and (vi) services.

(4) To examine the extent to which the functions of statutory local authorities like District Local Boards, District School Boards, District Village Panchayat Mandals and other non-statutory bodies like the District Development Boards and the Block Development Committees will be affected and suggest consequential changes that may be necessary.

(5) To examine the extent to which the functions of Government in various departments at district, taluka, block and lower levels will be affected and will require to be modified and to suggest consequential changes that will be necessary in the administrative set-up of Revenue and other Departments at district and lower levels.

(6) To make recommendations and suggestions on matters ancillary to the above matters.

(7) To make suggestions which may be useful in undertaking legislation pertaining to the entrustment of responsibilities concerning administration and development of rural areas to statutory bodies to be constituted for the purpose.

The Committee is requested to submit its report by the end of September, 1960.

By order and in the name of the Governor of Gujarat,
R. M. DESAI,
Secretary to Government.

10. The Village Panchayats, Block Development Committees, District Local Boards, District School Boards, District Village Panchayat Mandals and District Development Boards, etc. are mainly concerned and affected under the terms of reference of the Committee. It was, therefore, considered necessary and useful to obtain their opinion in this matter.

11. There are 7 to 12 Sarpanchas elected by an electoral college of all the Sarpanchas in the district, and representatives of other districts and organizations as members of District Village Panchayat Mandal constituted in the district for the guidance, supervision and control of Village Panchayats. A State Council for Village Panchayats, formed for advising Government in matters pertaining to Village Panchayats, consists of the Vice-Presidents of all these District Village Panchayat Mandals. As the State Panchayat Council was in a position to give a considered and authorised opinion on behalf of the Village Panchayats, a special meeting of that Council was convened. The State Panchayat Council after discussing fully all the terms of reference and the points arising therefrom, appointed a Sub-Committee to form its views. This Sub-Committee prepared its report after discussing and considering the various aspects of the questions for two days. The State Panchayat Council considered this report in its second meeting and sent the report, with modifications found necessary to be incorporated, to the Democratic Decentralisation Committee through the State Government.

12. A meeting of the Presidents of the District Local Boards was also convened by the State Government to ascertain the views of the Boards. Presidents of these Boards discussed in this meeting the various questions thoroughly and appointed a Sub-Committee to form their views in the form of report. This Sub-Committee prepared its report after deliberations for two days. The Presidents of the District Local Boards met again. After considering and discussing the report of the Sub-Committee they finalised their report and submitted it to the Democratic Decentralisation Committee through the State Government.

13. The State Government also convened a meeting of the Vice-Presidents of District Development Boards to ascertain their

views on this question. The Vice-Presidents considered the different aspects of the question in this meeting and submitted their views. The Democratic Decentralisation Committee has received this report through the State Government.

14. The Chairmen of the District School Boards also met and considered what arrangements should be made regarding primary education in the coordinated detailed programme of democratic decentralisation. The Democratic Decentralisation Committee received a note containing their views through the State Government.

15. In order to ascertain the views of the Block Development Committees the State Development Commissioner drew up a questionnaire and sent it to all the Block Development Officers for the consideration of Block Development Committees.

16. Special meetings of the Presidents, Vice-Presidents and Secretaries of the Block Development Committees were held at Ahmedabad, Baroda and Rajkot to discuss these questions. Questions pertaining to programme of democratic decentralisation were elucidated and clarified in these meetings, and they were requested to convene meetings of Block Development Committees and submit their views. There were 167 Blocks in the State at the time. All the Block Development Committees held their meetings and considered and discussed all the items in the questionnaire and sent their reports to the Democratic Decentralisation Committee through the State Government. As it is not possible to give the full reports of all these Committees, a summary of the views of 104 Block Development Committees which were received within the time-limit fixed for the purpose are given in the Schedule.

17. As the Democratic Decentralisation Committee considered it necessary to ascertain the views of citizens interested in this question, this Committee issued a Press Note requesting all interested in the subject, to send their views to the Committee. In response to the Press Note many suggestions have been received.

18. The Gujarat Praja Samajvadi Paksh has also sent its suggestions to the Committee on various aspects of democratic Decentralisation.

19. The Committee considered it useful to study the organization of democratic decentralisation in the States where this

programme is implemented, and experience gained therefrom, and decided to depute two Sub Committees, consisting of three members each, to Rajasthan and Andhra Pradesh. Accordingly one Sub-Committee consisting of three members Shri Ratubhai Adani, Shri Romeshchandra Desai and Shri Hariprasad Trivedi visited Rajasthan and another sub committee, consisting of Shri Utsavbhai Parikh, Shri Romeshchandra Desai and Shri Hariprasad Trivedi, visited Andhra Pradesh. Both these Sub-Committees, after completing their tours in the respective States, submitted their reports.

20. The terms of reference of the Committee touched the existing general administrative machinery also; hence the Committee considered it necessary to know the views of the Government Department concerned. Two Sub Committees held detailed discussions with the Secretaries and the Directors of the Departments concerned. The Committee is glad to note that the Secretaries and the Directors gave excellent cooperation, made valuable suggestions and made the task of the Committee easy.

21. This Committee was appointed on 15-7-1960. The first meeting of the Committee was held on 4-8-1960. The work of the Committee was held up to a certain extent due to the country-wide strike of the railway, post and telegraph and telephone department employees. Thereafter the Committee met from time to time and held ten meetings in all. The Committee prepared its draft report after considering the recommendations of the Balvantray Mehta Committee, the suggestions received from various institutions and individuals, the suggestions received from the various Government Departments, etc. Before finalising the draft report the Committee specially invited Shri Surendrakumar Dey, Minister for Community Development and Cooperation, Government of India, and Shri Balvantray Mehta, who has played an important part in giving to the country a revolutionary programme of democratic decentralisation, in order to secure the advantage of their advice and suggestions. Both these gentlemen accepted the invitation of the Committee, attended the meeting held on 6th October 1960, and gave, to the Committee, the benefit of their suggestions and views and also discussed with the Committee the various aspects of the democratic decentralisation programme. The Committee is pleased to record

its grateful appreciation of the help received in this way. The Committee considered their suggestions in its next meeting.

22. The draft report was considered and finalised in its last meeting on the 31st December 1960, which we are submitting to Government.

23. The report is in two parts. The first part contains the views of the Committee and its recommendations on the terms of reference entrusted to it, while the second part contains necessary schedules.

24. The Committee wishes to record its thanks to the members of the State Council for Panchayats, Presidents of the District Local Boards, Vice-Presidents of the District Development Committees, Chairmen of the District School Boards and members of the Block Development Committees who attended special meetings and gave valuable suggestions after consideration on democratic decentralisation. The Committee also thanks those from amongst the public who have taken interest in this programme and have taken the trouble of sending to us their valuable suggestions. The Committee also thanks the Secretaries and Heads of Departments concerned for their cooperation in making the task of this Committee easy and for the valuable suggestions for making the democratic decentralisation effective in its true sense.

25. The work of the Committee was rather laborious and was expected to be completed within a short time. The Committee wishes to record the valuable contribution made by the staff of the Rural Development Department by working as a team against heavy pressure of work. The Committee appreciates the diligence and enthusiasm with which the office Superintendent Shri Jagdish-chandra Raval and the Gujarati Stenographer Shri Lalji Rajguru have discharged their duties.

26. The Committee is glad to record its appreciation of the contribution of the Member-Secretary, Shri Hariprasad Trivedi, who, from the very beginning to the end, attended to every detail with great care and took pains to make the work of the Committee easy and to complete it in time.

1.1. Our constitution is based on democratic principles. Under and according to the provisions of the constitution, administration at the Centre as well as in States is being conducted. After achieving political independence we have, in order to achieve economic and social independence, formulated and implemented a series of Five Year Plans. Village development schemes framed and started on a national scale like the Community Development projects, schemes of village development started on a nationwide scale are expanding throughout the country. Several other schemes of development and social welfare have also been undertaken by the Centre and the State Governments. All these schemes which are undertaken by the Centre and by the State Governments for the development and welfare of the people will not succeed to the desired extent unless they become schemes of the people themselves. Till local popular institutions do not become active in the framing and execution of these schemes it will not be possible to generate the necessary interest, faith and enthusiasm in the people. The Balvantray Mehta Committee has stated in its report :—

“While operating through the people’s local organizations, the programme simultaneously strengthens the foundations of democracy on which our Constitution stands by making the villager understand the significance of development and his own position in the process of development, and it makes him realise his position in this vast democracy. Thus, community development and democracy progress through and strengthen each other. The community projects are of vital importance not so much for the material achievement that they would bring about but much more so, because they seem to build up the community and the individual and to make the latter the builder of his own village centres and of India in the larger sense.”

1.2. From this point of view our Local Self Government institutions have to play a part of great importance in the programme of nation building and development. But before considering this we will have a short review of their historical background.

1.3. On 1st of May 1960, the day on which the Gujarat State came into existence, one administrative unit Gujarat Pradesh* of all the Gujarati speaking areas was formed. However, about twelve years back the Gujarat Pradesh was divided between a number of small and big states, Jagirs and areas under British control. Only five districts of Gujarat were under British rule. The remaining Gujarat area was divided between the Baroda State and nearly 148 small States and Jagirs. In Saurashtra there were 222 different States and Talukas while Kutch was a separate State by itself. Thus the Gujarati speaking region was divided into five districts and as many as 372 separate administrations; hence history of the development of Local Self Government institutions varies correspondingly.

1.4. The history of village institutions in India, in the form of Village Panchayats, is as old as the 'Vedas'. In those days communities were independent of each other and quite naturally accepted the guidance of experienced leaders possessing mature judgment and executive ability resulting from considerable experience, in the matter of village defence, day-to-day affairs and development. Even 'Manu-smruti' has referred to this kind of social order. It was on the leadership and bright traditions built up by such leaders that the village institutions rested. As time passed society developed. Due to new institutions and new thinking corresponding changes took place in the organization and functions of the Panchayats. Thinkers and commentators gave their blessings to such changes. The views of Mr. Henry Sumner Maine on this point are worth noting. These are:—

".....each (commentator) of them leaves in the law, after he has expanded it, a stronger doze of common sense and a larger doze of equity and reasonableness than he found in it as it came from the hands of his predecessors."

1.5. The Village Panchayat is indeed an ancient institution of great importance in our village culture and the village administration but it has also made a very important contribution as a powerful and

*In this report "Gujarat Pradesh" and "Gujarat" should be taken to mean the following :—

"Gujarat Pradesh" :	The entire area of the present Gujarat State.
"Gujarat" :	The Gujarati speaking area of the former Bombay State before the States reorganisation of 1959.

well knit body strengthening the society and consolidating it. Our country has faced many foreign invasions and calamities ; many new empires were established and destroyed. But these changes had no adverse effect on our village institutions because our villages were self-sufficient and self-reliant in the matter of their normal affairs and needs. In successive records of history we find references to these living traditions. Compared with the modern administrative arrangements in Western countries the importance of our village institutions stands out as a special self-sustaining part of a normal social arrangement.

1.6. The Rulers of later times had also respected these institutions due to their usefulness and importance in society. Amongst these the example of Ibrahim Adilshah, the Nawab of Bijapur, is well-known. In his reign a dispute arose between Jagdale of Masur (South Satara) and one Bapaji Musalman of Karad regarding the Patiliki Watan. The Village Court of Masur decided in favour of Jagdale. Being dissatisfied with the decision, Bapaji Musalman appealed to the District Panchayat at Karad which, however, confirmed the decision of the Village Court of Masur. Bapaji then went direct to the Bijapur Court and complained to the Emperor that the Panchas at Karad being Hindus were naturally partial to Jagdale and, therefore, their decision should be set aside. In spite of this complaint by a Muhammadan, the Emperor did not order a re-trial of the case by the Panchayat at Paithan which was well-known for its impartiality and judicious decisions: The decision of the Paithan Panchayat, which confirmed the decision of the lower Panchayat, was enforced by the Emperor.

1.7. During the days of Shivaji Maharaj also, there were instances of the King refusing to entertain cases directly and referring the same to the local Village Courts. This is evident from Parasnis Nivada-patraks. This practice continued in the time of the Peshwas also.

1.8. This, in brief, is the story of village communities in India. Its amazing continuity has drawn wide attention and one is impressed by the team spirit and cooperative endeavour seen in them. Herein we witness vast masses of people drawn together to undertake great responsibilities with a common consciousness, fraternal feelings and a highly commendable sense regarding their continuity of interests.

1.9. During British Rule some British officials had studied these village institutions. Sir Charles Metcalfe is one of them who has referred to our village institutions in the following words :—

“The village communities are little republics having nearly everything they want within themselves, and almost independent of foreign relations. They seem to last where nothing else lasts. This union of the village communities, each one forming a little state in itself.....is in a high degree conducive to their happiness and to the enjoyment of a great portion of freedom and independence.”

1.10. The development of this form of village panchayat was quite natural in the circumstances and conditions prevailing in the old days. In those days population was small, people's needs were limited, whatever was produced was deemed sufficient for the needs of the community and, therefore, the problem of unemployment or partial unemployment just did not exist. It was inevitable to produce most of the needs of life in the village itself. Means of communications and contacts were very limited. In these circumstances, it was natural and easy for the village to be self-reliant and self-sufficient. This is the bright side of the village panchayat but we should not forget the other side also. The villages in those days were used to thinking only about themselves; they had never thought from the point of view of the country as a whole. They did think about their own self-reliance and independence but they were not able to think of the unity and independence of the country. Their vision and thinking tended to be limited because of their habit of considering the village as their little world. They could not, therefore, appreciate the importance or greatness of the country as a whole.

They did care about their freedom and self-sufficiency, but they remained unperturbed by the foreign invasions of the country. They remained silent witnesses to the subjugation of the country. Distinctions between the different classes of the society, blot of untouchability and other social injustices were considered by them as tenets of religion and part of social order. It never occurred to them to remove the social injustices from society and reconstruct it on the basis of equality. This is the other side of the ancient village organisation of the Village Panchayat.

1.11. The appraisal made by Shri Jawaharlal Nehru of the ancient system of gram panchayats gives us both the sides:—

“Social freedom and independence that the villages had was a good thing, and there were other good features also. But we must not lose sight of the defects of the system. To live a self-sufficient village life cut off from the rest of the world was not conducive to progress in anything.....The village communities with all their good points could not be centres of progress.....The absence of the means of communication made the village communities live their separate lives, but growth and progress consist in co-operation between larger and larger units, and that when persons or groups keep to themselves, they become self-centered, selfish, narrow-minded and superstitious.”

1.12. Having many excellent points and also many limitations, the Village Panchayat system, such as it was, occupied an important place in rural life and this is a fact which cannot be rejected out of hand. This ancient and important foundation of our village life suffered a mortal blow during British Rule. The Royal Commission appointed in 1907 has rightly said in its report on decentralisation:—

“These villages formerly possessed a large degree of autonomy,” but “this autonomy has now disappeared owing to the establishment of local civil and criminal courts, the present revenue and police organisations, the increase of communication, the growth of individualism and the operation of the individual raiyatwari system”.

1.13. Once the process of disintegration of the self-sufficiency of the village started, it went on apace and it shook the very foundation of the Village Panchayat system. As a result the Village Panchayats lost their lustre, unity and ability such as they were. This was the condition all over the country and Gujarat was no exception to it.

1.14. After the revolution of 1857, the British Rulers did accept the usefulness of Local Self Government institutions. In 1862, they established municipalities in certain towns but only Government officials were appointed as members of those bodies. A right step

was taken in this direction by Lord Rippon by his well known resolution in 1882. By this resolution, arrangements were made for the first time to introduce the element of majority of popular representatives, element of election, appointment of a non-Government President wherever possible, separate staff and separate financial resources for those municipal bodies etc. As the British Rulers' distrust of the people was still there, what was given by one hand was taken away by the other by imposing Government restrictions. As a result, inspite of the good intentions of Lord Rippon, no significant progress was made in the direction of popular institutions for quite a long time. The Royal Commission suggested one more step in the direction of decentralisation in 1907. The recommendations of the Royal Commission were as follows :—

(1) The Municipality should have a substantial elective majority ;

(2) That they should have an elected Chairman ;

(3) That they should have greater freedom in the matter of their duties, establishment and taxes and budgets with the only check that there should be a minimum standing balance to be prescribed by Local Governments ;

(4) That they should be relieved of some of the charges and contributions levied from them ;

(5) That they should be given a permanent addition to their resources and occasional grants to meet necessary, but expensive, works such as drainage or water supply schemes.

1.15. In spite of these recommendations of the Royal Commission of 1907, no progress worth mentioning was achieved till the new Constitution was framed in 1919. By the Act of 1919, the work relating to Local Self Government was handed over to the Provinces and their administration was handed over to popular ministers. In 1920-21, there was a wave of awakening among the people due to the non-cooperation movement and the demand for independence became more insistent and as a result the development of Local Self Government institutions gathered speed.

1.16. The Bombay Local Funds Act, 1869, marks the beginning of Local Self Government institutions in rural areas in the Bombay Province. By this Act the District Local Fund Committees were established. All its members popular or officials were appointed by Government. The function of these Committees was only advisory. They were not given any executive powers. After the well known resolution of Lord Rippon in 1884 the first Local Boards Act was passed in that year. By this Act it was provided that half the number of members should be elected but the District Collector was to be the ex-officio Chairman of the District Local Board and the Mamlatdar was to be the Chairman of the Taluka Board.

1.17. This state of affairs changed gradually. The number of non-Government members as also the number of elected Chairmen gradually increased. Towards the end of 1922/23 in the Bombay Province, of the 27 District Local Boards and 228 Taluka Local Boards, 21 and 97 Chairmen respectively were popularly elected. In 1923 a new Act was passed for Local Boards which extended the franchise for election to the local bodies. It was decided to have elected Chairmen in all Boards. The Local Boards were accepted for the first time as Corporate bodies. Women were given the right to be elected to these bodies for the first time. After this the Local Boards Act was amended from time to time. Today the Local Board has become a strong popular Local Government institution with fairly sufficient powers in its own field.

1.18. According to the Local Boards Act, 1884, Taluka Boards were established just like District Local Boards. In 1918 the then Bombay Government had expressed the opinion that Taluka Local Boards had failed. Mr. J. N. Martin, I.C.S., appointed by the then Bombay Government for reporting on Local Self Government institutions has given the reasons for the failure of the Taluka Local Boards in his report as follows :—

1. Insufficient funds, and,
2. Absence of responsibility and powers so as to maintain interest in and increase the usefulness of these institutions.

1.19. He felt that due to insufficient funds, lack of sufficient work, and with a small low paid staff, Taluka Local Boards could

hardly be expected to shoulder increased responsibilities. The controversy regarding the usefulness of the Taluka Local Boards continued for a few years. Finally Government abolished these Taluka Boards in 1939 explaining that the Taluka Local Boards had failed to discharge their functions properly on account of limited functions, limited means and insufficient powers.

1.20. Although the Local Self Government institutions at the Taluka level were considered to have failed and abolished in 1939, it has become an important unit in another form after a gap of 13 or 14 years, after 1952, when the National Extension Service and Community Development Projects started on a national scale. The Community Development Projects which have been started almost at the Taluka level require the help, co-operation and guidance of the the people and, therefore, Block Development Committees have been constituted. This Committee is nominated by Government but in the absence of a democratic body it is making an important contribution by generating unity and active participation of the people in the development programmes.

1.21. Under the Bombay Village Sanitation Act, 1889, Village Sanitation Committees were appointed in villages. Thereafter the first Village Panchayat Act of the Bombay State was passed in 1920. This was amended from time to time and the new Gram Panchayat Act came into operation in 1933.

1.22. In July 1933, the then Chief Minister of Bombay, Shri Morarjibhai Desai said that the success of democracy in India depended on the success of Village Panchayats, as they constituted its very foundations. He added that if democracy was to succeed, they must strengthen the Village Panchayats and make the rural population strong by paying more attention to it.

1.23. Attempts were made in the old Bombay State to establish Panchayats ever since 1920 but the desired progress could not be achieved in the beginning. The Panchayats established under the Act of 1920 were merely a pale shadow of the glorious institutions that flourished in the villages in the earliest times. They were not fully representative, their powers were limited, and their finances were meagre and fluctuating, and there was no provision for regular and

substantial financial aid from Government. Under the Act of 1920, Panchayats were set up only in selected villages, and over considerable areas they were altogether unknown.

1.24. In 1939 the popular Ministry then in power introduced far-reaching amendments in the Bombay Village Panchayats Act of 1933. It, however, soon after resigned with the result that no progress was registered in the field of Panchayat administration. The question of re-vitalising the Village Panchayats was taken up in right earnest again when the popular Government came into power in 1946, and in 1947 gave a new impetus to the development of Village Panchayats by adopting fundamental changes in the Act. Universal adult franchise for the election of Panchas, division of Panchayats into wards, and fixing seats for each ward, reservation of seats for women, Scheduled Castes and Scheduled Tribes, control and supervision by the District Local Boards and Government, vesting in them Government properties like small pieces of open land, roads within the village sites, sites used for playgrounds, bazars, etc., village roads, grazing lands, lands used for public purposes like threshing floor, burial and burning grounds, etc., giving them powers to impose and collect taxes and fees and grant of 15% of land revenue to Village Panchayats, and payment of liberal grants to Village Panchayats for water supply schemes, are some of the features of the Bombay Village Panchayat (Amendment) Act of 1947. Village Panchayats were given power to levy and collect a cess of As. 2 on every rupee of ordinary land revenue in the Village. Provision was also made to invest Village Panchayats, in selected cases, with powers to collect land revenue.

1.25. During the 9 years from 1947 to 1956 a great deal of vigorous work has been done in the State to place the Village Local Self Government on a sound footing. From 1400 in April 1946 the number of Village Panchayats have increased to 5915 in 1956.

Thus, the Bombay State has shown a keen awareness towards the problems of Village Panchayats in the State and have taken notable steps to encourage them.

Lastly the New Bombay Village Panchayat Act was passed in 1958 which is now in force. In this way this history of the development of Village Panchayats reflects the changes that have taken place

in the political and administrative structure of the country and attempts to give form to the changed ideals and objectives.

1.26. The history of entrusting the administration of primary education to local bodies in the former Bombay State is seen in the following stages :—

- (1) Complete control in the hands of Government (1824 to 1863) ;
- (2) Informal or formal association of non-officials with the administration of the primary schools (1863 to 1884) ;
- (3) Co-operation and collaboration of local bodies in an association in which most of the major powers remain with Government (1884 to 1924) ;
- (4) Complete and uncontrolled delegation of authority to local bodies (1924 to 1938) ;
- (5) Delegation of authority to local bodies, combined with adequate powers or supervision or control by Government (1938 to 1948) ; and
- (6) Establishment of separate District School Boards with powers mentioned in (5) above (1948 to 1958).

1.27. From the historical background given above, it will appear that our social and cultural requirements need an administrative system based on decentralisation and development of local bodies ; that our history of modern education shows a continuous association of local bodies ; that there are several great advantages in association of primary education with the local bodies ; that certain evils did creep into the administration of primary education in association with local bodies but they are progressively disappearing.

1.28. In the matter of assisting local bodies with the administration of primary education since 1923, two units, the district and the village have been recognised—the District School Board at the District level and the Village School Committee at the village level. In 1923, Taluka Local Boards were in existence but it was not felt necessary to associate them with the administration of primary education. The same position was continued by the Act of 1938. In the meanwhile, the Taluka Local Boards were themselves abolished

and the problem of associating Taluka Local Boards with the primary education receded still further in the background but there was so large an expansion of primary education between 1938 and 1947 that a demand soon began to be put forward to the effect that the District had become too unwieldy a unit for the administration of primary education and that it would, therefore, be desirable to adopt the Taluka as the basic unit instead. The lead in this matter was taken by Shri R. V. Parulekar and he submitted a memorandum to Government on this subject when the Act of 1947 was under consideration. His proposals were not then accepted and the district units were continued but as a result of the force of his arguments the Bombay Primary Education Act of 1947 adopted the Taluka as a discretionary unit in addition to the district. In spite of this, no District School Board has constituted such an advisory body at the Taluka level.

1.29. The Bombay Government appointed a Primary Education Integration Committee with the object of integrating different laws, acts, rules and procedures, concerning primary education prevailing and enforced in the different areas re-organised in the bigger Bombay State as a result of the States Re-organisation in 1956. The Integration Committee in its report states :

“During the time when the controversy regarding the district and the taluka being units for primary education was going on in 1957, the Balvantray Mehta Committee’s report was published. In this report, the Committee recommended that the Block should be accepted as a unit of administration and that the responsibility of maintaining primary education schools should be delegated to the Block level. This has given a great support to the arguments of adopting the Taluka as a unit for primary education.”

1.30. Taking all this into account, the Primary Education Integration Committee has recommended as follows in its recommendation No. 198 :—

“The most acceptable proposal regarding the unit of administration would be to decentralise executive authority suitably at all the three levels—district, taluka and village—and,

therefore, we are making our proposals for administrative re-organisation on the assumption that Section 15 of the Bombay Primary Education Act, 1947, would be amended in such away that Taluka School Committees, with specific powers and executive duties and responsibilities, would be constituted under the provisions of the Act itself.....”

1.31. No decision could be taken on the recommendations of this Committee on account of bifurcation of the Bombay State.

1.32. In addition to these statutory bodies, the District Development Boards are also functioning at the district level. After the formation of the popular Government in 1939, Rural Development Boards were formed for each district for co-ordinating the programmes of rural development and with a view to secure the co-operation of the people in their execution. The District Collector was the ex-officio President of this Board. A non-official Member was appointed as the Vice-President. District Government Officials were ex-officio members of this Board. Other members were nominated by Government. In order to co-ordinate the entire programme of planning and development at the district level and with a view to secure popular co-operation, District Development Boards were constituted in place of Rural Development Boards. The Collector is ex-officio President of his Board. A non-official is nominated as Vice-President of this Board. The elected members of the Legislative Assembly and Parliament in the District as also some district level officers are ex-officio members of this Board. Some Sar Panches, Chairman of the District Co-operative Bank, the President of the District Local Board and other representatives are members of the Board. In order to co-ordinate the entire programme of planning and development at the District Level, urban areas were, in addition to rural areas, included within the field of activity entrusted to these Boards. The Board functions through Sub-Committees and unless otherwise provided, the Vice-President of the Board acts as Chairman of all Sub-Committees. The functions and duties of the District Development Boards are as follows :—

(1) (a) To advise Government through the respective

district level officers and to assist the officers in the following matters :—

- (i) Prohibition ;
- (ii) Agriculture and Village Development ;
- (iii) Minor Irrigation Works ;
- (iv) Publicity ;
- (v) Distribution of controlled commodities ;
- (vi) Uplift of the Backward Classes ;
- (vii) Health ;
- (viii) Co-operation (including markets) ;
- (ix) Other items suggested by Government, social education and other related matters.

(b) Supervision and Co-ordination of the work of Sub-Committees and Taluka Development Boards.

(2) The officials are normally supposed to work according to the advice of the District Board or the Sub-Committees. Where such advice cannot be accepted, written reasons should be recorded, and, if necessary, orders of Government should be obtained.

(3) The President will be competent to utilise the funds entrusted to the Board according to the general or special orders of Government from time to time.

1.33. The history of Local Self Government institutions described above refers to only the five districts in Gujarat under British Rule before the merger of States in 1948. In addition, out of the 149 states in Gujarat, only the Baroda State had attempted to establish Local Self Government institutions and thus delegate to the people certain powers of Self Government. Only this State had the vision to give powers to the people to execute local works and accordingly had taken the liberal and pioneering step of establishing village panchayats and Prant panchayats in the State. These powers and facilities may appear small to us in the present context but in those days

they appeared liberal and broad-based to the people; that a State, where normally nothing could be done without the State's sanction, should give powers and facilities to the people to execute certain works, was at that time a revolutionary step. The powers given to these panchayats underwent modifications from time to time. At the time of the merger of the Baroda State, these institutions were executing local development works and had proved very useful. After the merger of that State in 1948-49, Local Self Government institutions started functioning in all those areas on the lines of similar provisions in the Bombay State.

1.34. In Saurashtra, only the Bhavnagar State had attempted to establish institutions like village panchayats. One or two other States had made an attempt in this direction. In the remaining States, this question was not even considered but after the unification of Saurashtra, rapid steps were taken to fill up this gap. In 1949, the Saurashtra Village Panchayat Ordinance was promulgated. This measure, unlike acts in other States, was drafted originally and independently in Gujarati and was not a copy of the acts in other States. It was drafted, keeping in mind special features and needs of Saurashtra. In villages, establishment of panchayats was voluntary. In 1951 the Saurashtra Gram Panchayat Madhyastha Mandal was established as a statutory body for the development of village panchayats in Saurashtra. This was with a view to awakening the curiosity of the village people and explaining to them the functions of the Village Panchayat so as to induce in them a hankering for the establishment of Village Panchayats and also to encourage and nurse the existing Panchayats by securing the help and co-operation of experienced and competent public workers. The Minister for Panchayats was the President of this Mandal and a non-official member was the Vice-President. High Government officials, Members of the Legislative Assembly, Sarpanchas and workers interested in Panchayat activities were appointed as members. This Mandal discharged its duties very well. An administrative organisation was set up at the State level and at the district level under this Mandal for panchayat work. Panchayats were classified in (c), (b) and (a) categories and were promoted to higher classes after taking into account their efficiency and the works executed by them. From 17½ to 33 percent of land revenue collections were given as grant to panchayats according to their classifications.

In election to the Village Panchayats, prominence was given to the principle of unanimity. From 1950, when this Act first came into force, upto 1958 in a period of eight years all the villages of Saurashtra were covered by Village Panchayats. The people of this area and the villages included therein, who were divided into as many as 222 small and big States and talukas and had suffered in many ways, avidly took to the democratic panchayat system within a period of eight years. They have carried out works of popular benefit democratically and with great enthusiasm. The history of this achievement is a proud and pleasant record.*

1.35. After the formation of the Saurashtra State in 1948, the Bombay District Municipal Act and the Bombay Borough Municipal Act were adapted in Saurashtra, and under these Acts, Municipalities with limited franchise and resources existing under the former States were re-organised and Municipalities were established in towns which were bereft of the Local Government. In the former States there was no institution at the district level like the District Local Board. In the beginning of 1956 District Panchayat and District School Boards were established in each district by enacting legislation on the basis of the Bombay Local Boards Act and the Bombay Primary Education Act. After the formation of the bilingual Bombay State in 1956, the Bombay Local Boards Act was fully applied to Saurashtra in place of the Saurashtra District Panchayat Act and District Panchayats were replaced in April 1960 by District Local Boards. At present District Local Boards and District School Boards are functioning in all the districts of Saurashtra.

1.36. We now turn to the history of the popular institutions in Kutch. A certain incident which took place in Kutch is remarkable enough to find a place in the history of democracy in India. During the last quarter of the 18th century Rao Raydhan was the ruler of Kutch. He embraced Islam and oppressed his Hindu subjects for forcing their conversion to Islam. He terrorised the people by imposing and collecting heavy taxes. The people got tired of all this. The leaders of the Hindu and Muslim populations of Kutch collected together and marched on Bhuj, the capital of Kutch. They occupied

*Summary of reference to village panchayats in Saurashtra in the Book "Village Panchayats in India" by Shri Harshdev Malavia.

that city and imprisoned the ruler in a fort called 'Bhujiya Killa' near Bhuj.

Government was taken over by a Panchayat consisting of 12 members. As this Panchayat had 12 members, this regime was known as "Bar-Bhaya-Raj". After some time the powers of this "Bar-Bhaya-Raj" were concentrated in the hands of one person, viz. Fateh Mamad Jamadar. After the death of this Fateh Mamad Jamadar, the collaterals of the former ruler re-established monarchy with the help of the East India Company. During this rule there was naturally no chance for the establishment of popular institutions. Due to the changing atmosphere in the country, the Kutch State appointed a Committee to draft a Panchayat Bill as late as in 1946. This Committee had presented a report also but no action was taken on this report till the Kutch State was formed into a C class State. After this, the Bombay Village Panchayat Act was applied to it in 1952 and the Bombay Local Boards Act in 1954 and institutions began to be constituted under these Acts.

1.37. Different areas having diverse institutions and also those not having such institutions were reorganised into the Bigger Bilingual Bombay State in 1956. The different Panchayat Acts in force in these different areas were unified and a new Gram Panchayat Act was passed in 1958. This Act is in operation in all the areas of the Gujarat Region from 1-6-1959. The main provisions of the Panchayat Act of 1958 are as follows:—

- (1) Voluntary establishment of panchayats ;
- (2) Reservation of 2 seats for women in each Panchayat instead of 1 ;
- (3) Reservation of seats for Scheduled Castes and Scheduled Tribes in proportion to their population ;
- (4) Division of the Panchayat areas into wards and fixing the number of seats for each ward ;
- (5) Provision enabling a resident of the village to stand for election from any ward ;
- (6) Provision for the establishment of a village assembly consisting of all the voters in the village and calling of a meeting of this Assembly at least twice a year ;
- (7) Classification of the special administrative powers and duties of the Panchayat according to the different fields, such as
 - (a) Health and Sanitation ;
 - (b) Public Works ;
 - (c) Educational and Cultural activities ;
 - (d) General and village defence ;

(e) Administration ; (f) Social Welfare ; (g) Agriculture and conservation of forests ; (h) Animal Husbandry ; (i) Cottage Industry ; (j) Recovery of Land Revenue, etc. ; (8) Provision for giving a grant to the extent of 25 to 30 % of the land revenue to the Village Panchayat ; (9) Special powers in relation to Civil and Criminal justice ; (10) Establishment of a Nyaya Panchayat for a group of 5 or more than 5 village panchayats and not for every village panchayat ; (11) Power to levy taxes and fees ; (12) Power authorising panchayats to levy a cess of annas two in a rupee on land revenue ; (13) Establishment of the District Village Panchayat Mandal consisting of members elected by the Panchayat, certain members of the District Local Board, Vice-Chairman of the District Development Board, Chairman of the District School Board, and the District Collector, to give advice, guidance and help and for supervision and control of Gram Panchayats ; (14) Provision to consider the receipts arising out of the cattle pounds as the direct income of the Panchayat ; and (15) Provision to authorise Panchayats to recover land revenue.

1.38. In this way, the Village Panchayat is working as a statutory body at the village level discharging all the functions covering village life. The District Village Panchayat Mandal is functioning for advice and guidance to village Panchayats. The District Local Boards are functioning at the district level for building new roads and maintaining old ones, taking measures for health and sanitation and for veterinary services and other works from the funds collected from their own resources and from Government grants. The District School Boards are functioning for the administration, supervision and development of primary education. District Development Boards are functioning to advise and help in district planning, Community Development schemes, agriculture, animal husbandry, public health, and other development programmes.

1.39. In Gujarat State, in cities and towns Municipalities are functioning as popular institutions in addition to the institutions described above. As a matter of fact, among Local Government institutions, Municipalities were the first to be established in various

towns, small and big, before the District Local Boards and the Village Panchayats were established. As the Municipalities are not covered by the terms of reference of this Committee that question is not being discussed here.

1.40. While on the one hand this process of development was going on in the direction of Local Self Government, on the other hand, from 2nd October 1952, the Community Development and National Extension Service Schemes were started on a country-wide basis and thus a new force was created and a new programme launched. After this experiment went on for about five years, the need for evaluation of the work done under the Community Development and National Extension Service schemes was felt and accordingly, a Study Group was appointed under the leadership of Shri Balvantray Mehta.

1.41. The main objective of Community Development schemes is that the standard of living of the people should improve progressively by means of the various programmes executed through their own active co-operation, and where possible, through their own initiative. The Community Development schemes attempts to draw programmes calculated to secure the active help and co-operation of the people by kindling their enthusiasm, where the people do not show any inclination to take initiative.

1.42. After bearing in mind this aim of the Community Development Schemes as also after studying the many attempts and the different kinds of activities in different regions of the country, this Study Group has presented before the country through its report several views and programmes visualising fundamental and far-reaching effects.

1.43. The National Development Council took the following decision in May 1958 in regard to its recommendations for democratic decentralisation after taking into consideration the report of the Balvantray Mehta Committee :—

“State Governments should accelerate the process for the establishment of democratic institutions functioning either at the block level or at the taluka level or district level. The process of democratization should be completed as speedily as possible. As agreed in the meeting of the Standing Committee

of the National Development Council in January, 1958, the pattern of democratization would be worked out by State Governments in the light of their own conditions and requirements. The National Development Council will review from time to time the progress in regard to the steps taken towards democratic decentralisation."

1.44. According to the recommendations made by the Balvantray Mehta Committee for democratic decentralisation and the decision taken thereon by the National Development Council, the six States, viz., Rajasthan, Andhra Pradesh, Assam, Jammu & Kashmir, Mysore and Madras, have passed legislations regarding "Panchayati Raj," and have given effect to it. The Legislatures of Orissa and Uttar Pradesh have passed the relevant Acts and these will come into operation shortly. In the Punjab a Bill relating to this subject is under the consideration of the Legislature. In other States also, preparations are afoot in this direction.

1.45. The Gujarat State has also appointed a Committee by its Resolution No. DDD/1060/G, dated 15-7-1960, to study this question and to make recommendations. The terms and reference of this Committee have been given in the introduction to this report.

1.46. It is now necessary to consider how and in what manner and how far democratic decentralisation is possible in the Gujarat State and what type of popular institutions should be constituted, at what level for its execution as also what should be the administrative organisation and resources and the form, constitution, function and duties of these bodies, after taking into account the historical background of Local Self Government institutions, their progressive development, the new forces generated in the country and the recommendations made on this subject by the Balvantray Mehta Committee.

2.1. At present Government administration is carried on and development programmes are executed through the different departments of Government, through advisory institutions assisting some of the Government departments as also through Local Self Government institutions like Village Panchayats, District Local Boards, District School Boards, District Village Panchayat Mandals and Municipalities. These institutions are known at present as Local Self Government institutions. We have seen the history of the establishment of these institutions at different stages in the preceding chapter. During the British rule, as and when there was awakening amongst the people and as they got the necessary experience, they used to start agitations for snatching further powers and resources for solving their problems. As a result of these agitations, municipalities were established in towns and cities and District Local Boards were established in rural areas at the district level. In course of time, District School Boards were established through the District Local Boards in 1924 for primary education. At the village level, village panchayats were revived as Local Self Government institutions. In spite of this, as foreign rule was not responsible to the people, these local institutions considered themselves isolated from the Government machinery and continued their efforts to obtain more powers and resources and expanding their functions. In certain fields, they carried on their work as parallel to other institutions and independently of Government. As a result, these institutions developed separately and, to a certain extent, with no coordination of their functions.

2.2. In 1947, India secured independence and Self Government was established. In 1950, the people adopted a Constitution and established a democratic Republic. As a result, in 1952, the biggest ever, elected democratic Government on the basis of adult franchise came into existence. According to the Constitution, elected Governments were formed at the Centre and in the States. Under foreign Government, the word Local Self Government naturally signifies something apart from Government but when the people as a whole enjoy Self Government under democracy established in the whole country, use

of the term Local Self Government institutions indicating something apart from Government itself serves no useful purpose. Central and State Governments in the country are responsible to the people. They have formulated Five Year Plans for the economic well-being and social uplift of the people by undertaking a planned and coordinated programme of development. These plans have covered the whole country and are being executed through the Central and the State Governments and, to a certain extent, through Local Self Government institutions. In reality all these are democratic institutions at different levels.

2.3. The Central and the State Governments have constantly tried to secure the cooperation of the people and of the different democratic institutions in the execution of Five Year Plans and other important programmes. The people and Local Self Government institutions in turn have taken good interest in planning and other programmes and have given all possible cooperation. The plans and programmes for the people should really become the plans and programmes of the people themselves. But for various reasons, this has not yet been possible. As a result, the responsibility for the execution of the programmes of planning and national development have mainly rested on the Central and the State Governments.

2.4. It is natural that the activities of the States expand considerably as a result of the plans drawn up by the Central and the State Governments for ensuring the economic and social development of the people keeping in view the object of establishing a welfare State. A large administrative organisation is inevitable for this purpose. But the democratic government operating over large areas through its executive machinery cannot adequately appreciate local needs and circumstances. It is, therefore, necessary that there should be a devolution of power and a decentralisation of machinery and that such power be exercised and such machinery controlled and directed by popular representatives of the local area.

2.5. The Planning Commission has recommended, in the Second Five Year Plan, that Local Self Government institutions should be

constituted in the District. The following reference on this point is found in the Report of the Balvantray Mehta Committee :—

“The proposals of the Planning Commission for the Second Five Year Plan, as accepted by the Parliament, stressed the need for creating, within the district, a well organised democratic structure of administration, in which village panchayats will be organically linked with popular organisations at the higher level. In such a structure, the functions of the popular body would include the entire general administration and development of the area, other than such functions as law and order, administration of justice and certain functions pertaining to revenue administration.”

2.6. At what level should these democratic institutions be established is a very important question. District is an important administrative unit next to the State. The district is considered an important unit for planning. The jurisdiction of the District Local Board which is an important Local Self Government institution is coterminus with the district. From this point of view, next to the State, the district is an important level for the purposes of administrative decentralisation and for establishing a powerful democratic institution.

2.7. Next to the district, the taluka is an administrative unit. At one time, at this level, Taluka Local Boards were also constituted. But in the circumstances prevailing at that time, this institution did not get enough opportunity to work. We have seen in the preceding chapter the circumstances under which this institution was abolished. The Community Development Block has been considered as an important unit during the last eight years due to the introduction of the Community Development Projects and National Extension Service on a national scale. It is for this reason that between the district and the village levels a democratic institution at the middle level becomes inevitable ; whether this democratic institution should be at the taluka level, or at the block level, is a matter which we will consider a little later.

2.8. Next to the taluka, we have the village level. Our village is recognised, for centuries, as an important unit for administration. Village Panchayats functioning at the village level had played a very

important part in our national life and history. The village panchayats are again playing the same important role. Thus the village is our basic unit.

2.9. We, therefore, recommend the establishment, below the State level, of strong and efficient democratic institutions of elected representatives of the people at the district level, the taluka or block level and the village level. These democratic bodies should be organically linked ; the State administration should be decentralised and responsibilities should be duly devolved on these bodies. National Planning, State policies and important programmes can be easily and successfully implemented only through these organically linked democratic bodies constituted at these three levels. The country can advance harmoniously only if these institutions become parts of one arrangement and work according to their own lights in their own fields and at the same time supplement and complement each other.

2.10. Mahatma Gandhi, in an article published in the "Harijan" in 1946, has given us a clear and fine picture of the manner how these different institutions from the Village Panchayats should be linked up and how they should function for a common purpose :—

"In this structure composed of innumerable villages, there will be ever widening, never ascending circles. Life will not be a pyramid with the apex sustained by the bottom. But, it will be an oceanic circle, whose centre will be the individual, always ready to perish for the village, the latter ready to perish for the circle of villages, till at last the whole becomes one life composed of individuals, never aggressive in their arrogance, but ever humble, sharing the majesty of the oceanic circle of which they are integral units.

"Therefore the outer-most circumference will not wield power to crush the inner circle, but will give strength to all within and will derive its own strength from it."

2.11. We have now to consider in what manner these institutions should be constituted. It is essential that all these institutions should be closely and organically linked with each other. It is necessary

that the higher institutions should be constituted through the lower ones. Thus it will be convenient to consider the village level as the base and thereafter gradually the upper level institutions and hence we have considered them in that order.

VILLAGE LEVEL

2.12. Villages and cities are our basic units. Democratic institutions of one kind or another are already in existence at these levels. We have seen certain details about this matter in the preceding chapter. At different times and in different circumstances, different kinds of democratic institutions have come into existence with various powers and resources. In the villages and cities, when these institutions were started, there was foreign rule in the country, while at present India is a democratic republic. Now when an effort is being made to strengthen democracy by creating a coordinated structure of democratic institutions and by decentralising administration duties, powers and responsibilities, it becomes imperative for the basic democratic institutions, set up at different times and in different forms, to collaborate in that effort harmoniously. The present Government policy is to establish Village Panchayats in villages and towns having a population not exceeding 10,000. According to the District Municipal Act, District Municipalities are established in villages or towns with population from 2000 to 50,000. In towns with population of more than 50,000 Borough Municipalities are established and in cities with population of more than 5 lakhs, Municipal Corporations are established.

2.13. Except in the Dangs District and in some villages of Kutch, Village Panchayats have been established covering all the villages with a population upto 10,000 in the Gujarat State. Under the Village Panchayat Act of 1958, these Village Panchayats have been given wide responsibilities with necessary resources. Efforts should be made to vitalise, strengthen and render more effective, these Village Panchayats which are the basic units of democracy. Detailed recommendations in this behalf will be considered in the next chapter.

2.14. With a view to giving all facilities for the development of villages and towns with a population below 10,000 in which Municipalities have been established and in towns with a population from 10,000 to 30,000, wherein Municipalities have been established, detailed recommendations are made in Chapter 4.

TALUKA LEVEL

2.15. The need for a statutory democratic institution at an intermediate level between village and the district has been accepted. Whether these institutions should be at the Taluka level or block level is a question which now requires to be considered.

2.16. The Taluka is an important unit, above the village, from many points of view. The mutual relations and communications between villages have also followed this pattern. Even for general administration also taluka is considered as the next higher administrative unit.

2.17. Development Blocks came into existence ever since the Community Development and National Extension Service Schemes were started in our country. A Development Block consisting of a population of about 66,000 has become an important unit for rural development. The Planning Commission has also accepted the block as a unit for planning and development.

2.18. The Balvantray Mehta Committee has recommended the establishment of a democratic body at the block level as a second line between the village and the district. In support of this recommendation the Committee has said that the object of establishing this institution is to enable it to exercise powers and shoulder the responsibilities for the execution of development programmes in the rural areas. The block has been created as a unit for development programmes and in population and extent, it is a balanced and reasonable unit. At the block level there is a Block Development Committee for assisting in the development work. If a democratic institution is established at the block level, it can take the place of the Block Development Committee and carry on the development programmes further without disrupting the continuity of its activities.

2.19. The population and extent of the proposed local bodies between the village panchayats and the district should neither be so large as to defeat the very purpose for which they are created, nor so small as to militate against efficiency and economy. It is natural that from this point of view, the population and extent of the block is considered proper and reasonable.

2.20. In the Gujarat State there are 185 Talukas and Mahals. The total population of Gujarat State including cities is 1,62,62,657 according to the 1951 census. Accordingly the average population of a taluka or mahal according to the 1951 census would be 88,868. The rural population of the Gujarat State, excluding cities, is 1,18,34,761. On this basis the average rural population of a taluka or a mahal would be only 64,667. From the point of view of average population, the taluka or mahal is not larger than the block. A table showing the number of villages in talukas and mahals in the Gujarat State, their population and number of development blocks is given in the Schedule.

2.21. In some States talukas are bigger. In such talukas more than one development blocks are constituted, or Taluka boundaries are broken for establishment of blocks. In such cases, it is indispensable that establishment of a democratic body at the Block level would be essential instead of at the taluka level. But in the Gujarat State the area of most of the talukas and of the blocks is the same. The population of some Talukas is in excess of the average but instead of breaking the taluka, 1½, 2 or 2½ blocks have been established with necessary programmes and financial provisions. In the case of other talukas and mahals which have population below 66,000, two talukas or mahals are linked together and one development block is established for both. It will be seen, therefore, that the blocks have been established in units of less than one or more than one but the boundaries of the talukas or mahals have not been disturbed. As the area and field of activities of the taluka and the block are the same talukas have the same facilities and advantages as the blocks possess for the establishment of popular institution at that level.

2.22. All the schemes and the work of the Development Block will certainly be entrusted to the popular institution proposed to be set up between the village and district levels. But we are recommending further to entrust to it other administrative functions as also the responsibilities of the execution of other Plan schemes. There is already provision in the Panchayat Act empowering that body to recover land revenue and look after the land revenue records but the supervision, inspection and control are left to the Mamlatdar,

Prant Officer or the Collector. In the next chapter we have recommended that even these duties should be entrusted to these popular bodies. Apart from the Block Development works the other duties and responsibilities proposed to be entrusted to this popular body are already organized taluka and district-wise. When such extensive responsibilities are being entrusted to this popular body we do not consider it proper to break up the units which have served as natural units for the purpose so far.

2.23. If we take a block as a unit for a democratic body at this level the present administrative arrangement at the taluka, wherein there are more than one block, will have to be widely altered. If we do not make such a change in the arrangement we should consider it as one unit though there are more than one block in the taluka. Then it is the same thing whether we consider a block or a taluka as a unit.

2.24. Considering all these points we recommend that the Taluka or mahal should be accepted as a proper unit and level above the village level for the establishment of a popular institution, since all the advantages of taking a Development Block as a unit are also available if the taluka is taken as a unit and further the taluka is an important administrative unit already. The popular body so established at the taluka or mahal level may aptly be called the "Taluka Panchayat".

2.25. Wherever there is one or more than one integral number of development blocks within the taluka, acceptance of the taluka as a unit for setting up a popular institution will not present any difficulties but where two talukas or mahals are combined to form a development block two popular institutions would be functioning within a block by considering the taluka or mahal as separate units. If one local body is established for two such talukas or mahals, for certain administrative and other functions they will remain separate while for other matters they will be treated as a single unit and this is bound to raise administrative difficulties. For this reason if there are two talukas or mahals within one development block it would be better to consider each of them as a separate unit for the establishment of a popular institution.

2.26. After the establishment of this popular institution in a taluka or a mahal the programme of development schemes and their execution would be entrusted to that body. As a result the Block Development Officer and the other Government servants will form part of this popular institution. But the question then would arise as to how the Block Development Officer and other Government servants would be divided between these popular institutions established in the two talukas or the mahals coming within one Development Block.

2.27. Extension Officers and Village Level Workers can perhaps be distributed on the basis of population but it would be difficult to ask one Block Development Officer to work as the executive officer of two popular institutions. In the different States in our country there is so much variety in the constitution and form of Development Blocks that the form and structure of a Block is not considered as totally unchangeable. As we have in [one taluka more than one Development Block so we also have in different States, the examples where 1/2 block is assigned to an area for special reasons. In such a 1/2 block one Block Development Officer is given and Extension Officers and Village Level Workers are given in proportion to the population and the number of villages. It will, therefore, be more convenient to give 1/2 Block to similar talukas and mahals wherever the present Development Block includes two of them. This will certainly mean a little more expenditure, but it is advisable to incur this expenditure in the interest of efficiency. If the Ministry of Community Development and Cooperation at the Centre does not agree to share this extra expenditure, the State Government should bear it.

DISTRICT LEVEL

2.28. We have seen that a popular institution at the District level is necessary and inevitable. What type of institution this should be is an important question. The Balvantray Mehta Committee has recommended that the district level institution should be merely a supervisory and coordinating body. Its Chairman should be the District Collector for the first two years and officials of the different Development Departments should be its members. In Rajasthan,

according to this recommendation, an institution called the Jilla Parishad has been constituted at the district level for supervision and coordination. In Andhra State also the Jilla Parishad is a supervisory and coordinating body. In addition it is entrusted with duties and powers which were formerly exercised by the District Local Boards and other Development Departments. The district level institution, according to the Balvantray Mehta Committee, should be merely a supervisory and coordinating body, but at the same time that Committee has accepted the possibility of this institution being entrusted with administrative powers. At what stages, what administrative powers can be given to this institution being a matter dependent on the internal condition of every State the Balvantray Mehta Committee has not made any detailed recommendations on this point. In paragraphs 2.45 of the report of the Committee, it is stated :—

“It is also possible that some of the State Governments may find it useful to devolve upon the Jilla Parishads, in a progressively larger measure, the powers now exercised by them directly through their district level officers. In such a case the Jilla Parishad will have to be a purely elective body with, perhaps, a few coopted members. These phases are difficult to forecast and, therefore, a blueprint of developments in the direction of further decentralisation would be difficult and profitless to attempt.”

2.29. When considering the form of the institution at the district level in the Gujarat State, it is necessary to consider the prevailing conditions and traditions. An advisory body *viz.*, the District Development Board is already in existence in every district of the Gujarat State for helping in execution of Plan and Development programmes and for necessary coordination. In addition the old and tried local institution called the District Local Board is rendering valuable services according to the powers vested in it inspite of having limited resources. Further, the District School Board discharging administrative duties regarding primary education and the District Village Panchayat Mandals supervising and controlling Village Panchayats are also in existence. Even though we may delegate several duties and responsibilities from the district to lower levels as a result of administrative decentralisation, there will remain a number of important duties and responsibilities

at the district level. It is, therefore, a question for consideration whether it would be proper and desirable to abolish the statutory bodies at the district level which have rendered valuable services in the administrative field and have established healthy and progressive traditions and only establish in their place an institution solely for supervision and coordination.

2.30. The disappointment at the working of the District Local Boards in different States seems to be the main reason why the Balvantray Mehta Committee recommended establishment of a purely supervisory and coordinating body at the district level.

2.31. The following reference is made to the District Local Boards in the Balvantray Mehta Committee's Report :—

“The District Boards might have served the purpose for which they were created, *i. e.*, educating our people in self government ; but they have neither the tradition nor resources to take up this work. They have also been handicapped by having too large a charge to receive their detailed attention. The Chairman and members of the District Board are not in a position to give any considerable portion of their time to the affairs of such a vast area. The very size of its charge compels delegation of a very large area of authority and discretion to its own officers, so that the effect is to replace State officers drawn from larger cadres by officers of limited experience in restricted fields. The tendency has been for the State to take over many of the functions of the District Boards.”

2.32. The experience in Gujarat is different. It will not, therefore, be out of place here to refer to the history of the District Local Boards in Gujarat and to the work done by them. The District Local Boards in Gujarat have not only educated our people in self government but have rendered good service in different fields. 15 per cent of the land revenue of the State was given to them as government grant since 1947, and in addition they could raise almost an equal amount by levying local taxes and cesses. The Boards are also given annual maintenance grants for such of the district roads as have been handed over to them by the State Public Works Department. In the same way, the State provides in the budget for payment of grants on account of

health and veterinary services entrusted to them by the States. In this way, the average annual income of the District Local Board is nearly Rs. 18,12,398/- and the same is spent every year by them on welfare activities. The District Local Board is a popular body elected on the basis of adult franchise. A person wishing to be elected to the Board has to be a voter in the corresponding rural area constituency according to the provisions of the Act. A statement showing the areas of the districts of the State, the number of villages and the proportion of urban and rural population is given in the schedule. It will be seen therefrom that out of the seventeen districts of the Gujarat State, eleven have less than 7 lakhs of rural population. Of the remaining, with the exception of the Surat District, none has a population of more than 12 lakhs. With the exception of Kutch district, which has a large area because of the desert, none has an area of more than 4,800 sq. miles. The Presidents of most of the District Local Boards are giving their full time to the work of the Boards. Local Self Government institutions at different levels are an important training ground for public workers and national leaders. Members of the District Local Boards work at that level and undergo the necessary training and experience to enable them to acquire the strength and confidence to shoulder the responsibilities of a higher level. There are many examples of persons in Gujarat who have worked in the District Local Boards as members or Presidents for a number of years and having gained necessary experience got elected to the State Legislative Assembly and finally have shouldered the responsibilities as State Ministers. In 1942, District Local Boards were abolished on political grounds due to the Quit India Movement. With this exception, there is not a single example of a District Local Board having been superseded on administrative grounds in the history of Gujarat. The District Local Boards in Gujarat have set up their own independent administrative machinery. At the time of natural calamities like scarcity, etc., the District Local Board as a local institution has rendered valuable help to Government in connection with relief works. The Board carries out construction of public works and conducts hospitals and veterinary dispensaries. The State also executes such works and runs such dispensaries. The quality of the work done by the Boards has been found to be in no way inferior to that of works executed by Government. The Local Boards have given evidence of their popularity and capacity by obtaining donations

of large amounts for public works in the district and by executing many important projects. In this context, the District Local Board in Gujarat has earned the popularity and prestige as a living, progressive, strong and efficient institution. Looking to this history of the Local Board and its position, the question of abolishing it cannot arise. It would be a practical and welcome step to infuse in these institutions, which have established such bright traditions and given evidence of such excellent administrative abilities, more life and make them effective and strong by delegating to them more responsibilities, powers and resources.

2.33. As we have seen in chapter 1, the District Local Boards were entrusted with the work of primary education under the Primary Education Act, 1923. The responsibilities of primary education gradually increased and in 1947 different School Boards were established to cope with them. The constitution of the School Boards is as follows:—

(1) Every School Board shall have not less than 12 and not more than 16 members;

(2) Of these, not less than 2 and not more than 3 will be nominated by Government;

(3) Government will fix from time to time the number of members indicated in (1) and (2) above;

(4) Of the members indicated in (2) above, one shall be a Government official and the other/s will be person/s experienced in education;

(5) The rest of the members will be elected by the District Local Board. These elected members need not necessarily be members of the District Local Board. Not more than two elected members shall be members of scheduled castes and scheduled tribes;

(6) The members eligible for election will have to possess certain minimum educational qualifications;

(7) These persons will continue to hold office till the next election of the District Local Board.

Out of the local cess of three annas in a rupee collected by the District Local Board, 15 pies in the rupee are given to the District School Board to meet the expenditure on primary education. This

contribution is, however, only four percent of the total expenditure on primary education. The remaining ninety-six percent is paid by Government to the School Board as a grant. The administration and supervision of the primary schools are carried out by the District School Boards. The work relating to primary education under the District School Boards has been gradually expanding and developing. In the Gujarat State, there are 17,026 primary schools and 52,091 primary teachers. This alone is sufficient to give an idea of the importance and extent of this work. The District School Boards have done useful work in expanding primary education and making it compulsory.

2.34. Before the Village Panchayats Act, 1958, was passed, the corresponding Bombay Act of 1933 was in operation in Gujarat. Under that Act, the District Local Board enjoyed certain powers of supervision and control over the panchayats. The number of village panchayats went on increasing and by 1958 panchayats were established covering all villages of the districts. Thus there were from 500 to 1000 panchayats in each district. The District Local Board certainly tried to supervise and control all these panchayats but as there was no organic link between the District Local Board and the village panchayat, a District Village Panchayat Mandal was established with sufficient number of sarpanchas of the village panchayats as representatives, as an interim measure, till the constitution of the Local Board could be amended and a strong popular institution could be established at the district level. The District Village Panchayat Mandals have been carrying on their duties for the last twelve to eighteen months.

2.35. In addition to the above three statutory bodies there is an advisory body called the District Development Board at the district level. This board is expected to give advice and help in relation to plan and development works and to coordinate all these activities. Although this is an advisory body, it has made a good contribution in drafting Five Year Plans and in their execution.

2.36. It will be seen from the details given above that different types of popular institutions have been constituted at different times at the district level and have discharged different duties and responsibilities in various fields. Although the powers and resources of these institutions were limited, their record at the district level has been praiseworthy. If there is any defect in their work it is due to the absence of adequate powers and resources. If these institutions had been given wider

powers and enough resources, their working would have been brighter still.

2.37. Administration and powers have been decentralised, in this State since years, to different popular bodies existing at the district level. These bodies have done commendable work within the limits of the powers and resources given to them. In view of the glorious history and experience, it would be a natural corollary to endow them with more scope and greater powers under the scheme of democratic decentralisation. But the history of these institutions reveals that they were established at different times to meet different needs which arose from time to time. At that time there was no idea of planned programme of total development of the people, nor importance of coordination of the activities conducted by different departments was recognised. At present, we are undertaking development programme through well thought out plans at different levels. In order to successfully fulfil the programme thus undertaken, instead of continuing the different popular bodies with different functions and different powers it becomes necessary to have one democratic institution at the district level.

2.38. The form of the democratic body at the district level is another important question. In view of the responsibilities which are being discharged by the statutory bodies in different fields at the district level in the Gujarat State to-day, it would be a retrograde step to abolish them and to create in their place only an advisory body of the type of the District Development Board only for supervision and coordination at the district level. When we are thinking of establishing a strong and impressive institution at the district level in the scheme of the democratic decentralisation, it would be a reasonable and welcome step to take full advantage of the good and important points of all institutions at the district level and on that basis constitute a democratic body with adequate powers, financial resources and administrative responsibilities. We, therefore, recommend the establishment of a strong popular body at the district level to which we should entrust the duties, responsibilities and resources of all the present bodies at the district level and delegate to it adequate powers and necessary financial resources and then entrust to it such other administrative responsibilities as may be feasible at that level. It would be appropriate to call this institution "The District Panchayat",

3.1. The first of the terms of reference of our Committee is how the Village Panchayats can be strengthened and vitalised. It is an accepted fact that the Village Panchayat is an important institution of rural self Government, an important unit for decentralising administration and powers, and an important body for the total development of the village. Our administrative machinery would be simplified to the extent to which we can make the Village Panchayat efficient. The speed with which we can implement our development programmes will depend upon the extent to which we make the Village Panchayat strong. The objective of establishing a happy and prosperous society can be pushed forward only if the Village Panchayat is imbued with vision, a sense of purpose and strength. The desires and aspirations of the people can take shape only to the extent to which the Village Panchayat displays vitality. From this point of view, it is essential to make the Village Panchayat do more and more work, to vitalise it and make it strong.

3.2. It is said that the Village Panchayats have made no contribution in the development programmes, in national programmes of the country and in national programmes like the Block Development and National Extension Service schemes. The Balvantray Mehta Committee has also referred to this point in its report.* This observation of the Committee may be true from the point of view of the country as a whole but does not apply to the Village Panchayats of the Gujarat State.

3.3. Our Committee did not have the opportunity to examine the working of every Village Panchayat in the Gujarat State and to evaluate it. Such evaluation is also not part of the terms of reference of this Committee. But according to the information available and general experience, we can say that the record of the Village Panchayat in different fields is quite good and that they have, in a way, blazed a new trail. Many Village Panchayats have removed the age-old handicaps of the villages in the matter of obtaining drinking water and good roads. Many Village Panchayats have executed

* Para 2.1 of the Balvantray Mehta Committee Report.

community works like schools, village rest houses, cattle pounds, etc. by systematically harnessing village labour. Many Village Panchayats have contributed with great enthusiasm and faith to the task of removal of untouchability and to the success of the important programme of prohibition. Some Village Panchayats have carried on a crusade for women's education. Several of them have made successful attempts to increase production by proper planning of agriculture, while several have constructed link roads with the help of villagers who have worked night and day for the purpose. Some Panchayats have undertaken with the co-operation of the village people programmes for improvement of grazing grounds and village forests in general. Some Panchayats have made a bid to totally eliminate unemployment through village industries and other programmes. Some Panchayats have provided for village protection by raising the self-confidence of and inspiring their youth. Many a Panchayat has made an energetic contribution to the successful execution of works undertaken under the National Extension Services and Community Development projects. In one part of the Gujarat State, the very foundation of the National Extension Service and Community Development projects rests on the Village Panchayat. In some parts of Gujarat, Village Development Committees were established for the execution of schemes under the National Extension Service and Community Development projects in spite of the existence of the Village Panchayats. But these Village Development Committees have been disbanded about four years back and Government have accepted the policy of carrying on the execution of the schemes under the National Extension Services and Community Development Projects only through the Village Panchayats. The Village Panchayats have also given excellent response to this gesture.

3.4. This is one side of the Village Panchayat. It has also got another side. There have been bitter criticism and allegations against some of the Village Panchayats. Some general complaints against Village Panchayats are well known. As a result of the Village Panchayat elections, factionalism is created and animosity generated; village bullies take possession of the Village Panchayat on the strength of their communal influence; the weaker backward population of the village does not get justice and dishonesty and delay are rampant in Panchayat administration. These and similar other views are being

expressed from time to time. It cannot also be said that there is no element of truth in these complaints and views. It is true that in some villages people are divided into parties and a lot of animosity is generated and permanent dissensions have arisen as a result of election to the Village Panchayat. There is also truth in the view that in some villages the so-called leaders of the village secure their position and power in the Panchayat on the strength and by the support of casteism. In some villages it is unfortunately true that considerable injustice has been done to the weaker and backward people by the Village Panchayat. Distressing cases of dishonesty and maladministration in the affairs of some of the Panchayats have also been recorded. As a result of this the people have a feeling of distrust and despondency in the matter of Village Panchayats and as a result, some people oppose the very system of the Village Panchayat. In reality this is not the defect of the Village Panchayat system. The undesirable elements and vices of the people are reflected in the Village Panchayats. These undesirable and vicious elements should be removed from the field. This defect can be removed only by generating amongst the people a true vision, faith and strength through comprehensive social education. A definite programme and steps in this direction must be evolved.

3.5. Although the Village Panchayat is an important administrative unit and from the point of view of rural development it is an important institution and a powerful weapon for giving shape to the desires of the people, it cannot discharge its important functions unless the necessary means, powers and facilities are given to it. It should be admitted that in the Gujarat Pradesh attempts have been made to invest the Village Panchayat with large responsibilities, sufficient resources and the maximum possible facilities. According to section 45 of the Village Panchayat Act, they have been entrusted with comprehensive responsibility in different fields like health, sanitation, public works, education and culture, self defence and village defence, social welfare, agriculture and conservation of forest, animal husbandry, village industries, collection of land revenue, etc., In order to enable them to discharge these responsibilities, they have been given grants upto 30% of the land revenue and salaries of the Secretaries and other sources of income. The Nyaya Panchayats have been given fairly good powers regard-

ing administration of justice. As a result of these arrangements, the Village Panchayats have been making all possible attempts to carry on their work and discharge their responsibilities.

3.6. It now remains to be considered whether it is necessary to give to the Village Panchayats more resources and more powers to vitalise and strengthen them. On this point, opinions differ. One view is that the Village Panchayats are not able to discharge their responsibilities or use their powers and resources properly, and hence at this stage there is no need to give them more resources and more powers. While another view is that it is necessary to give them still more resources, facilities and powers in view of the fact that the Village Panchayat has to play a key role for the programmes of national reconstruction, village development and general welfare. We have considered very carefully both these views which are held in different quarters.

3.7. The State Council for Panchayats consists of the Vice Presidents of the District Village Panchayat Mandals. This is an institution which can give a considered and authoritative opinion for and on behalf of the Village Panchayat. This council has sent us its recommendations, after considering the programme of democratic decentralisation, and in these recommendations, they have made certain important suggestions. We have considered these very carefully.

3.8. Village Panchayats have been given responsibilities and duties in a good measure as also financial resources ; attempts are being made to give these institutions greater and greater importance in the administrative and development field. In spite of this, Village Panchayats desiring to work efficiently and with vision and diligence have to face certain difficulties. Our Committee has considered these difficulties also.

3.9. After considering all these matters and in order to remove the difficulties-small and big-felt by the Village Panchayats and in order to intensify and strengthen their work, we have felt it necessary to make the arrangements as described below.

3.10. One line of thought is that the members of the Panchayat should be elected unanimously instead of by the present system due

to which the village is divided into rival groups and a lot of animosity is generated. Suggestions have also been made that political parties should not be allowed to take part in Panchayat elections. The Sarva Seva Sangh has recommended the passing of a special Act for Gramdan villages and here also it has recommended that election should be unanimous. Our Committee has considered all these matters very carefully. If there is an atmosphere of unity, understanding and trust in the village and if the people realise that the status of a Panch is not for prestige or power but for service and if the villagers elect their representatives unanimously who are workers of proved merit then such an arrangement would be an ideal one. At the same time it is necessary to bear in mind the risk involved in forced unanimity. By such unanimity there is greater danger of much greater evils than those prevailing in the present system. It should be admitted that the situation in all the villages at present cannot be called ideal. There may be differences of opinion amongst villagers for some reason or another and many times these differences may be honest. In such a case it is impossible to make election unanimous. Under these circumstances the facility of electing representatives according to their own opinion must be available to the people. For this purpose a definite election arrangement is necessary. From this point of view we do not consider it proper to suggest any special changes in procedure in force at present right from nomination of the candidate up to the final election by tendering votes. It appears necessary to us, however, that the interval from the nomination of a candidate up to the casting of votes should be reduced a little. That political parties should be forbidden by law from taking part in Panchayat elections, is a suggestion which is not possible to accept. The village Panchayat, being chiefly an institution working from the point of view of development of a village, should put the interest of the village above other matters and the constitution and election to the Panchayat should therefore be based on this point of view. But this cannot be done by including a prohibitory clause in the Act. It would be an essential and welcome gesture for the political parties themselves to leave the Village Panchayat out of the atmosphere of party politics.

3.11. Though it is not possible to make changes in the present system and method of election, it is necessary that the villagers elect true and devoted representatives in an atmosphere of harmony, unity

and mutual confidence without relying only on the election machinery. In order to prepare the necessary atmosphere for this, a proper and systematic attempt should be made by all concerned.

3.12. The State Government has received recommendations from the Sarva Seva Sangh recommending that an independent Act should be passed for Gramdan villages. A suggestion has also been made that instead of enacting separate legislation for this purpose, the Village Panchayat Act should be suitably amended so as to make provision for giving more facilities and powers to Gramdan villages. After considering all these matters very carefully, our Committee is of the opinion that with the facilities and provisions made available by the present Village Panchayat Act any Village can develop along desired lines and, therefore, it does not seem necessary to amend the Village Panchayat Act for this purpose.

3.13. According to the provision made in section 10(1)(a) of the Village Panchayat Act, the number of members of the Panchayat should be not less than seven and not more than fifteen. Where the number of members is the minimum, *i.e.*, seven, two have to be women members, one Harijan and one Adivasi member. Thus from amongst the other people of the village only three members remain to be elected. It has, therefore, been suggested that the minimum number of members in a Panchayat should be nine and not seven. Our Committee considers this request as reasonable and therefore recommends that the minimum number of members of the Panchayat should be increased from seven to nine.

3.14. There is a provision under section 10(2) of the Village Panchayat Act, that if, in the opinion of the State Government, taking into consideration the population of Scheduled Castes in the Village, it is essential to provide reserved seats for these Castes, the number of seats as may be prescribed by the Government should be reserved for the purpose. According to this arrangement, seats can be reserved for Scheduled Caste people in proportion to their population. Before the Panchayat Act of 1958 came into operation, there was a provision in certain parts of the State for keeping a reserved seat for Scheduled Caste people even when their population was insufficient to warrant it. After the Village Panchayat Act of 1958 came into operation, this reserved seat for Scheduled

Caste people has been abolished in certain Panchayats on account of inadequate Scheduled Caste population. The provision for reserved seats for Scheduled Caste people is necessary in view of the fact that like other classes of people they have not had the opportunity of economic and social development. But in addition there is another important side to this question. In spite of our determination and attempt to eradicate untouchability, it has not completely disappeared in practice. It is still found that in certain villages Scheduled Caste people are looked upon with dis-favour. From the point of view of the removal of untouchability, at least one member from amongst them should find a place on every Village Panchayat. In view of this, our Committee recommends that, even if the Scheduled Caste population is insufficient or even if there is only one family of such people in the village, one seat should be reserved for them on the Village Panchayat, by law. The present provision for more seats on the Panchayat for Scheduled Caste people in proportion to their population should also be retained.

3.15. In certain areas of the Gujarat State, groups of Scheduled Tribes live in different places and in certain cases their population exceeds 50%. In the rules made under the Village Panchayat Act, it is provided that no reserved seats on the basis of population should be kept in villages where the population of Scheduled Tribes people exceeds 50%. This provision has been made on the assumption that wherever this population is more than 50%, being in a majority, they will naturally elect their own people as members. But the Scheduled Tribes are economically very backward and as a result are under the economic domination and control of a few persons of other communities who are economically more advanced. Such people are anxious to find a place in the Panchayat since they consider membership of a Panchayat as a place of authority and power. They stand for election to the Panchayat and are easily elected due to their economic hold on the Scheduled Tribe voters. This situation may appear unnatural but it is a fact. Till the members of the Scheduled Tribes become strong economically and are able to use their franchise freely, they deserve the protection of the law. We, therefore, recommend that, even where the population of Scheduled Tribes exceeds 50%, at least 50% of the seats should be reserved for them.

3.16. Out of all the revenue villages in the Gujarat State 494 are small deserted villages, i.e., having no population. At one time there was population in these villages registered in revenue records as such, and their population was cultivating the agricultural land. Due to various reasons the people left these villages and migrated to reside in neighbouring villages and while residing there they continued to cultivate the same survey numbers. There is neither the possibility nor any meaning in establishing Village Panchayats in these villages. Consequently a group of villages is formed by grouping the deserted villages with the adjoining habited villages for the purpose of establishment of Village Panchayats. There is no difficulty in grouping the deserted villages to an adjoining village when all Khatedars of the deserted villages are residing in the adjoining village but the cultivators of the deserted village often reside in several adjoining villages. In such a case the question as to with which habited villages the deserted villages should be grouped becomes contentious. There is no meaning in continuing to keep such deserted villages which have been deserted since years as revenue villages on the revenue records as such villages continue on revenue record as revenue villages even though they are uninhabited. Government have to incur expenditure on separate Revenue Patel and Pasaytas. In our opinion these deserted villages should not be continued as revenue villages. They should be amalgamated with one adjoining village in case the Khatedars are residing in that village and if they are residing in different villages the agricultural area of the deserted villages should be grouped with different villages according to the number of cultivators and the extent of the cultivable land cultivated by them after prescribing a suitable standard. Government have initiated taking steps in this direction and certain deserted villages have already been amalgamated in the revenue register with the adjoining villages but instead of carrying on this procedure at a slow pace, a definite programme to be completed within a specified time should be chalked out for amalgamating them with suitable adjoining villages and to cancel the deserted villages from the revenue records.

3.17. Under Section 4 of the Village Panchayat Act, there is a provision to declare any local area, comprising a revenue village, or a group of revenue villages or hamlets forming a part of revenue village or other such administrative unit, as a village and establish

a Village Panchayat for it. Normally Government policy is to establish a Village Panchayat for a village having a population of 500 or more up to 10,000. Villages with a population of less than 500 are grouped together for the purpose of establishing a Panchayat. But if it is considered necessary to establish a separate Village Panchayat for a village with population less than 500, in view of the means of communication, distances and its special situation, provision has been made to establish it as an exception, if the population is not less than 250.

3.18. It is a question worth considering as to what should be called a village. Mr. Baden-Powell, describing our villages, writes :—

“ The inhabitants reside together very often in one central group of houses or cottages built on an elevation at some convenient point within the village area. Such a village dwelling site is often surrounded by mud walls, having gate-ways which lead into narrow and tortuous lanes.....There is often a common tank or a pond or a public well for general use..... Usually there is a small grove or at least a spreading tree with raised platform round it which forms the common meeting place.....”.

3.19. In the old days if 5-25 families lived in one place and made provision for a well, pond or a small rest room for the community, the place was called a village. In those days, the needs of the villages and their inhabitants were limited. Even to-day a majority of the villages are as described by Mr. Baden-Powell.

3.20. In this modern age the needs of the village people are naturally increasing. Every village should have a good school, a dispensary and a cultural centre, since these are considered essential. The provision of water supply through water pipes is also equally essential. For facility of communication the roads connecting the villages should be of a certain type or standard. Electricity should be provided for cottage and other industries. These and similar other facilities have now become essential for villages. What should be the minimum population and size of a village to which these facilities can be provided is a question to be considered.

3.21. Traditionally the village is considered as a big family. All the residents of the village are associated with one another. This is a special feature of village life. This kind of close linking can be preserved only in a small village. In villages of bigger size such over all association would hardly be maintained.

3.22. With the exception of the Dangs District the total number of villages and their population in the Gujarat State are as under :—

Sr. No.	Population.	No. of Villages.
1	100 and below	1,929
2	Above 100 upto 250	3,760
3	Above 250 upto 500	4,739
4	Above 500 upto 1,000	4,706
5	Above 1,000 upto 2,000	2,362
6	Above 2,000 upto 5,000	893
7	Above 5,000 upto 10,000	30
		18,419

3.23. It will be seen from above that the number of villages having a population of 100 and below is 1,929, that of villages with population of more than 100 but upto 250 is 3,760 and that of villages with population of more than 250 and above but upto 500 is 4,739. Thus the number of villages having a population of 500 and less is 10,428. It is not possible, at present, to provide modern conveniences of all types to these small villages. It is not desirable that these villages should be kept without benefit of necessary conveniences for a long time. Some remedy must, therefore, be found out for this. Villages with less population should either be amalgamated with neighbouring villages or if they are grouped together and such a group may be considered a village, then and then only such small units would be able to get essential conveniences. It is not possible to give all essential facilities to villages with a population of more than 250 and upto 500. But looking to the form they may develop perhaps it may not be possible to make any change there. But if the villages

with a population of 250 or less can amalgamate with neighbouring villages or two or four villages think to get modern facilities in the form of a group, some definite scheme should be thought out to provide modern facilities at such places.

3.24. For the purpose of establishing a Village Panchayat, the village or a group of villages has to be declared as a village. Whether the village is small or big, once the Village Panchayat is established it is quite natural for that body to try to provide modern conveniences to it. They may provide one of the many such conveniences but it will not be possible for them for a long time to provide all of them. Administratively also it would be difficult and expensive for the Village Panchayats of small villages to accomplish this task. Considering all these points of view, it is desirable to constitute a Village Panchayat for a village where it would be possible to provide modern facilities and to administer it efficiently. At present, in the normal course, it has been the Government policy to establish an independent village Panchayat for a village having population of 500 and in exceptional cases upto 250. The standard appears proper looking to the existing conditions of the villages. It is difficult to provide modern amenities and conduct administration efficiently in Village Panchayats of villages having a population of 500 and specially of villages having population of less than 250, and therefore attempts should be made by persuading the villagers to group such villages with adjoining villages for purposes of establishing Village Panchayats and thus form efficient units.

3.25. The democratic body like the Village Panchayat provides an opportunity for training in shouldering of responsibilities in conducting administration. According to the provisions of the present Village Panchayat Act, the Sarpanch is responsible for the administration and functions of the Gram Panchayat. Over and above the Sarpanch, other members of the Panchayat can also contribute to the responsibilities and administration of the Panchayat. There is provision in the Act to form Sub-Committees from amongst the members of the Panchayat according to requirements for different works with a view to create a sense of joint responsibility and for distributing the functions and responsibilities of the Village Panchayat. It has been decided by the Ministry of Community Development and Co-operation with a view to do justice to the Village Development programme,

that every Panchayat should form functional sub-committees and the Panchayat should co-opt, over and above the elected members, outsiders and other residents of the village. This Committee has considered this suggestion. The responsibilities for execution of functions and responsibilities falling on the Gram Panchayat according to law are thus of the elected members only. It is probable that some administrative difficulties may arise by entrusting this responsibility to sub-committees consisting of members who have not been elected by the voters. It may be considered necessary for any Gram Panchayat to obtain advice and co-operation of experienced villagers to discharge all responsibilities of the Village Panchayat. It is, therefore, necessary to provide in the Act or the rules for constitution of such Advisory Committees composed of members of the Panchayats as well as other residents, to execute the responsibilities of the Panchayat, in order that their advice and co-operation may be available.

3.26. There is already a provision in the Gram Panchayat Act to appoint Sub-Committees for smooth administration of the Gram Panchayat and for proper distribution of responsibilities. We, therefore, recommend that one or more than one but not exceeding three Standing Committees as recommended by the Taluka Panchayat may be constituted with the object of doing proper justice to the various functions and duties devolved on the Panchayats and to profit by the abilities of the members of the Panchayat in discharging the responsibilities of the Panchayat.

3.27. The following standard is suggested to the Gram Panchayats for Standing Committees for distributing their responsibilities :—

(1) *Production Committee* : This Standing Committee should prepare and execute schemes relating to production from agriculture, cattle wealth and small industries.

(2) *Education Committee* : This Standing Committee should undertake the responsibility for pre-primary education, primary education and such other cultural activities at the village level.

(3) *Public Health and Building Committee* : This Standing Committee will discharge those duties in connection with the subjects mentioned as far as it lies within the jurisdiction of the Panchayat.

3.28. Standing Committees upto three will have to be constituted from amongst the members of the Panchayats. Each Standing Committee should consist of three members. Each Standing Committee shall elect its Chairman. Every Standing Committee should decide all matters relating to the administration of such of the functions as may be entrusted to it by rules. The Standing Committees should be appointed every year. A member elected to a Standing Committee once will be eligible for re-election.

3.29. It is provided in the Village Panchayat Act of 1958 that any village, part of a village or more than one village may be declared as a village for the formation of a Village Panchayat. According to the Bombay Act of 1933 only a revenue village or a part of it or their group could have a Panchayat. Village Panchayats could not be established in forest areas. A provision has been made in the Village Panchayat Act of 1958 for establishing a Village Panchayat in a revenue village or in any other administrative unit. The jurisdiction of the Village Panchayat extends to lands of all types within the village boundary including the village sites. In certain places in forest areas, and particularly in the Dangs District, there is a permanent population and permanent villages. The Bombay Land Revenue Code is not in operation there. The administration of the entire Dangs District is being conducted under the Indian Forests Act. There are special provisions in this Act for raising and maintenance of forests. It is contended that if permanent habitations in such areas are vested with powers which are at present enjoyed by villages outside the forest areas, difficulties will arise in the matter of raising and maintenance of forests and application of the Indian Forest Act would become difficult. As a result it becomes impossible to establish Local Government Institutions in villages situated within such areas. That such villages should be excluded from enjoying powers of Local Government Institutions would not be justifiable in the present day context, in any case. We, therefore, recommend that special provision should be made to give to the people in the Dangs and other forest areas powers and facilities of Self Government normally enjoyed by the Village Panchayats.

3.30. Our recommendation for establishing Village Panchayats in forest areas and for giving them monetary aid are as follows :—

- (1) In forest areas habitations are formed first which

later grow into villages. In such habitations wherever the population is 500 and above, a Village Panchayat should be established. Where the population is less, more than one habitations should be grouped together and a Panchayat should be established. But the jurisdiction of this Village Panchayat will be limited to the village sites only. For this purpose limits of the village sites will have to be fixed. Outside this limit the Village Panchayat will have no jurisdiction. It will be just and fair that this should be a limitation on Village Panchayats in the Dangs and other forest areas. Apart from this, these Village Panchayats should be allowed to enjoy the advantages flowing from the other provisions of the Panchayat Act.

(2) It is provided in the Act that 25 to 30 percent of the land revenue collected from the area should be given as grant to Village Panchayats formed in revenue areas. There is no income from land revenue in forest areas, but there is an income under the Forest Act. Thus it is not possible to give grants to these Panchayats from the land revenue collections. The Village Panchayats in the Dangs District should be given a share from the forest income on per capita basis as it would work out in other Village Panchayats in the revenue areas of the State. In order to enable a Village Panchayat to function efficiently its income should not be less than Rs. 500. In the Dangs and other forest areas any Village Panchayat receiving an income of less than Rs. 500 on the above basis should be paid the balance so as to make up the minimum income of Rs. 500.

3.31. As regards vesting of property in a Village Panchayat, the provision in the 1958 Act is similar to that in the Bombay Village Panchayat Act of 1933. Under this provision, Government can vest its property in the Village Panchayat or entrust such property to the Panchayat for use and management on such conditions as may be considered proper. Under this provision of the Act, in the old Bombay State, certain properties have been vested in Village Panchayats by Government Resolutions Nos. S-251, dated 9th June 1950, and 25th May 1953, but these do not include open Government village sites. The former Saurashtra Government has, however, vested such lands in Village Panchayats and have vested the Village Panchayats with

powers to manage such lands and collect income arising from them. The income thus arising cannot be spent for the normal administrative works of the Panchayats but it is provided that this amount can be spent with the sanction of the Collector for development works which form part of the development programme for the village as a whole. Our Committee believes that there should be a common standard on this point in the whole of the Gujarat State and it is, therefore, recommended that different Government village sites should be vested in Village Panchayats subject to the following conditions :—

(1) The District Development Officer must certify that the village site which the Village Panchayat wants to dispose of is not likely to be required in the near future for any public purpose connected with the Panchayat or the State;

(2) before disposing of such land, plots and roads should be laid out ;

(3) such sites should not be given on the basis of an outright sale but should be given on annual lease ;

(4) the land may be disposed of subject to such priorities and rules which Government may make from time to time for the purpose ;

(5) any such disposal by the Village Panchayats should be subject to the sanction of the District Panchayat; and

(6) the income arising from such disposal of land should not be used for the normal administrative works of the Panchayat but should be utilised for works of a permanent developmental benefit to the village. Government will determine by a general or a special order as to which development work will be considered as of a permanent benefit to the village.

3.32. According to the provisions of the Village Panchayat Act, public streets of the village are vested in the Village Panchayat. In many villages there are encroachments on public streets and public lands. The Village Panchayats already have the power, under the Act, to inquire into such matters and decide whether there is encroachment or not, and if there is, to get it removed. Experience has shown that although such power exists, due to local circumstances, it becomes difficult for the Village Panchayat to have such encroachments removed. There are also Government orders that if the Village Panchayat asks

for Government help in order to remove such encroachments, the Revenue Department should render necessary help to the Village Panchayat. But according to the Act, the responsibility for having the encroachment removed rests with the Village Panchayat and hence the Government order referred to above does not seem to have served any useful purpose. If anyone commits encroachment on a public road or a public land, it is necessary to get it vacated at the earliest opportunity in public interest, but the ability of the Village Panchayat to have such encroachments vacated is limited. Certain Village Panchayats desire to have such encroachments removed but due to local circumstances and other difficulties, are not able to do so. There are other instances in which although the attention of the Village Panchayat is drawn to such encroachments, no action is taken. It is not in public interest to allow this state of affairs to continue. The Committee, therefore, recommends the following remedies :—

(1) If the Village Panchayat finds it difficult to remove such encroachments or get them removed and if a request is made, the Taluka Panchayat and its Development Officer can take action for the removal of such encroachments.

(2) The Taluka Development Officer can take action if it is reported to him that the attention of the Village Panchayat has been drawn to such encroachments and yet for one reason or the other the Village Panchayat has not taken any action for three months.

(3) In addition to (1) and (2) above, the Taluka Panchayat can act suo motu but in that case, it will first suggest to the Panchayat to take action and if the Panchayat fails to do so within a specified time, the Taluka Panchayat can take proper action to remove the encroachment.

3.33. If there is a dispute between two parties, to administer justice is an important and special duty of the Panchayat. In the old days, it was possible to get cheap and quick justice through a Village Panchayat. Amongst the duties and responsibilities proposed to be entrusted to the Panchayats already established and functioning, the duty regarding administration of justice is an important item. Before the Panchayat Act of 1958 came into operation, there was provision for Nyaya Panchayat in each Village Panchayat. There is a basic difference between a court and a Nyaya Panchayat. A court administers

justice on the basis of the information and evidence submitted to it by the parties, the witnesses and pleaders. In order to obtain justice in their favour, the parties are involved in a lot of ruinous expenditure, whether or not they are able to afford it. If the court decides in favour of one party, it is naturally against the other. As a result, the parties cannot be reconciled to each other and on the contrary in certain cases more bitterness and animosity are generated and nursed between the parties. The Nyaya Panchayats do not depend merely on what they have heard or on the information given to them. They have the advantage of reconciling the parties because of the knowledge of details of the merits and demerits of the dispute and local conditions. Merely to give decision is not the important function of the Nyaya Panchayat but its special feature is to reconcile the parties as far as possible.

3.34. In cases where reconciliation is not possible the Nyaya Panchayat has to give its decision. Some times it is difficult for the Nyaya Panchayat to give its decision in view of the local circumstances and relations. In view of this, a provision has been made in the Panchayat Act of 1958 that one Nyaya Panchayat should be established for five Village Panchayats instead of one. As a result of this, the chances of reconciling the two parties are reduced to a certain extent and it becomes incumbent on this Nyaya Panchayat to work more or less on the basis of a Court.

3.35. In order to preserve the important and useful element of settling quarrels between the parties in a village by reconciliation, our Committee considers it essential to have some special arrangement within the village for reconciliation before any suit or complaint is presented before the Nyaya Panchayat.

3.36. To serve this purpose we recommend that in addition to the Nyaya Panchayat, every Village Panchayat should have a Reconciliation Panch established by law. One person should be selected by the Village Panchayat for this body from amongst the members of the Gram Sabha. The person so selected should be a permanent member and Chairman of the Reconciliation Panch. Whenever any civil suit or a complaint of an offence, compoundable under the Indian Penal Code and the Criminal Procedure Code, comes before the Village

Panchayat for being passed on to the Nyaya Panchayat, before forwarding it to that body, the Village Panchayat should first pass it on to the Chairman of the Reconciliation Panch for bringing about a compromise in the matter. The parties to the dispute should be then asked by the Chairman of the Reconciliation Panch to select one member each. If any party does not so suggest a name, it should be presumed that the party does not wish or consent to reconciliation and the Chairman of the Reconciliation Panch will forward the suit or the complaint along with his note in this behalf to the Nyaya Panchayat. If both the parties suggest the names of Panchas in this behalf, the Reconciliation Panch, composed of the Chairman and these two members, will try to bring about a compromise between the two parties. The Panch should take a final decision on any suit or complaint within one month. The Chairman of the Nyaya Panchayat can extend this time limit by one month in cases where this is absolutely necessary. The case would be considered as disposed off according to the decision given by the Reconciliation Panch. In cases where the Reconciliation Panch has not been able to give a decision, they will be passed on to the Nyaya Panchayat according to rules along with a certificate from the Reconciliation Panch to that effect. We recommend that the necessary provision for this purpose should be made in the Act.

3.37. According to the present provisions in the Act every Nyaya Panchayat is to elect a Chairman for each of its sessions. As this system is likely to create difficulties and lead to delays in the matter of submission of the suit or complaint and calling session of the Nyaya Panchayat for conducting the hearings, we feel that it is necessary to amend the present provision in order to simplify the administration of justice. We, therefore, recommend that after the Nyaya Panchayat is elected the members should select a Chairman and a Vice-Chairman whose terms of office will be the same as that of the Nyaya Panchayat.

3.38. There is a provision at present that if a suit or complaint is from a particular village, the representative of that Village Panchayat will not attend the session of the Nyaya Panchayat held for the purpose. It seems necessary to modify this provision also. The representative of the village would in fact be useful in the Nyaya Panchayat. Hence we recommend that the representative of the Village Panchayat from

which the suit or complaint has originated should also attend the session of the Nyaya Panchayat, with a rule that when a member of the Nyaya Panchayat is interested directly or indirectly in a matter before that body, he should not attend the session of the Nyaya Panchayat in which that matter is heard.

3.39. In the Act of 1958 no educational qualifications have been laid down for being eligible to be elected to the Nyaya Panchayat or the Village Panchayat. But in the administration of justice, reading of the Acts and Rules is necessary. The Bombay High Court had given an opinion that for the members of the Nyaya Panchayat this qualification is necessary. The Gujarat High Court has also given a similar opinion. Having taken all these into consideration, we recommend that the members of the Nyaya Panchayat and the Chairman of the Reconciliation Panch should at least be able to read and write Gujarati. We recommend that necessary provision for the purpose should be made in the Act.

3.40. The present provision in the Panchayat Act means that the Village Panchayat cannot incur expenditure on account of educational or medical relief, in connection with a similar popular institution or a matter outside its jurisdiction. On the other hand all can take advantage of such institutions which function at the district, divisional or State level. Certain Village Panchayats have requested that a specific provision should be made in the Act enabling them to incur expenditure or give financial help according to their ability and inclination to the kind of institutions mentioned above. We feel that this request is reasonable. It should, however, be borne in mind that no Panchayat should incur such expenditure without bearing in mind its own financial condition. Hence whenever a Panchayat wants to incur such expenditure for a matter outside its own jurisdiction it should be provided that this can only be done after obtaining the prior sanction of the District Panchayat. We recommend that proper provision for this purpose should be made.

3.41. The Village Panchayats have been given wide powers. We believe that all Panchayats will exercise the powers given to them impartially and according to rules. But at the same time it seems useful and advisable to provide for an appeal over an administrative

decision of the Panchayat, bearing in mind the rights and interests of the public, and to provide for a case where a villager is dis-satisfied with the decision or order of his Village Panchayat. We, therefore, recommend that it should be provided in the Act that an appeal would lie to the District Panchayat for any administrative order of the Panchayat affecting any individual or an institution.

3.42. In this report we have made recommendations regarding grant and financial resources to be given to each Panchayat. According to these recommendations, we believe that each Panchayat will get sufficient funds to discharge its duties and responsibilities. In spite of this the Village Panchayat should be left free to raise funds in case any big work is considered useful to the people and it is found necessary to undertake it. It is, of course, open to the Gram Panchayat to obtain a loan from the District Development Fund, under the Village Panchayat Act, as well as from Government. But there are limitations to both these sources. We feel that provision should be made to enable the Village Panchayat to obtain loans from the public or from other Statutory bodies or by other means. That such a loan can be taken only after the sanction and guarantee of the District Panchayat also requires to be provided.

3.43. The Village Panchayat being an important unit at the village level will have to shoulder the responsibilities of executing important programmes undertaken as a result of the policies accepted by the Central or State Governments and of the execution of the Five Year Plans. It is equally essential that the administration of the Village Panchayat should be run with faith and efficiency. For this purpose, the Panchayat should have a competent and faithful Secretary. From this point of view, the State Government has made arrangements for the training of Panchayat Secretaries. But at the same time we feel that it is necessary to make arrangements for training the Sarpanchas and Up-Sarpanchas and other Panchas of the Village Panchayats and further even the villagers with a view to reorient them and inform them regarding planning and development programmes, national policies adopted, responsibilities of the Panchayat and other important subjects. We therefore specially recommend to take on hand an extensive and sound programme of training, through conferences, camps, classes, seminars, exhibitions, tours, etc.

3.44. The above recommendations have been made by our Committee in order to make the Gram Panchayat strong and active and to remove its difficulties. If these recommendations are accepted and arrangements are made accordingly, we hope and trust that the Village Panchayats will be able to discharge their responsibilities and do their duties properly as a result of the sources and facilities made available to them.

In order to make the Village Panchayats strong and more effective and active, it is necessary to consider their financial resources, their functions and their duties. But we will consider all this in the subsequent chapters.

4.1. According to the provision made in the present Village Panchayat Act the area for which a Panchayat is to be established has to be declared a village. Any revenue village or a group consisting of such villages or parts of such villages or hamlets or other administrative units or any local area or part thereof, can be declared a village. According to this provision a Panchayat can be established for a village with any population but according to the present policy of the State, a Panchayat is established only in a village or a group of villages with a population of not more than 10,000, while according to the District Municipal Act there is a provision for establishing a Municipality in a town having a population from 2,000 to 50,000. As a result, there are Village Panchayats in villages having a population from 2,000 to 10,000 as also there are municipalities in villages of this size.

4.2. Town conservancy, street lighting, water supply and preventive measures for maintenance of public health are the normal duties of Municipalities. Financial provision has also been made to enable these Municipalities to discharge their duties. In the early stages when these Municipalities were established only Government officials were appointed as its members. As the idea of Local Self Government developed, elected popular representatives took the place of these nominated Government officials. Additional financial resources and facilities were given to the Municipalities to enable them to discharge their duties but there was no noteworthy change in the duties and responsibilities entrusted to them.

4.3. Towns having Municipalities have the benefit of proper drinking water, good roads and street lighting and some of them have also dispensaries. In this way from the point of view of providing sanitation and attending to public health, the Municipalities have achieved good progress to cover the primary needs. But as the field of work of the Municipalities is strictly limited, community life in these places has not developed. According to the Municipal Act there is no provision for this purpose either.

4.4. There is a basic difference between the concepts of the Village Panchayat and the Municipality. The Village Panchayat is not merely an institution carrying on the duty of Municipalities but it is an important and basic institution from the point of view of Local Self Government and for all round development of the village. The duties and responsibilities of the Village Panchayat have been drawn up from this point of view. Development of community life is an important programme for the village society.

4.5. The Community Development projects started all over the country are Village Development Schemes. Wherever projects have been started and implemented, naturally the Village Panchayat area gets the benefit of these schemes. The towns, where Municipalities have been established, are considered as urban areas and hence do not get the benefit of the Community Development schemes. As a headquarter for some useful schemes of the Block Development Projects, Municipal areas have been chosen in some cases, but the people of those areas do not get any benefit in the fields of agriculture, development of cottage industries and community life. The opportunity that the Village Panchayat has of undertaking a broad and comprehensive plan covering all the facets of village life is not available to the Municipality. The facilities and opportunities which are available to the people in the Village Panchayat area are denied to the people in the Municipal areas. The Municipal areas are also denied the facility and powers regarding judicial matters which are available to the people in Village Panchayat areas. In reality, although Municipalities have been established in the so called towns, from the point of view of layout and form, the towns are part of the rural area. Their life is closely linked with the surrounding rural areas. It is, therefore, very essential that the towns and villages possessing Municipalities should have all the opportunities of all sided development on the lines of Community Development, just like Gram Panchayat areas. From this point of view, we recommend that necessary provision should be made for the establishment of Village Panchayats at the earliest opportunity in villages with a population of 10,000 and less even where Municipalities have already been established.

4.6. We have seen that Municipalities have been established in towns with a population of 10,000 to 50,000. The life of towns

with a population of more than 30,000 is rather different from that of villages. Its needs are bound to be of a different type. But though Municipalities may have been established in villages with a population upto 30,000, these towns are closely linked with, and are similar to, village areas. The powers, opportunities and facilities which the Village Panchayats possess as popular institutions to carry out their own development work is not possessed by the Municipalities. Such towns which already possess Municipalities desire to have the power, facilities and opportunities as have been given to Village Panchayats but for one reason or another the status of a Municipality is supposed to be higher than that of a Village Panchayat. For this reason although the people are aware of the advantages of the Village Panchayats, they hesitate to welcome the establishment of a Panchayat in place of a Municipality because of the prejudice described above.

4.7. We recommend that special provision should be made for establishing Nagar Panchayats in towns with a population of 10,000 to 30,000 now served by Municipalities, with the status to which they are used and invest them with duties, resources and powers which are given to Village Panchayats for community life and rural development.

4.8. From the point of view of community life and village development it is being felt for some time that Community Development schemes should be drawn up for the urban areas on the same lines as for rural areas and every day we meet with evidence in support of this. It is quite likely that such schemes may come into operation in the near future. If such schemes are to be executed, it can only be done through popular institutions. For this purpose a fundamental change will have to be made in the constitution, functions, duties and structure of the Municipalities which are popular institutions in cities. As the Village Panchayat has been constituted to cover almost all aspects of village life it is inevitable to make similar changes in the structure and constitution of Municipalities for urban areas. Unless this is done the Municipalities will not be able to play their important role as popular institutions. The constitution and the form of the Municipalities which had come into existence, according to the circumstances prevailing at that time, will have to undergo fundamental changes in the present day post-independence democratic

era. The time for this change is ripe. As far as our Committee is aware the Government of Gujarat has already this matter under consideration but as it is not included in our terms of reference, we are not touching it further.

4.9. We recommend that it should be provided in the Constitution of Nagar Panchayats that there shall be from 15 to 31 members of that body in proportion to the population. They should include 2 women members and one Harijan member. More Harijan members should be included if there is a relatively larger Harijan population; and reserved seats should be kept for Scheduled Tribes in proportion to their population. The elected members of the Nagar Panchayat should elect their own President and Vice-President according to rules.

4.10. The Nyaya Panchayat has been formed under the Village Panchayat Act in village areas, with a view to enable the people to do the work of administering justice themselves. One Nyaya Panchayat has been suggested for 5 or more Village Panchayats. It is equally essential that a town which is given the benefit of a Nagar Panchayat should also be given powers and facilities for the work of administration of justice. But because of the population and status of the Nagar Panchayat we do not consider it possible or reasonable to group more than one Nagar Panchayats for the establishment of a Nyaya Panchayat. We, therefore, recommend that an independent Nyaya Panchayat should be established for every Nagar Panchayat.

4.11. Such Nyaya Panchayats may be given powers to hear civil suits of higher amounts than Village Panchayats and suits relating to immovable property. They should also be given powers to try cases under more sections of the Indian Penal Code and also the power to impose fines, higher in amount than those given to the Village Panchayat.

4.12. No educational qualifications have been prescribed for the members of the Nyaya Panchayat but we have recommended in the previous chapter that the members of the Nyaya Panchayat should at least be able to read and write Gujarati. But as we have recommended that the Nyaya Panchayat of the Nagar Panchayat should have more powers we recommend that one of the members of such a Nyaya Panchayat should have legal knowledge and experience.

4.13. At present there are Municipalities in 68 towns with populations from 2,000 to 10,000. According to the recommendation made earlier, Government should provide and execute the programme of converting these Municipalities into Village Panchayats as early as possible. But in doing this we recommend that care should be taken not to reduce certain special powers regarding finance, or resources and facilities which are available to the Municipalities, to enable them to discharge their duties and responsibilities. At present Government gives a grant equal to fifty percent of the dearness allowance paid to the scavenging staff of the town. The Village Panchayat receives a stipulated portion of land revenue and no such separate grant is paid to it. While converting these Municipalities into Village Panchayats this 50% grant of the dearness allowance paid to the scavenging staff is stopped. The new Village Panchayat cannot continue with such arrangements. We believe that there will be no difficulty in converting Municipalities into Village Panchayats, if even after conversion, this and similar other help is continued. If any Municipalities are converted into Nagar Panchayats, the standard enunciated above should be applied to them.

4.14. According to these recommendations, if Nagar Panchayats are formed a definite provision will have to be made for giving representation to the President of the Nagar Panchayat in the corresponding Taluka Panchayat, and to entrust the Nagar Panchayats with functions and duties, at present given to the Municipalities and Village Panchayats. Provision should also be made to ensure that necessary financial resources are provided to Nagar Panchayats to enable them to discharge the normal functions of the Municipality as well as the wider functions and responsibilities of the Gram Panchayats. At this stage we do not consider it necessary to make detailed recommendations in this behalf. In case it is decided to establish Nagar Panchayats, Government will have to consider the details carefully and make necessary provisions.

5.1. We have considered in the previous Chapters the establishment of Village Panchayats and Nagar Panchayats at the village level. We have accepted the need for a statutory body at the taluka level called the Taluka Panchayat. We have now to consider the composition and constitution of this Taluka Panchayat.

5.2. The Balvantray Mehta Committee has recommended that the Village Panchayat and Taluka Panchayat should be organically linked. We are in agreement with this recommendation but it is a very important point for consideration as to how this relation should be established and by what method the Village Panchayat should be represented in the Taluka Panchayat.

5.3. If we consider the need for linking up the Village Panchayat with the Taluka Panchayat organically, each village should have a place in the Taluka Panchayat. The Sarpanch of each Village Panchayat is a member, ex-officio, in the Panchayat Samiti in the arrangements made in this behalf in Rajasthan and Andhra. In Rajasthan and Andhra, there is a Village Panchayat on an average of 9 and 1.4 villages respectively. There are seventeen districts in the Gujarat State of which the Dangs District is situated in the forest area. In that district, being a forest area, not a single Village Panchayat has been established so far. Due to the special position of Dangs, its problems will have to be considered in a different manner. Hence leaving aside Dangs for a moment, we have in the remaining 16 districts of Gujarat—185 Taluka/Mahals and in these Taluka-Mahals, there are 18,419 villages with population upto 10,000. Amongst these villages, independent Village Panchayats have been established in those villages with a population from 500 to 10,000 and smaller villages have been grouped together for this purpose. Leaving aside a few villages of Kutch District, all the villages have been covered by 10,750 Village Panchayats in the Gujarat State of which 7,986 are independent and 2,764 are group Panchayats. Therefore, on an average a Taluka has 101 villages and 59 Panchayats. There is one Village Panchayat on an average of 1.7 villages in the Gujarat State.

If we consider the number of villages in a Taluka, the highest number of villages is 393 in the Santrampur Taluka of the Panch Mahal District. If we consider the number of Village Panchayats, then the highest number of Village Panchayats in a Taluka is 139 in the Una Taluka of the Junagadh District. The position of villages in the Taluka/Mahals in the Gujarat State is as under :—

	No. of Talukas
(1) Talukas/Mahals having upto 50 villages	31
(2) Talukas/Mahals having upto 100 villages	82
(3) Talukas/Mahals having upto 200 villages	61
(4) Talukas/Mahals having more than 200 villages ..	11
Total ..	<u>185</u>

A summary statement of Gram Panchayats in Talukas/Mahals of the Gujarat State is as under :—

	No. of Talukas
(1) Talukas/Mahals having 25 or less Village Panchayats	22
(2) Talukas/Mahals with more than 25 but upto 50 Village Panchayats	64
(3) Talukas/Mahals with more than 50 but upto 100 Village Panchayats	90
(4) Talukas/Mahals with more than 100 but upto 150 Village Panchayats	9
Total ..	<u>185</u>

5.4. If the Sarpanch of each Village Panchayat is made ex-officio member in the Taluka Panchayat, there will be 139 Sarpanchas in one Taluka Panchayat as revealed by the facts given above. It is said that if each Village Panchayat is represented in the Taluka Panchayat, the number of members will be very large. One remedy suggested for this difficulty was that the Village Panchayats included in a single unit—the village level workers' group—should send one representative to the Taluka Panchayat. But as the Village

Panchayat itself has to plan and execute works relating to rural development, it is necessary that each Village Panchayat should be represented in the Taluka Panchayat, in order to sustain its enthusiasm and drive. Even now the Sarpanchas of all Village Panchayats in the taluka have to meet at the taluka level three or four times in a year for development works. Also the Sarpanch, as a leader of the Village Panchayat, shoulders the special responsibilities for the execution of development works. For this reason, it becomes necessary to attach all the Sarpanchas with the administration of the Taluka Panchayat in one way or another.

5.5. Another suggestion made is that the members of the Village Panchayat should meet and elect a representative other than the Sarpanch to the Taluka Panchayat. The members of the Panchayat themselves meet and elect the Sarpanch and he, therefore, fully represents the Panchayat. The Sarpanch is a leader of the Village Panchayat and so long as he continues to be a Sarpanch, he continues as a leader. In his place election of another representative for the Taluka Panchayat is likely to create misunderstanding and trouble. Also any scheme or programme drawn up by the Taluka Panchayat is to be executed only by the Village Panchayat ; the Sarpanch will have to undertake the responsibility of a scheme which the Village Panchayat executing it has to undertake and execute. Hence, if the Sarpanch remains a member of the Taluka Panchayat, as a representative, the execution of Panchayat work will be simpler and quicker. From this point of view instead of electing another representative from the Village Panchayat to the Taluka Panchayat, the Sarpanch alone should be considered as the ex-officio representative of the Village Panchayat on the Taluka Panchayat.

5.6. After considering all these matters, our Committee feels that the Sarpanch of each Village Panchayat situated within the jurisdiction of Taluka Panchayat should be an ex-officio member of the Talukā Panchayat.

5.7. There is a suggestion that the cooperative societies functioning within the taluka should also be represented in the Taluka Panchayat.

5.8. In the rural area, the cooperative movement plays an important part in the economic life of the people and it has been accepted as a matter of national policy that the reconstruction of the economic

structure of the country should be, as far as possible, on cooperative lines. The Balvantray Mehta Committee has recommended in this connection :—

“It has been urged in many quarters that where the extent and importance of the local Cooperative Organisations justify, a number of seats equal to ten percent of the number of elected seats be filled by representatives of Directors of the Co-operatives functioning within the block. This can be done either by co-option or by election by the Directors of all these Co-operatives. We commend this suggestion.”

5.9. We are in agreement with this recommendation of the Balvantray Mehta Committee. We recommend, therefore, that the constituency formed by the Chairmen of the cooperative societies of all types within the taluka should elect from amongst themselves representatives to seats equal to ten percent of the number of Sarpanchas of village Panchayats situated within the taluka.

5.10. As the community development scheme is a rural programme, ordinarily municipalities are excluded from this field. If, however, we consider the matter from the point of view of the taluka as a whole, planning and development of the taluka will include not only the rural area but also towns having municipalities and situated within the taluka. The problems of cities having Borough Municipalities and Corporations are of a different type than those of rural areas. But many villages and towns with district municipalities are, to a large extent, part of the rural areas. From this point of view also to exclude municipalities from the planning and development programme for the taluka does not seem to be proper. As cooperative societies are proposed to be represented in the Taluka Panchayats so also the municipality situated within a taluka should be represented on the Taluka Panchayat. We, therefore, recommend that the President of the District Municipality should be an ex-officio member of the Taluka Panchayat.

5.11. Women have been represented by reserving two seats for them in every Village Panchayat. We have recommended that the Sarpanchas of all the Village Panchayats of the Taluka should become ex-officio members of the Taluka Panchayat. We have also recommended

that seats to the extent of 10% of the number of Sarpanchas should be filled by the Chairmen of Cooperative Societies. It is quite possible that in some Panchayats or Cooperative Societies there may be a woman Sarpanch or a Woman Chairman. If this is so they would automatically become members of the Taluka Panchayat in virtue of their office. But it may not be so in all Talukas. Women are an important component of society. No important scheme can be successfully implemented without their cooperation. The Taluka Panchayat will be entrusted with the planning and execution of important schemes. The programmes for women and children have an important place in the field of activity of the Taluka Panchayat. In order to carry out such programmes successfully, the advice and cooperation of women are indispensable. It, therefore, appears essential to reserve at least two seats for women in the Taluka Panchayat. We therefore recommend that two women interested in the programmes for women and children should be coopted in the Taluka Panchayat.

5.12. In every Village Panchayat there is a special provision for reservation of seats for Scheduled Castes and Scheduled Tribes. It is quite possible that in some Village Panchayats or Co-operative Societies persons belonging to Scheduled Castes or Scheduled Tribes may be Sarpanchas or Chairmen. If this is so, they would become members of the Taluka Panchayat in virtue of their office. But this will not happen in all Talukas. Eradication of untouchability and uplift of Backward Classes is an important item in the field of work entrusted to the Taluka Panchayat. Therefore two representatives of Scheduled Castes, however small their population may be, and two representatives of Scheduled Tribes if their population is 5% or more, should be included in the Taluka Panchayat.

5.13. Many of the members of the Taluka Panchayat will be Sarpanchas of Village Panchayats. All these Sarpanchas are persons elected to the Village Panchayats. It happens frequently that persons who are interested in village development and have experience of such work do not choose to stand in election. As a result our popular institutions do not have the benefit of such persons. It is, therefore, necessary that the Taluka Panchayat should have the benefit of such experienced people.

Therefore two persons from among social workers, having administrative experience and residing in the Taluka, should be included in the Taluka Panchayat.

5.14. The next question is as to how these women, persons belonging to Scheduled Castes and Scheduled Tribes and social workers having experience and knowledge of administration should be given places in the Taluka Panchayat. We have suggested earlier that formation of the Taluka Panchayat is not to be done by mere election but by including as members Sarpanchas ex-officio and elected representatives of the Cooperative Societies. Hence women and other representatives have no scope of becoming members of the Taluka Panchayat through election. Since the Taluka Panchayat is established as a popular institution, it would not be proper for the State Government to nominate any members on this body. We, therefore, recommend that the Taluka Panchayat, consisting of the Sarpanchas of all Village Panchayats and of representatives elected by the Cooperative Societies according to prescribed rules, should coopt two women, two members from Scheduled Castes, two members from the Scheduled Tribes and two persons having administrative experience.

5.15. The Legislative Assembly is a representative popular body at the State level. When a popular body like a Taluka Panchayat is being set up at the taluka level and the important development programmes of the taluka is to be implemented through it, it is necessary that this body should have the advantage of the experience and guidance from the members of the Legislative Assembly elected by the people of that area. It is equally natural that members of the Legislative Assembly should be anxious to remain conversant with and help to the extent possible in the execution of the schemes for the development of the entire taluka which may be drawn up by the Taluka Panchayat. The Balvantray Mehta Committee has recommended that members of the Legislative Assembly elected from that area should be included in the Taluka Panchayat as "Associate Members". We also recommend that the member or members of the Legislative Assembly elected from that area should be "Associate Members" of each Taluka Panchayat.

5.16. The Mamlatdar or the Mahalkari is a Revenue Officer in each Taluka or Mahal and represents Government. It is necessary that his full cooperation should be available to the Taluka Panchayat. Accordingly we recommend that the Mamlatdar or Mahalkari of a Taluka or Mahal should find a place on the Taluka Panchayat as an "Associate Member".

5.17. In subsequent chapters we have recommended that the functions and duties regarding primary education entrusted to the District School Boards at present should, at Taluka level, be entrusted to the Taluka Panchayat. It seems necessary that in the administration and management of primary education, the Taluka Panchayat should have the services of persons who have the necessary educational outlook and experience. In subsequent paragraphs we have recommended that for the disposal of day to day work of the Taluka Panchayat not more than five Standing Committees should be formed consisting of seven members each. Of these Standing Committees one will be for education. We recommend that the Taluka Panchayat should elect five persons from amongst its members on the Standing Committee for education and coopt two persons from the Taluka who possess necessary outlook and experience in education. Two persons thus coopted on the Standing Educational Committee will discharge their duties regarding education by serving on that Committee. They will not be considered as members of the Taluka Panchayat.

5.18. We recommend that to enable the Taluka Panchayat to discharge its responsibilities regarding primary education properly, the functions, duties and powers of the Standing Committee for education should be laid down independently by law.

5.19. According to the above recommendations the composition of the Taluka Panchayat will be as follows :—

- (1) the Sarpanchas of all Village Panchayats of the Taluka or Mahal ;
- (2) the Chairmen of Municipalities situated within the Taluka or Mahal ;

- (3) representatives of Cooperative Societies to the extent of 10% of the numbers of Sarpanchas who are ex-officio members of the Taluka Panchayat. These representatives will be elected by the constituency formed by the Chairmen of all types of cooperative societies situated in the taluka ;
- (4) the members elected as indicated in (1), (2) and (3) above will coopt the following members :—
- (a) two women taking active interest in the programmes of women and children ;
 - (b) two members from the Scheduled Caste population in the Taluka ;
 - (c) two members from the Scheduled Tribes if their population is 5% or more in the Taluka ;
 - (d) two persons, from among social workers, with experience of administration ;
- (5) members of the Legislative Assembly elected from the Taluka except those elected from constituency of Borough Municipality or Corporation will be "Associate Members" of the Taluka Panchayat ;
- (6) the Mamlatdar or Mahalkari of the Taluka will be an "Associate Member" of the Taluka Panchayat.

5.20 The "Associate Members" of the Taluka Panchayat will take part in discussions in the meetings of that body and give the necessary suggestions and advice. They will neither be entitled to vote nor hold any office of the Taluka Panchayat.

5.21. The members of the Taluka Panchayat thus formed shall elect a President and a Vice-President in the manner prescribed under rules. The duties and functions of the President and the Vice-President will be prescribed by rules. The Taluka Development Officer will work as Secretary of the Taluka Panchayat.

5.22. The majority of members of the Taluka Panchayat will be Sarpanchas. If any Sarpanch is elected as the President of the

Taluka Panchayat, he cannot discharge the double responsibilities thus devolving upon him. Hence if a Village Sarpanch is elected as President of the Taluka Panchayat, he should resign the former office. Although he resigns as a Sarpanch in this manner, he will continue to be a member of the Taluka Panchayat till he remains the President of the Taluka Panchayat. In the vacancy caused by the resignation of such a person as Sarpanch, the Village Panchayat will elect another Sarpanch and he will become an ex-officio member of the Taluka Panchayat. As a result of this arrangement there will be an increase of one member in the Taluka Panchayat. We recommend that the necessary provision for this purpose should be made.

5.23. The recommendation made in the preceding paragraph for the Sarpanch of the Gram Panchayat will equally apply to the President of a Municipality in case he is elected President of the Taluka Panchayat.

5.24. The Taluka Panchayat formed in this manner will have from 60 to 150 members. Hence ordinarily it may be expected that the Taluka Panchayat will meet about four times a year. It is for this reason that it becomes essential to establish Standing Committees for carrying on the day to day administration. The number of members of a Standing Committee should not be more than seven. Every Standing Committee will elect a Chairman from amongst its members. We have recommended that as far as the Standing Committee for education is concerned, out of seven only five members should be elected by the Taluka Panchayat and the remaining two seats should be filled by coopting two persons who have experience of the educational field and reside in the taluka.

5.25. We recommend that Standing Committees not exceeding five in number should be constituted for discharging the various duties of the Taluka Panchayat and their functions decided by the Taluka Panchayat.

5.26. The composition & the functions of these Standing Committees may generally be as under :—

- (1) *Production Committee* : This Standing Committee will attend to all the work relating to agriculture, animal

husbandry, irrigation, electric power, soil conservation, contour bunding and soil reclamation ;

- (2) *Co-operation and Health Committee* : This Standing Committee will discharge the duties regarding the co-operative movement, small saving scheme, village industries, statistics, prohibition propaganda, medical relief, health and sanitation, drainage scheme and water supply;
- (3) *Education Committee* : This Standing Committee will attend to duties regarding primary education, social education, social welfare and the welfare of women and children;
- (4) *Building Committee*: This Standing Committee will discharge responsibilities of communications, building, rural housing, and help and aid at the time of natural calamities;
- (5) *Finance Committee* : This Standing Committee will discharge the responsibilities regarding financial matters of the Taluka Panchayat.

5.27. It is necessary to establish an executive Committee for ensuring co-ordination and co-operation between the various Standing Committees and also for discharging the day to day administrative responsibilities of the Taluka Panchayat. The number of members of this executive Committee should not be less than seven and more than eleven. The President and the Vice-President of the Taluka Panchayat and the Chairman of each Standing Committee will be ex-officio members of the executive Committee. The remaining members of the executive Committee will be elected by the Taluka Panchayat. The President of the Taluka Panchayat will be ex-officio Chairman of the Committee. The field work, duties and responsibilities of the Standing Committees and the executive Committee should be prescribed by rules. All these committees should be constituted every year. Members elected on this Committee once should be eligible for re-election.

5.28. Normally the Taluka Panchayat will hold office for four years. But Government or an officer authorised in that behalf

may increase this period upto one year. The meeting of the Taluka Panchayat should normally be held every three months and the President of the Taluka Panchayat can call a meeting as often as he considers necessary. We recommend that necessary provision be made accordingly.

5.29. The field of work and responsibilities of the Taluka Panchayat will be fairly extensive. The responsibilities for discharging these functions and duties will fall mainly on the President of the Taluka Panchayat. He will naturally not be able to do justice to his work unless he gives sufficient time for the purpose. It should, therefore, be provided that the President be paid an honorarium to enable him to devote the necessary time to the Taluka Panchayat work. We, therefore, recommend that the President of the Taluka Panchayat should be paid a monthly honorarium as may be fixed by Government and that he should also be provided with free residential accommodation.

6.1. The need for a statutory body like the District Panchayat at the District level above the village and taluka levels has been accepted. The composition and constitution of the District Panchayat now remain to be considered.

6.2. At present a statutory body called the District Local Board is in existence at the district level. When first the District Local Boards were formed, Village Panchayats did not exist. Taluka Local Boards were formed and were wound up. Due to these reasons the District Local Board did not have any organic relation with popular institutions at lower levels. But now when we are thinking of establishing statutory bodies at the village, taluka and district levels with wide powers and responsibilities and establishing Panchayati Raj in the whole district by the co-ordination of these three popular institutions and want also to execute plan and development programme for the entire district through an integrated administrative machinery working through all these three popular institutions, it is unavoidable and essential that there should be a direct and organic relation between these three institutions. In order to achieve this kind of relationship between the Village Panchayat and the Taluka Panchayat and for ensuring co-ordination, we have given place to the Village Sarpanchas on the Taluka Panchayats in virtue of their office. The Taluka Panchayat and the District Panchayat should also be related and co-ordinated. The Balvantray Mehta Committee has recommended that the popular institution at the district level should be so formed as to link up organically and achieve co-ordination with the popular institution at the taluka level (according to that Committee's recommendation at the block level). From this point of view, we recommend that two representatives of the Taluka Panchayat as shown below should become members of the District Panchayat:—

(1) The President of each Taluka Panchayat will be an ex-officio member of the District Panchayat;

(2) In addition every Taluka Panchayat will elect one of its members as a member of the District Panchayat.

6.3. The District Local Board in existence at present at the district level is a local institution consisting of directly elected representatives of the people. These representatives who have come by direct election have made a contribution in shaping this Local Self Government institution and in strengthening it and in discharging efficiently the responsibilities entrusted to it. It is hardly likely that the benefit of the services of such tried and experienced workers who are serving at the district level would be available at the village or taluka level. If a District Panchayat is constituted entirely of representatives of Taluka Panchayats by the method of indirect election, this popular institution at the district level will lose the benefit of the services of such tried and experienced workers. It is only due to the method of direct election that the District Local Board has got the benefit of the abilities and services of such workers. We, therefore, recommend that the number of workers to be elected directly to the District Panchayat may be as fixed but should not be more than the number of representatives of the Taluka Panchayats. As suggested earlier, this will meet the need of the District Panchayat to have the advantage of the services of experienced and tried workers within the district.

6.4. These members will be elected by voters in the rural areas of the district excluding Municipalities, Borough Municipalities, Municipal Corporations and Cantonment and Notified areas. The constituencies for these members will be delimited by Government on the basis of single member constituencies.

6.5. As the election to the Taluka Panchayat is indirect, provision has been made for co-option of two members consisting of women, Scheduled Castes and Scheduled Tribes. The grounds on which this kind of separate co-option is provided for the Taluka Panchayat are also valid at the district level. Similar provision will have to be made for the District Panchayat also. But since the constitution of the District Panchayat is not merely through indirect election and since we have proposed that some of its members will come by direct election, we recommend that amongst the seats to be filled by direct election reservation should be made for women, Scheduled Castes and Scheduled Tribes as indicated below:—

2 seats for women;

2 seats for Scheduled Castes, and

2 seats for Scheduled Tribes if their population in the district is more than 5%.

6.6. Each of these reserved seats will be from a single member constituency and we recommend that provision should be made to rotate them at the time of every election.

6.7. As we have already suggested the District School Boards will not remain in existence after the District Panchayat is formed and certain duties and responsibilities of that body will be entrusted to the Taluka Panchayat. But the remaining duties and responsibilities will come to the District Panchayat. In order to do justice to the work of primary education, it is necessary that the services of persons having experience in education should be available to the District Panchayat. But such persons may not like to compete in a direct or indirect election to that body. But it is necessary to have the services of persons with experience in education to give justice to the work of primary education. Even at present there is a provision for the nomination of two or three members having the necessary outlook and experience of education in the District School Boards. To nominate such members on the District Panchayat in addition to elected members, as we have remarked in the case of Taluka Panchayats, will not be proper. We, therefore, recommend that the District Panchayat should co-opt two such persons itself.

6.8. Leaving aside the Dangs district, out of the remaining districts of the Gujarat State, the Ahmedabad district has the least number of talukas/mahals, viz. 7 and the maximum number of talukas/mahals are in the Surat District, viz. 21. We have recommended that two representatives should be sent by each Taluka Panchayat to the District Panchayat. Accordingly the number of representatives of the Taluka Panchayat in the District Panchayat will vary from the minimum of 14 to the maximum 42. We have also recommended that other members should be elected to the District Panchayat by direct election and their number should be the same as the number of representatives of the Taluka Panchayats. Accordingly, the same number of members will be elected to the District Panchayat by direct election. We have recommended that two members having necessary outlook and necessary experience of education should be co-opted

to the District Panchayat in each district. As a result the minimum number of members of the District Panchayat will be 30 and the maximum number will be 86. At present the minimum number of members of the District Local Boards is 30 and the maximum is 60 as laid down by the rules. Looking to the formation of the District Panchayat and the responsibilities entrusted to it, it would be reasonable to fix the number of members of that body to be minimum 30 and maximum 86.

6.9. According to the above recommendations, the composition of the District Panchayat will be as follows:—

- (1) The President of each Taluka Panchayat ex-officio;
- (2) One member elected by each Taluka Panchayat within the district from amongst its members;
- (3) The representatives to be directly elected from the rural areas within the district equal in number to the representatives of the Taluka Panchayats in the district;
- (4) The two members possessing necessary outlook and experience of education to be co-opted by all the members mentioned in (1) to (3) above.

6.10. We also recommend that on the same lines as for the Taluka Panchayat, in addition to the members mentioned above, members of the Parliament elected from the District or any part thereof, except the members of Parliament elected from purely urban constituencies, members of the Council of State residing in the district and members of the Legislative Assembly, except those elected from purely urban constituencies in the district should become "Associate members" of the District Panchayat.

6.11. Even after entrusting all the activities pertaining to development in the district to the District Panchayat, the responsibility for law and order, certain functions of land revenue and certain other important matters remain with the District Collector. The Collector will have to perform important duties as representative of the Government at the district level. The co-operation of the Collector being essential for the administration of the District Panchayat, we recommend that he should be ex-officio an 'Associate Member' of the District Panchayat.

6.12. The members of the District Panchayat constituted in this manner will elect from amongst themselves a President and a Vice-President according to rules. The functions and the duties of the President and the Vice-President shall be prescribed under the rules. The District Development Officer will work as the Secretary of the District Panchayat.

6.13. In addition to the members of the District Panchayat elected or co-opted, there will be also members who are Presidents of the Taluka Panchayats. If a President of a Taluka Panchayat is elected as the President of the District Panchayat, he will not be able to discharge the double responsibility of the Presidents of both the Taluka and the District Panchayats. Hence if the President of a Taluka Panchayat is elected as the President of the District Panchayat, he should resign his former office. Although he resigns in this way, he will continue to be a member of the District Panchayat and if he was elected as a President of the Taluka Panchayat from amongst the Sarpanchas of the Village Panchayats, he will continue to be a member of the Taluka Panchayat, even after he resigns the office of President of that body. As a result of his resignation, the Taluka Panchayat will have to elect a new President who will become an ex-officio member of the District Panchayat. This will result in an addition of one member to the District Panchayat. We recommend that the necessary provision for this purpose should be made.

6.14. The meetings of the District Panchayats may be held according to the provision made for the purpose. But it is necessary to establish Standing Committees under the District Panchayat for the speedy and quick disposal of questions which arise from day to day. The Standing Committee should consist of not more than seven members and each such Committee should elect one of its members as Chairman.

6.15. The two members possessing educational experience who are to be co-opted to the District Panchayat will automatically become members of the Standing Committee for education and the remaining five members should be elected by the District Panchayat from amongst its members. These members, who will be elected to one Standing Committee according to the rules, will be eligible for being elected to any other Standing Committee also. We recommend that in order

that the responsibilities which fall to the District Panchayat regarding primary education can be discharged properly, the functions and powers of the Standing Committee for education should be laid down independently in the Act.

6.16. We recommend that for the due discharge of the various duties and functions of the District Panchayat, Standing Committees, not more than seven in number, should be formed and the District Panchayat should determine the functions of these Standing Committees.

6.17. The composition and functions of these Standing Committees may generally be as under:—

- (1) *Production Committee* : This standing committee will discharge its duties relating to agriculture, animal husbandry, irrigation, electric power, soil conservation, contour bunding and soil reclamation;
- (2) *Co-operation and Health Committee* : This standing committee will discharge duties regarding the co-operative movement, small savings scheme, village industries, statistics, prohibition propaganda, medical relief, health and sanitation and water-supply;
- (3) *Education Committee* : This standing committee will attend to duties regarding primary education, secondary education, social education, social welfare and the welfare of women and children;
- (4) *Building Committee* : This standing committee will discharge responsibilities of communications, buildings, rural housing and help and aid at the time of natural calamities;
- (5) *Finance Committee* : This standing committee will be entrusted with the responsibilities relating to the financing of the District Panchayat.

6.18. It is also necessary to constitute an Executive Committee in order to ensure co-ordination and co-operation in the working of the Standing Committees and in order to discharge the day to day administrative responsibilities of the District Panchayat. The number of members of the Executive Committee should not be less than seven

and not more than eleven. The President and the Vice-President of the District Panchayat and the Chairman of each Standing Committee will be *ex-officio* members of the Executive Committee. The remaining members of this committee should be elected by the District Panchayat from amongst its members. The President of the District Panchayat will be *ex-officio* Chairman of this Committee. The field of work, duties and responsibilities of the Standing Committees and the Executive Committee should be prescribed by rules. All these Committees should be constituted every year. Members once elected to these committees will be eligible for re-election.

6.19. The District Panchayat will normally hold office for four years. But the State Government may increase this period by one year, if necessary. The meetings of the District Panchayat will be held as may be prescribed by rules, but the President of the District Panchayat may, whenever he considers it necessary, call a meeting and we recommend that the necessary provision for this purpose should be made.

6.20. The District Panchayat will have to shoulder wide and varied responsibilities. The responsibility for discharging these duties and functions will fall mainly on the President of the District Panchayat and he will not be able to do justice to this work unless he devotes sufficient time to it. It seems necessary, therefore, to provide for payment of some honorarium to him to enable him to devote the necessary time for the work of the District Panchayat. We, therefore, recommend that the President of the District Panchayat should be paid a monthly honorarium as may be fixed by Government and he should also be provided with rent free residential accommodation.

7.1. That people should begin to think of their needs, cultivate ability to raise resources necessary to fulfil those needs, formulate necessary programmes according to their financial resources, ability and limitations for their economic and social advancement, implement these programmes efficiently on the strength of their capacity and natural inclinations and wisdom, and thus take practical measures to realise their expectations, aspirations and ambitions of progress and development. These are the objects for which Village Panchayats or Nagar Panchayats, Taluka Panchayats, District Panchayats are being constituted or re-organised at the Village, Taluka and District levels respectively. Necessary and adequate functions and duties should be devolved on these democratic bodies so that they can fulfil these objects.

7.2. The Village Panchayat or Nagar Panchayat, the Taluka Panchayat and the District Panchayat will be institutions closely and organically inter-related with one another. They can fulfil their object only if they function as complements of one another. With this end in view, their duties and functions should be so defined that no misunderstanding or other difficulty might arise among them, that there might be no unnecessary duplication of any duty or function and that there should be no shifting of responsibility from one to the other on account of ambiguity or misunderstanding. To ensure this, specific functions and duties should be assigned by statute to the panchayats in their constitutions.

7.3. At present, there exist three statutory bodies at the district level, namely, the District Local Board, the District School Board and the District Village Panchayat Mandal and one advisory body called the District Development Board. Out of these, the statutory bodies have their functions and duties determined by law and the advisory Board by administrative orders. We recommend that when District Panchayats are constituted at the district level, the duties and functions assigned to all the existing bodies should be transferred by law to the Taluka Panchayat and the District Panchayat.

7.4. Some projects and programmes are being implemented by the State Government at district level through the various departments.

Popular institutions will be able to implement these projects and programmes more efficiently on account of their grasp of local conditions and their better position in obtaining popular participation. We, therefore, recommend that the panchayats at the different levels should have at their disposal all the means necessary for the implementation of all the projects and development programmes conducted by the State Government at the district level, along with all the means, financial resources and arrangements and administrative personnel.

7.5. The functions and duties of each panchayat, when considered in detail, will fall under two heads :—

(1) Those functions and duties assigned to the panchayat by law in terms of its own constitution, which are to be carried out by its own resources.

(2) From among the projects and programmes being executed by the State Government departmentally at the district level, those projects and programmes which are assigned for implementation to the panchayats for the purpose of democratic decentralization, along with all the necessary means, financial resources and administrative personnel.

7.6. The panchayats at the different levels have to plan and implement development projects and programmes with only the local needs of the people in view. People's needs at all the levels are nearly the same. In view of this, the duties and functions assigned or entrusted to the panchayats at all levels will generally be of the same nature. But a programme, that appears essentially the same, will take different forms when assigned to the panchayats of different levels, because of the size of the project, the extent of the area that will benefit by it and the resources needed for its implementation.

7.7. This point may be examined with illustrations. Construction of roads may be considered to be a function common to the panchayats at all levels but the programme of road building to be undertaken by the different panchayats will vary according to the area to be covered by the programme and the size of the programme. The responsibility for constructing roads within the limits of the village or the village panchayat can be easily shouldered by the village pan-

chayat. But it will not be possible for a village panchayat to undertake responsibility for constructing a road connecting one village with another. Therefore, the responsibility for constructing roads connecting more than one village will devolve on the Taluka Panchayat. The Taluka Panchayat, again, can assume responsibility for constructing roads, called (O.D.R.) connecting the villages within the Taluka, but it will not be possible for the Taluka Panchayat to shoulder responsibility of constructing roads connecting the area of one Taluka to that of another, or roads which are described as district roads (M.D.R.). And so, the responsibility for constructing roads connecting the area of one taluka with another, especially the district roads, will devolve on the District Panchayat.

7.8. Even on the basis of the equipments required for carrying out the functions and duties assigned to a panchayat, a programme of identical nature will assume different forms when distributed amongst panchayats at different levels. If it is intended to provide a well or a trough for drinking water for a village, for which no special machinery or other equipment is required, the Village Panchayat will be able to carry out the programme and hence the responsibility for such a programme may be considered to belong to the Village Panchayat. But if it is necessary to assume responsibility for water supply facilities for two or more villages and if such a programme cannot be carried out without mechanical equipment, then such responsibility cannot be assumed by the Village Panchayat. The Taluka Panchayat, with all possible cooperation of the Village Panchayats, should shoulder the responsibility for such a programme. Hence water supply projects for more than one villages, which cannot be carried out without mechanical equipment, must be considered the responsibility of the Taluka Panchayat. Further, if a special project for the supply of drinking water to villages falling within more than one talukas is to be undertaken, and if it is necessary to build a big dam or dig up a reservoir for which special mechanical equipment will be required, the responsibility for such a programme cannot be assumed by the Taluka Panchayat. The District Panchayat must take charge of such a project with the cooperation of the Taluka Panchayats concerned. Accordingly, it must be the responsibility of a District Panchayat to take up a water supply project which concerns more than one talukas and which requires special mechanical equipment.

7.9. Looking at the matter from this angle, the functions and duties assigned or entrusted to the panchayats at different levels will be of a common character and yet such functions and duties which appear alike will assume different forms at different levels in accordance with the nature of the equipment required, the financial responsibility involved and the size of the area likely to benefit by it. This distribution or allocation of duties must be done with the utmost care.

7.10. The following general standards may be accepted for determining the functions and duties and the sphere of work of panchayats at each level :—

(1) Those functions and duties, which can be carried out by the Village Panchayat with the help of its own local resources or external aid available under the rules, should be included in the sphere of activities of the village panchayat.

(2) Responsibility for projects, which are beyond the capacity of a Village Panchayat to implement or which concern not one but several Village Panchayats, should be assigned to the sphere of activities of the Taluka Panchayat.

(3) Responsibility for projects, which are beyond the capacity of a Taluka Panchayat to implement or which concern not one but several Taluka Panchayats, should be assigned to the sphere of activities of the District Panchayat.

7.11. If a panchayat at a particular level needs mechanical equipment or guidance or assistance of any other nature for implementing a project or programme included in its sphere of activities, it should be possible, under the rules, for the panchayat to obtain these from the panchayat or the administrative set-up at the next higher level. It is not unreasonable to expect that in such circumstances the panchayat or the administration at the higher level will offer all possible assistance to the panchayat at the lower level. But in such cases the responsibility for initiating a programme or a project and executing it shall belong to the panchayat at that particular level (within whose sphere of duties the project or the programme falls).

7.12. Just as it is considered essential that the projects and programmes being executed departmentally by the State Government

at the district level should be entrusted to the district panchayat along with the necessary resources and financial provisions, so also it is necessary from the same point of view that if a district panchayat undertakes as part of its own duty and with its own resources, a project or programme which the Taluka Panchayat cannot take in hand, as far as possible, an effort should be made to have such a project or programme executed by the Taluka Panchayat concerned. Likewise, if a Taluka Panchayat undertakes, as part of its duties and with its own resources, a programme or project which the Village Panchayat cannot take on hand, such a programme or project should, as far as possible, be carried out through the village panchayat concerned. We recommend that necessary arrangements to ensure this should be made.

7.13. At present responsibility for primary education in the rural areas of every district rests with the District School Board. When the new popular institutions are established, it will be an important question as to whom, how and in what measure this responsibility should be entrusted. The Committee has given detailed and careful consideration to this question.

7.14. When the District Local Boards were established, the functions and duties assigned to them included primary education. But in view of the day to day expansion of primary education, a separate body was considered necessary to carry out this function, and so the District School Boards were established. The District School Board is constituted through the District Local Board. Government also nominates some persons with experience in education on the School Boards.

7.15. The sphere of primary education is expanding from day to day. There are to-day as many primary schools and teachers in every taluka as there were formerly at the district level. Also, as much money is being spent on primary education in every taluka as was being spent formerly for the whole district. In view of the spread and progress of primary education, the School Board at the district level and its administrative set-up find it difficult to cope with the work. consequently it becomes necessary that the functions of the District School Board should be decentralised.

7.16. The different areas of the former Bombay State, as it was as a result of States Re-organization, had different laws and administrative arrangements for primary education, and therefore, a Committee was appointed by the Bombay Government in January 1958 with a view to bringing about the integration of all those different laws and arrangements. This committee in its report, submitted to the Bombay Government in 1959, has made a special recommendation for the decentralization of the functions of primary education.

7.17. At present the District Local Board functions as the electoral college for the constitution of the District School Board, and elects majority of its members. As a result of the recommendation made by us for integrating the different statutory bodies existing at present at the district level, and establishing one strong popular body for the whole district, the District Local Board in that particular form will cease to exist. When the District Local Board will cease to exist, the electoral college for the District School Board too will automatically cease to exist. As a result, it becomes inevitable to think of an alternative arrangement for the educational activities of the District School Board. In this connection, after taking into consideration the points of view expressed and the recommendations made at different times, we recommend that the responsibility for administration and management of primary education in every taluka, at present looked after by the District School Board, should be included in the sphere of activities of the Taluka Panchayat and responsibility for inspection and for the conduct of examinations should be included in the sphere of activities of the District Panchayat as may be prescribed under the rules.

7.18. The second category of the duties and functions of a panchayat consists of duties and functions delegated to it by the Government at the district level. We have recommended that whatever developmental functions are performed by the State Government through its district officers should be delegated to the District Panchayat along with all the necessary powers, resources, financial provisions and administrative personnel. We think the following departmental activities handled at present by the State Department at the district level may be delegated to the District Panchayat :

- (1) Agriculture;
- (2) Animal husbandry;

- (3) Public health and medical relief;
- (4) Public Works Department activities at the district level;
- (5) Social welfare;
- (6) Certain prescribed functions of the revenue department,
- (7) Prohibition propaganda;
- (8) Certain prescribed functions of the Co-operative Department;
- (9) Cottage industries and small-scale industries;
- (10) The functions of the District Statistical Officer.

7.19. We have considered so far the handing over of the projects and programmes being carried out at district level by the State Government at present to the District Panchayat. But we recommend that even in future whatever projects and programmes are undertaken by such departments at the district level thus should be entrusted to the District Panchayat, and through it, if possible, to the Taluka Panchayat, for administration, implementation and execution.

7.20. In rural areas the administration of land revenue laws is a visible symbol of State authority. It should be considered but proper that after the establishment of popular institutions all possible functions relating to land revenue should be entrusted to such institutions. Under the present Village Panchayat Act, the powers and responsibility of land revenue collection are assigned to the Village Panchayats. The popular institutions to be established at the taluka and district levels will be administering much larger funds than the income from land revenue. Moreover, these institutions will also have an efficient and able administrative set-up. And so, no special difficulty will arise if the powers of land revenue collection are entrusted to these bodies too. The Village Panchayat will attend to the collection of land revenue and maintaining of records relating to it. We recommend that the powers of supervision over the work of the village panchayat, of inspection and administrative control, which are at present with the Circle Inspector and the Mamlatdar, should be handed over to the Taluka Panchayat and the functions and powers relating to land revenue collection which are with the Prant Officer and the Collector should be handed over to the District Panchayat. These duties and powers will have to be handed over to the panchayats, if necessary, by amendment of the Land Revenue Code or by suitable provision in the proposed Act for panchayats.

7.21. Under the Land Revenue Code, land survey, classification of land, settlement, records of rights, village forms Nos. 1, 3, 6, 7, 12 relating to such records of rights in the village, appeals and revision applications in connection with them, suits under Section 86 of the Land Revenue Code, the functions and powers under the Mamlatdar Court Act, land acquisition, legislation and other matters relating to tenancy and occupancy rights, treasury, stamps, registration, the functions of the Executive Magistrate, etc. may remain with the State Government and its departments. But we recommend an arrangement whereby relief to the distressed in times of natural calamities, like floods, fire, famine, etc., civil supplies, issue of licenses to hotels and cinemas, and such other functions may be handed over by the State Government to the District or Taluka Panchayat on agency basis.

7.22. In short, the responsibility for preparing the Five Year Plan for the whole State, for policy decisions on important questions, for providing facilities for training, for research in any subject, and for implementing Statewide projects relating to dams, irrigation, etc. and undertaking programmes concerning more than one districts, will remain with the State Government. We recommend that projects and programmes, which are executed at the district level through Government departments in accordance with the policies of the State Government and the powers and authority relating to these which are vested in Government officers, should be transferred to the popular institutions at the different levels in the district.

7.23. Among the projects and programmes being executed by the State Government at the district level through the departments relating to development work, activities relating to Agriculture, Health and Public Works are of a technical nature. At present, the district officers responsible for these activities receive technical advice and help from the experts of the Government at the State level or from Heads of Departments. It is necessary that after the responsibility for these projects and programmes, and the officers connected with them, are transferred to the popular institutions, these institutions too should continue to receive expert advice and assistance from Government experts at the State level and from Departmental Heads. The Technical control that is at present exercised by the Departmental Heads over district officers on technical matters should continue to be exercised even

after these functions are transferred to the popular institutions. Whenever necessary, the expert or the Departmental Head will offer guidance or suggestions to the District Panchayat on all matters relating to projects and programmes of a technical nature which are to be implemented by the popular institutions at the district level and the District Panchayat will put them into effect through its district development officer and other officers connected with the project or programme. We recommend that clear provision should be made for this through legislation or by rules and regulations.

7.24. It appears necessary to us that provision should be made by legislation on the following matters to enable the State Government to put into effect our recommendation that the projects and programmes being executed departmentally by the State Government be handed over to the popular institutions :—

- (1) It should be possible for the State Government or the Collector to entrust to a Panchayat, under rules to be prescribed, even in the absence of a specific enactment for the purpose, any duty relating to the execution of a project within the area of the particular Panchayat.
- (2) Government should be able to authorise any Panchayat, by a general or special order issued in accordance with rules and conditions to be prescribed, to exercise any power or to perform any of the following duties in addition to its own powers and duties mentioned so far :—

land revenue collection, survey, maintenance of village records, collection of statistics relating to the village, supervision and control of Government primary schools, medical relief as may be specified by the Government from time to time, child welfare, supervision and regulation of maternity cases, agricultural improvement, animal husbandary, communications and community development programmes including cottage industries.

- (3) Any individual or group of individuals may entrust to a Panchayat, in accordance with rules to be prescribed, and

with the consent of the Panchayat, supervision of any institution within the Panchayat area on conditions to be agreed upon.

- (4) It should be lawful to Government to contribute to the Panchayat funds such sum as may be necessary to meet the expenditure on account of the management of any institution or execution of any programme that may be entrusted to it under sub-clauses (1) and (2) above.
- (5) The Panchayat concerned should exercise all the powers conferred on it, and all the functions entrusted to it under the relevant law, or otherwise, and all other powers and duties that may be assigned to it by Government as provided for above.

7.25. We also recommend that apart from the functions and duties devolving upon a Panchayat under its constitution and other rules, there should be clear provision in law and in the constitution of each Panchayat to enable it to take any steps or do anything that may be necessary for the social, economic and cultural development of the inhabitants within its area of control or that might conduce to improvements in their health, security, education and comforts.

7.26. It will not be out of place to consider what may be the functions and duties of the Panchayats at different levels on the basis shown above.

7.27. Under the present Village Panchayat Act, wide functions and duties devolve upon the Village Panchayat. At this stage, we do not consider it necessary that any special additions should be made to these functions and duties. But the following list of the functions and duties of the Village Panchayat has been prepared on the basis of the existing list of duties and functions with some modifications from the point of view of order, arrangement and clarity :—

FUNCTIONS AND DUTIES OF THE VILLAGE PANCHAYAT.

(1) In the sphere of sanitation and public health :

- (a) The supply of water for domestic use and for cattle;
- (b) Construction and cleansing of public roads, drains, ponds, tanks and wells other than tanks and wells used for irrigation purposes and other public places;

- (c) Sanitation, conservancy, the prevention and abatement of nuisance;
- (d) The preservation and improvement of public health;
- (e) The regulation by licensing or otherwise of tea, coffee and milk shops;
- (f) Provision, maintenance and regulation of burning and burial grounds;
- (g) The lay out and maintenance of playgrounds and of public gardens;
- (h) Ensuring systematic disposal of carcasses, provision of definite places for the purpose, and other means for the disposal of unclaimed corpses and carcasses;
- (i) Construction and maintenance of public latrines;
- (j) The taking of measures to prevent the outbreak, spread and recurrence of any infectious disease;
- (k) The reclaiming of unhealthy localities;
- (l) The removal of rubbish heaps, jungle growth, prickly pear, the filling in of disused wells, insanitary ponds, pools, ditches, pits or hollows; the prevention of water-logging in irrigated areas and other improvements of sanitary conditions;
- (m) Maternity and child welfare;
- (n) Providing medical relief;
- (o) The encouragement of human and animal vaccination;
- (p) The provision and maintenance of compost pits;
- (q) Taking necessary steps against stray dogs and pigs;
- (r) Regulating, checking and abating of offensive or dangerous trades or practices.

(2) In the sphere of public works :

- (a) The removal of obstructions and projections in public streets or places and in sites, not being private property, which are open to the public; whether such sites are vested in the Panchayat or belong to Government;

- (b) The construction, maintenance and repair of public roads, drains, bunds and bridges :

Provided that if the roads, drains, bunds and bridges vest in any other public authority, such works shall not be undertaken without the consent of that authority ;

- (c) Maintenance and regulation of the use of buildings handed over to the Panchayat, or of Government buildings under the control of the panchayat, grazing lands, forest lands including lands assigned under Section 28 of the Indian Forest Act, and tanks and wells (other than tanks and wells used for irrigation) ;
- (d) The lighting of the village ;
- (e) The control of fairs, bazars, tonga-stands and cart-stands ;
- f) The construction and maintenance or control of slaughter houses ;
- (g) The planting of trees in market places and other public places and their maintenance and preservation ;
- h) The construction and maintenance of Dharamshalas ;
- (i) The management and control of bathing or washing ghats which are not managed by any authority ;
- (j) The establishment and maintenance of markets ;
- (k) The construction and maintenance of houses for conservancy staff and village functionaries of the panchayat ;
- (l) The provision and maintenance of camping grounds ;
- (m) The establishment, control and management of cattle pounds ;
- (n) The establishment and maintenance of works for the provision of employment particularly in times of scarcity ;
- (o) The extension of village sites and the regulation of buildings and housing schemes in accordance with such principles as may be prescribed ;

- (p) The construction and maintenance of buildings for warehouses, shops, purchasing centres, etc ;
- (q) The construction and maintenance of buildings for common use and of buildings necessary for developmental activities.

(3) In the sphere of education and culture :

- (a) The spread of education ;
- (b) The establishment and maintenance of akhadas, parks, clubs and other places of recreation for the welfare of women and youth ;
- (c) The establishment and maintenance of theatres for promotion of art and culture ;
- (d) The establishment and maintenance of libraries and reading rooms ;
- (e) The promotion of social and moral welfare of the village including prohibition propaganda, removal of untouchability, amelioration of the condition of the backward classes, the eradication of corruption and the discouragement of gambling and other anti-social activities ;
- (f) Assisting the introduction of compulsory primary education as planned by the State ;
- (g) Provision of school buildings and of necessary equipment for education ;
- (h) Pre-primary education and child-welfare activities ;
- (i) Repairs and maintenance of school buildings ;
- (j) Management of school funds ;
- (k) Offering financial assistance to needy students ;
- (l) Celebration of school functions and festivals ;
- (m) Arranging cultural programmes for the purposes of popular education ;
- (n) Provision of light meals for school children, if possible.

(4) In the sphere of self-defence and village defence :

- (a) Watch and ward of the village and of the crops therein and raising volunteer organisations or organisations of any other kind, encouraging and assisting such organisations;
- (b) Providing for training facilities to the youth of the village for the purpose of self-defence and village defence and assisting such training that may be organised by the Government;
- (c) Prevention of fire, rendering assistance in extinguishing fires and protecting life and property when fire occurs.

(5) In the sphere of village planning and administration :

- (a) The preparation of plans for the development of the village;
- (b) Assisting the implementation of soil improvement projects of the Government;
- (c) Economic survey of the village accompanied by the provision of employment to the unemployed or under-employed villagers;
- (d) Preparation of budget, collection and maintenance of accounts, custody and utilisation of funds, assessment and collection of taxes and maintenance of an account code;
- (e) Acting as a channel through which assistance given by the Central or State Government for any purpose reaches the village;
- (f) Making independent surveys of the village or assisting such surveys undertaken by the Central or State Governments;
- (g) Recruitment, training and management of the panchayat staff;
- (h) The control of cattle stands, threshing floors, grazing grounds and community lands;
- (i) The establishment, maintenance and regulation of fairs, pilgrimages and festivals;

- (j) Reporting to proper authorities village complaints which are not removable by the panchayat.
 - (k) The preparation, maintenance and unkeep of panchayat records;
 - (l) The registration of births, deaths and marriages in such manner and in such form as may be laid down by Government by general or special order in this behalf;
 - (m) The numbering of premises.
- (6) In the sphere of community development and social welfare :**
- (a) The relief of the crippled, the destitute and the sick;
 - (b) Assistance to the residents when any natural calamity occurs;
 - (c) Organising, encouraging and assisting cooperative activities in the economic and social fields;
 - (d) Propagation of family planning;
 - (e) Organising voluntary labour for community works and works for the uplift of the village;
 - (f) Opening fair-price shops.
- (7) In the sphere of agriculture, preservation of forests and pasture lands :**
- (a) Planned improvement of agriculture;
 - (b) Securing minimum standards of cultivation in the village with a view to increasing agricultural production;
 - (c) Establishment and management of model agricultural farms;
 - (d) The establishment and maintenance of granaries;
 - (e) Bringing under cultivation waste and fallow lands vested by Government in the panchayat;
 - (f) Ensuring conservation of manurial resources, preparing composts and sale of manure;
 - (g) Production of improved seeds, the establishment of nurseries of improved seeds and promoting the use of improved seeds;

- (h) Promoting the use of improved agricultural implements and making such implements easily available;
 - (i) The promotion of cooperative farming;
 - (j) Crop protection and crop experiments;
 - (k) Minor irrigation, construction and maintenance of field channels and distribution of water;
 - (l) Raising, preservation and improvement of village forests, pastures and orchards;
 - (m) Taking steps against harmful animals with a view to protection of crops.
- (8) In the sphere of breeding and protecting cattle :**
- (a) Improvement of cattle and cattle breeding;
 - (b) The general care of live-stock;
 - (c) Providing and maintaining stud bulls for purposes of cattle breeding;
 - (d) Promotion of dairy farming.
- (9) In the sphere of village industries :**
- (a) Surveying and harnessing industrial and employment potential of the village;
 - (b) Protecting, encouraging and assisting, with a view to improving and developing hand-spinning, hand-weaving, dyeing, printing, embroidery, sewing, oil-pressing industry, leather industry, pottery, carpentry, smithy, industries processing agricultural raw materials into finished products, other cottage industries and special arts or crafts of the village, if any;
 - (c) Providing necessary raw materials for cottage industries and arts and crafts;
 - (d) Making efforts for the adoption by the village craftsmen of modern and improved tools for cottage industries and making such tools easily available to them;
 - (e) Encouraging and assisting artisans for training in cottage industries and handicrafts;

(f) Providing for the organisation, management and development of cottage industries on a cooperative basis.

(10) In the sphere of collection of land revenue :

- (a) Collection of land revenue when so empowered by the Government;
- (b) Maintenance of village records relating to land revenue in such manner and in such form as may be prescribed from time to time by or under any law relating to land revenue.

(11) In the general sphere :

The panchayat should be able to undertake any work or take any step in the village if through such work or by such step it is possible to improve the health, safety, education, happiness and comforts of the village population or their social, economic and cultural conditions.

7.28. The Taluka Panchayat is a new institution proposed at the taluka level but the following list of its functions and duties has been prepared, keeping in view the responsibilities of the present Development Blocks and the existing statutory bodies at the district level whose functions can be decentralized at the taluka level, and such other activities undertaken by the State Government departmentally at the taluka level:—

FUNCTIONS AND DUTIES OF THE TALUKA PANCHAYAT.

(1) In the Sphere of Community Development:

- (a) Planning for increased employment and production, co-ordination of village institutions;
- (b) Training in self-help and self-sufficiency among the village community on the principle of mutual cooperation;
- (c) Utilising the surplus energy, resources and time of the village for the benefit of the community;
- (d) Providing for the implementation of development programmes entrusted to it by Government.

(2) In the Sphere of Agriculture and Irrigation:

- (a) Planning for agricultural improvement at the taluka level;
- (b) The use of land and water resources and propagation of improved agricultural methods according to the latest researches;
- (c) Construction and maintenance of minor irrigation works upto the value of Rs. 50,000;
- (d) Reclamation and conservation of agricultural lands;
- (e) Maintenance of seed multiplication farms, assisting registered seed producers and distribution of seeds;
- (f) Raising the production of fruits and vegetables;
- (g) Conservation of manurial resources, preparing compost manure, organic manure and mixture and to arrange for making them easily available;
- (h) Promoting the use of improved agricultural implements and arranging to make them easily available;
- (i) The protection of crops, fruit trees and plants against disease;
- (j) Establishment and management of model agricultural farms;
- (k) Providing credit and other facilities for irrigation and agricultural development;
- (l) Increasing the area of land under irrigation by construction and repairs of wells, digging and repairs of private ponds by undertaking minor irrigation works and by supervision of field chanel;
- (m) Increasing the use of sub-soil water by boring wells and giving assistance in regard to such wells and dams;
- (n) Providing for the timely and equitable distribution and full use of irrigation waters under irrigation schemes.

(3) In the Sphere of Animal Husbandary :

- (a) Improving cattle breed by introduction of stud bulls, by castration of stray bullocks and establishment and maintaining artificial insemination centres;
- (b) Introducing improved breeds of cattle, sheep, poultry, etc., giving grants therefor and maintenance of small breeding centres;

- (c) Controlling and checking infectious diseases;
 - (d) Introducing improved grass and cattle feeds and providing for their storage;
 - (e) Starting and maintaining first-aid centres and veterinary dispensaries;
 - (f) Providing for milk-bars and milk supply;
 - (g) Solving the problem of stray cattle.
- (4) In the Sphere of Health and Village Sanitation:**
- (a) Controlling small-pox and other epidemics and expansion and maintenance of health services;
 - (b) Family planning;
 - (c) Providing facilities for pure drinking water;
 - (d) Maintenance and supervision of drug stores, dispensaries, pharmacies, maternity homes and primary health centres;
 - (e) Cultivating public opinion on following matters for preservation of health and sanitation :
 1. Nourishment;
 2. Maternity and child welfare;
 3. Control and eradication of contagious diseases;
 - (f) Providing for help and protection to the people against epidemics.
- (5) In the Sphere of Primary Education and other Cultural Activities:**
- (a) Establishment and maintenance of primary schools;
 - (b) Preparing and implementing the programme of constructing primary school buildings;
 - (c) Recognising non-government educational institutions within its area;
 - (d) Assisting educational activities at the village panchayat level;
 - (e) Enforcing the Compulsory Primary Education Act in the taluka;
 - (f) Conducting and encouraging libraries, reading rooms and other cultural activities;
 - (g) Assisting the propagation of pre-primary education.

(2) In the Sphere of Agriculture and Irrigation:

- (a) Planning for agricultural improvement at the taluka level;**
- (b) The use of land and water resources and propagation of improved agricultural methods according to the latest researches;**
- (c) Construction and maintenance of minor irrigation works upto the value of Rs. 50,000;**
- (d) Reclamation and conservation of agricultural lands;**
- (e) Maintenance of seed multiplication farms, assisting registered seed producers and distribution of seeds;**
- (f) Raising the production of fruits and vegetables;**
- (g) Conservation of manurial resources, preparing compost manure, organic manure and mixture and to arrange for making them easily available;**
- (h) Promoting the use of improved agricultural implements and arranging to make them easily available;**
- (i) The protection of crops, fruit trees and plants against disease;**
- (j) Establishment and management of model agricultural farms;**
- (k) Providing credit and other facilities for irrigation and agricultural development;**
- (l) Increasing the area of land under irrigation by construction and repairs of wells, digging and repairs of private ponds by undertaking minor irrigation works and by supervision of field chanel;**
- (m) Increasing the use of sub-soil water by boring wells and giving assistance in regard to such wells and dams;**
- (n) Providing for the timely and equitable distribution and full use of irrigation waters under irrigation schemes.**

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- (b) Introducing improved breeds of cattle, sheep, poultry, etc., giving grants therefor and maintenance of small breeding centres;**

- (c) Controlling and checking infectious diseases;
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 - (e) Starting and maintaining first-aid centres and veterinary dispensaries;
 - (f) Providing for milk-bars and milk supply;
 - (g) Solving the problem of stray cattle.
- (4) In the Sphere of Health and Village Sanitation:**
- (a) Controlling small-pox and other epidemics and expansion and maintenance of health services;
 - (b) Family planning;
 - (c) Providing facilities for pure drinking water;
 - (d) Maintenance and supervision of drug stores, dispensaries, pharmacies, maternity homes and primary health centres;
 - (e) Cultivating public opinion on following matters for preservation of health and sanitation :
 1. Nourishment;
 2. Maternity and child welfare;
 3. Control and eradication of contagious diseases;
 - (f) Providing for help and protection to the people against epidemics.
- (5) In the Sphere of Primary Education and other Cultural Activities:**
- (a) Establishment and maintenance of primary schools;
 - (b) Preparing and implementing the programme of constructing primary school buildings;
 - (c) Recognising non-government educational institutions within its area;
 - (d) Assisting educational activities at the village panchayat level;
 - (e) Enforcing the Compulsory Primary Education Act in the taluka;
 - (f) Conducting and encouraging libraries, reading rooms and other cultural activities;
 - (g) Assisting the propagation of pre-primary education.

(6) In the Sphere of Social Education:

To cultivate a new outlook among the people, to make them self-reliant, industrious and co-operation minded, and especially—

- (a) Establishing and maintaining information centres, community education centres and recreation centres;
- (b) Establishing non-statutory bodies such as youth clubs, women's clubs and farmers' associations and encouraging other social service institutions;
- (c) Establishing a village defence corps;
- (d) Encouraging physical and cultural activities;
- (e) Establishing voluntary health associations;
- (f) Training gram-sevaks and utilising their services;
- (g) Training gram-lakshmis and gram-sevikas and utilising their services;
- (h) Promoting children's activities.

(7) In the Sphere of Communication:

- (a) Construction and maintenance of village link roads;
- (b) Providing necessary assistance for construction and maintenance of village approach roads.

(8) In the Sphere of Co-operation:

To promote the idea of co-operation in different fields of life and to organise and encourage co-operative institutions in the economic and social fields and especially—

- (a) To establish and promote the development of multipurpose co-operative societies for credit, sale, industry, irrigation and agriculture;
- (b) Promoting savings through thrift, small savings and insurance schemes.

(9) In the Sphere of Village and Small-Scale Industries:

To promote cottage, village and small scale industries with a view to providing increased employment and raising peoples standard of living and especially—

- (a) To establish and maintain production and training centres;
- (b) To improve the skills of artisans;
- (c) To popularise improved implements;
- (d) To ensure the implementation of schemes for cottage, village and small-scale industries run by the Khadi and Cottage Industries Board and other All India associations;
- (e) To establish industrial townships at the taluka level;
- (f) To develop wool industry.

(10) In the Sphere of Women's Welfare:

Implementing of schemes for women's and children's welfare and maintaining of women's and children's welfare centres, education centres, craft centres and tailoring centres.

(11) In the Sphere of Social Welfare:

- (a) Provision of hostels for students of Backward classes, Scheduled castes and Scheduled tribes;
- (b) Implementing schemes of rural housing;
- (c) Maintaining decrepit beggars;
- (d) Starting voluntary institutions of social welfare and co-ordinating and assisting their activities;
- (e) Propaganda for prohibition and against drug-addiction.

(12) In the Sphere of immediate Relief:

Providing immediate relief in cases of floods, fires, epidemics and other natural calamities on a small or large scale.

(13) In the Sphere of collection of Statistics:

Collecting and co-ordinating statistics as may be required by the Village, Taluka or District Panchayats or by Government.

(14) In the Sphere of Trusts;

Managing trusts in furtherance of the objects of any programme that may be carried out with the funds of the Taluka Panchayat.

(15) In the Sphere of Forests:

Promoting the development of village jungles and pastures.

(16) In the Sphere of Rural Housing:

Development of village sites with the co-operation of the village population and planning of rural housing.

(17) In the Sphere of Information;

- (a) Community radio listening programme;
- (b) Arranging exhibitions;
- (c) Publications.

(18) In the Miscellaneous Sphere:

- (a) Assisting, guiding and promoting the development of all village panchayat activities;
- (b) Supervision and control of the working of village panchayats in the taluka;
- (c) Performing all such functions as may be determined by the Government from time to time or as may be assigned by legislation;
- (d) Control of harmful and dangerous trades, professions and practices;
- (e) Cleansing of unhealthy localities;
- (f) Establishment, management, supervision and inspection of bazaars and other places of public use, e.g., such as public gardens and orchards;
- (g) Establishment, maintenance and control of entertainment houses;
- (h) Establishment, management, supervision and inspection of poor houses, orphanages and other institutions;

- (i) Promoting art and culture;
- (j) Administration and management of fairs;
- (k) Supervision and management of whatever property is vested in the Panchayat.

7.29. The following list of the functions and duties of the District Panchayat has been prepared, keeping in view the functions and duties to be performed at the district level from among the functions and duties of the existing statutory bodies and advisory body at that level, the development projects and programmes being executed by the State Government at the district level, and the duties and responsibilities that may be assigned to it as a strong popular institution at the district level :—

FUNCTIONS AND DUTIES OF THE DISTRICT PANCHAYAT.

The following shall be the functions of the District Panchayat:—

(1) In the Sphere of Community Development:

- (a) Co-ordination and integration of the schemes of all the blocks and talukas in the district and preparing a plan for the whole district;
- (b) Preparation of projects, plans and schemes concerning two or more talukas in the district;
- (c) (i) Promoting the establishment and development of panchayats;
- (ii) Inspection, regulation and control of the Taluka Panchayats in the district;
- (iii) Performing all such functions as are assigned to it under the law or as may be assigned by the Government from time to time;
- (d) Implementing any development programme that may be entrusted by the Government;
- (e) Distribution and co-ordination of work among Village Panchayats, Taluka Panchayats and District Panchayats.

(2) In the Sphere of Agriculture:

- (a) Undertaking intensive pioneering schemes relating to paddy, wheat, bajra, juwar, ground-nuts and cotton;**
- (b) Construction and maintenance of buildings for seed-distribution centres;**
- (c) Implementing schemes of urban manure;**
- (d) Promoting the planting of the coconut-palm;**
- (e) Arranging for the purchase and sale of necessary equipment for the protection of plants;**
- (f) Arranging for the purchase and sale of insecticides;**
- (g) Establishment and maintenance of model agricultural farms;**
- (h) Procuring and distributing improved seeds;**
- (i) Implementing schemes relating to agricultural production and agricultural development;**
- (j) Arranging exhibitions, competitions and other programmes in connection with agricultural development and cattle-breeding.**

(3) In the Sphere of Cattle Breeding :

- (a) Establishing and maintaining supply centres for cattle breeding;**
- (b) Giving encouragement and assistance to cattle breeding centres run by recognised institutions;**
- (c) Implementing schemes of key villages;**
- (d) Implementing schemes of Goshala development;**
- (e) Providing for the rearing of stud calves;**
- (f) Developing grass lands;**
- (g) Encouraging and assisting schemes for the storage of green grass;**

- (h) Implementing schemes of poultry farming;
- (i) Implementing schemes of cattle breeding;
- (j) Establishing and maintaining veterinary hospitals and dispensaries.

(4) In the Sphere of Minor Irrigation Projects:

- (a) Providing for irrigation by canals from tanks and bunds;
- (b) Implementing schemes of tube wells;
- (c) Digging new wells and repairing old wells for irrigation;
- (d) Giving assistance for the purchase of pumping sets and machinery;
- (e) Provision and propaganda for improved 'Kos';
- (f) Providing detonators and boring equipment for wells;
- (g) Encouraging and assisting irrigation schemes on a co-operative basis.

(5) In the Sphere of Health and Village Sanitation:

- (a) Establishment and maintenance of dispensaries;
- (b) Constructing and preserving wells and tanks for drinking water;
- (c) Taking necessary action or steps for improvement in public health and public amenities;
- (d) Establishment and maintenance of primary health centres;
- (e) Assisting family planning;
- (f) Supply of milk to children and nursing mothers in families in the low-income group;
- (g) Providing for training to mid-wives;
- (h) Giving protection against diphtheria, whooping cough and tetanus;
- (i) Establishment and maintenance of Ayurvedic dispensaries;

- (j) Provision of medical relief through Ayurved Box Centres;
- (k) Assisting recognised medical relief centres;
- (h) Providing for training of nurses.

(6) In the Sphere of Primary Education and other Cultural Activities:

- (a) Undertaking all educational activities entrusted to it;
- (b) Planning of education in the district within the framework of the national policy and the national plan;
- (c) Survey and evaluation of educational activities;
- (d) Acting as a channel for Government aid in regard to primary education to reach the taluka Panchayat;
- (e) Making suggestions as to courses of study;
- (f) Selection of text books;
- (g) Implementing any programme in regard to secondary education that may be entrusted to it by the Government;
- (h) Inspection of primary schools managed by the Taluka Panchayat and conduct of their examinations;
- (i) Accepting and managing educational funds;
- (j) Assisting, encouraging and guiding all educational activities in the district.

(7) In the Sphere of Social Education:

- (a) Organising camps, conferences and gatherings of all members, sarpanches, presidents and other panchas of the Village Panchayats and Taluka Panchayats in the district.

(8) In the Sphere of Public Works:

- (a) Construction and maintenance of roads;
- (b) Planting and rearing trees on both sides of the roads;
- (c) Execution of works entrusted to it by Government;

- (d) Supervision, repairs and preservation of buildings vested in the panchayat;
- (e) Construction and maintenance of buildings required for the activities of the panchayat.

(8) In the Sphere of Public Works:

- (a) Construction and maintenance of roads;
- (b) Planting and rearing trees on both sides of the roads;
- (c) Execution of works entrusted to it by Government;
- (d) Supervision, repairs and preservation of buildings vested in the panchayat;
- (e) Construction and maintenance of buildings required for the activities of the panchayat.

(9) In the Sphere of Village and Small-Scale Industries:

- (a) Examining the possibilities of village industries and small-scale industries in the district, preparation and execution of plans for their revival, organisation and development;
- (b) Providing for necessary assistance and encouragement of technical training to village workers in village industries and small-scale industries relating to their crafts;
- (c) Establishing, maintaining, expanding and aiding secondary, technical and industrial schools.

(10) In the Sphere of Social Welfare:

- (a) Providing necessary assistance and encouragement to the work of institutions of social service;
- (b) Conducting necessary social welfare activities at the district level;
- (c) Arranging fairs and festivals other than fairs and festivals arranged by the Government.

(11) In the Sphere of Immediate Relief:

- (a) Establishment and management of relief centres in times of natural calamities such as famine and scarcity, floods, fire and earthquake.

(12) In the Sphere of Administration:

- (a) Collection of necessary stores and materials ;
- (b) Publication of statistical and other information relating to activities of local authorities ;
- (c) Co-ordination and use of statistics and other information required for the activities of the Village, the Taluka and the District Panchayats ;
- (d) Periodical supervision and evaluation of the projects and programmes entrusted to the panchayats ;
- (e) Accepting donations in furtherance of the purposes for which the fund has been raised ;
- (f) Arranging public functions, exhibitions, etc.

(13) In the Miscellaneous Sphere :

- (a) Raising loans with the previous permission of the Government and in accordance with such conditions as may be determined by the Government for fulfilling the functions and duties of the panchayat.

7.30. It is necessary to give administrative approval to the projects and the programmes undertaken by the State Government before they are implemented. Powers for granting such approval are delegated to the officers according to their status. The Taluka Panchayat and the District Panchayat must be given the powers of granting administrative approval for execution of the duties devolving upon the Taluka Panchayat and the District Panchayat or which are entrusted to them. After a careful consideration of the question

as to what projects and to what extent the Taluka Panchayat and the District Panchayat may have powers of granting administrative approval, we have prepared two different forms as under for the Taluka Panchayat and the District Panchayat. If provision is made for the granting of administrative approval by the Taluka Panchayat and the District Panchayat on this basis, it will be possible for them to ensure easy and speedy implementation of the projects and programmes under their charge:—

Powers of Taluka Panchayats regarding Administrative Sanction

Sr. No. 1	Subject 2	Powers of Taluka Officer 3	Powers of Stand- ing Committee of the Taluka 4	Powers of Execu- tive Committee of the Taluka 5	Powers of Taluka Panchayat 6	Powers of District Panchayat 8	Powers of Government 8
1. Administrative and financial sanction with regard to works and schemes—							
	(a) Non-Recurring expenditure for each item.	Rs. 500 and below.	Above Rs. 500 but upto Rs. 10,000	Above Rs. 10,000 but upto Rs. 50,000	—	Above Rs. 50,000 but upto Rs. 1,00,000	Above Rs. 1,00,000
	(b) Recurring expenditure for each item.	—	Upto Rs. 2,500	Above Rs. 2,500 upto Rs. 5,000	Above Rs. 5,000 upto Rs. 10,000	Above Rs. 10,000 but upto Rs. 20,000	Above Rs. 20,000
2. Sanctioning Grants for Every Scheme—							
	(a) Non-recurring expenditure for each item.	—	—	—	Rs. 5,000 and below.	Above Rs. 5,000 but upto Rs. 10,000.	Above Rs. 10,000
	(b) Non-recurring expenditure for each item.	—	—	—	Rs. 2,000 and below.	Above Rs. 2,000 but upto Rs. 5,000.	Above Rs. 5,000
3.	Administrative sanction for non-budgetted expenditure through popular contribution.	—	Upto Rs. 3,000	—	—	—	—

Powers of District Panchayats regarding Administrative Sanction

Sr. No.	Subject	Powers of District Development Officer 3	Powers of Standing Committee of the District Panchayat 4	Powers of Executive Committee of the District Panchayat 5	Powers of District Panchayat 6	Powers of Government 7
1.	<i>Administrative and financial sanction with regard to works and schemes—</i>					
	(a) Non-recurring expenditure for each item.	Rs. 5,000 and below.	Above Rs. 5,000 but upto Rs. 25,000	Above Rs. 25,000 but upto Rs. 50,000	Above Rs. 50,000 but upto Rs. 1,00,000	Above Rs. 1,00,000
	(b) Recurring expenditure for each item.	—	Rs. 5,000 and below.	Above Rs. 5,000 but upto Rs. 10,000.	Above Rs. 10,000 but upto Rs. 20,000.	Above Rs. 20,000
2.	<i>Sanctioning Grants for Every Scheme—</i>					
	(a) Non-Recurring expenditure for each item.	—	Rs. 5,000 and below.	Above Rs. 5,000 but upto Rs. 10,000	Above Rs. 10,000 but upto Rs. 20,000	Above Rs. 20,000
	(b) Recurring expenditure for each item.	—	Rs. 2,500 and below.	Above Rs. 2,500 but upto Rs. 5,000.	Above Rs. 5,000 but upto Rs. 10,000.	Above Rs. 10,000
3.	Administrative sanction for non-budgetted expenditure through popular contribution.	—	Rs. 5,000 and below.	—	—	—

GENERAL.

8.1. In the preceding chapter the functions and duties of the Village Panchayat, the Taluka Panchayat and the District Panchayat were discussed. In the absence of adequate financial provision, it would be impossible for an institution to fulfil the functions and duties devolving upon it or entrusted to it. If we examine the causes of the failure attributed to local self-government institutions in the past, we shall find that the main cause of their alleged failure was want of adequate financial resources.

8.2. The Taluka Development Board established for some time at the Taluka level had to incur the disgrace of failure just for want of financial resources. Today when we are considering the establishment of popular institutions at different levels on a sound basis with extensive and diverse functions and duties, we must see that these institutions have the adequate funds to enable them to do justice to the functions and duties devolving upon them.

8.3. In Gujarat satisfactory financial resources have been provided to the Village Panchayats established at the village level to enable them to cope with their functions and duties. There is no statutory popular body at present at the Taluka level. But in most of the talukas, Development Blocks are functioning and expenditure is being incurred according to the provisions for the projects of the Development Block as per the advise and decision of the Development Block Committees. Adequate finances are also provided to the District School Boards and District Local Boards existing as statutory bodies at district level for the due discharge of their responsibilities and duties.

8.4. Now, when we are considering the establishment of the Village Panchayat or the Nagar Panchayat, the Taluka Panchayat and the District Panchayat at the village, Taluka and District levels respectively in a new form and on a sound basis with more extensive and wider functions and duties than is the case to-day, arrangement should be made to provide them with adequate financial resources and facilities in order that their progress and development might not be retarded

on account of the absence of such provision but on the contrary they might be encouraged to undertake more and more responsibilities and might have opportunities to work with full enthusiasm and perseverance and they might develop self-confidence.

8.5. Land Revenue was one of the main sources of income to the State. For the most part administration of Government was carried on with the income accruing from land in the villages. Only a negligible amount was spent for the villages from which this main source of income accrued. At that time the villages were almost entirely in the state of neglect. But the position has now been entirely changed. Since some time more attention is being paid to the villages. After the achievement of Independence, the programme of rural areas has become an important programme. In our Five Year Plans the schemes of community development, agriculture, irrigation, electricity, small industries, education, health, social services and other schemes of village development have been given a place of prime importance.

8.6. From the details of the Five Year Plan a clear picture of what expenditure is incurred by the State for the rural works is available. In the Second Five Year Plan of Rs. 145.93 crores of the Gujarat State, following amounts have been allotted for the different schemes :—

Scheme.	Financial allocation in crores	P. C. of total allocation.
Agriculture C. D.	36.00	24.7
Irrigation and Electricity	57.41	39.3
Industries	4.76	3.3
Transport	16.86	11.5
Social Services	28.05	19.3
Miscellaneous... ..	2.85	1.9
Total	145.93	100.0

8.7. In the proposed Third Five Year Plan of the Gujarat State, following allocations have been suggested :—

Schemes	Financial allocation in crores	P. C. of total allocation
Agriculture & C. D.	59.03	25.7
Irrigation	95.02	41.3
Industries	4.57	2.0
Transport	21.00	9.1
Social Services	49.62	21.6
Miscellaneous	00.76	0.3
... Total ...	230.00	100.0

8.8. From the total realisation of land revenue of Rs. 5,74,01,019 of the State, the State Government incurs the following expenditure as direct grants to the Gram Panchayats and District Local Boards :—

- 25 or 30% Direct grant to Village Panchayats according to rules ;
- 25% Expenditure on account of salaries and training of Secretary-Talatis ; and
- 5% Direct grant to District Local Boards.

8.9. From these details it can be seen that not only the income of land revenue, but a large portion of the total income of the State is being spent after the scheme of community development, agriculture, irrigation, small industries, primary education, rural health, social welfare, and after schemes of rural development. Out of the total land revenue of the State about 60 percent is given as direct grants to popular institutions, while not only the remaining 40 percent of the land revenue but 200 to 250% of the total land revenue is being spent only at village level for the different schemes of rural welfare, through the Village Panchayats or with their cooperation. 15% of total income of the land revenue is being spent only on primary education through the different statutory institutions. From this it can be seen that the rural areas are not now neglected as in the past. Not only the income from the land revenue but a substantial portion of the other State income is being spent on the rural area. In this way about 60 percent. of the

land revenue is given as grant in aid directly to the popular institutions. At village level an amount equal to 200-250% of the total land revenue of the State is being spent for the rural development schemes, through the Panchayats or with their cooperation.

8.10. But how these amounts are being spent is an important question. There is a basic difference in effect when the amount is spent on rural development through Government departments or through the administrative machinery of the Government and when the same amount is spent through the inhabitants of the village or through the local Village Panchayats. Perhaps there may be no appreciable difference between the two from the point of view of concrete results or targets, but, however large the amounts spent for the welfare of rural population or the development of the villages through Government machinery or however impressive the projects undertaken are, it will not create a sense of responsibility, self-confidence or self-reliance in the people. On the contrary they become more and more dependent, helpless and lacking in initiative. If the same project or programme is entrusted to the villages or the village people for execution, it will create a sense of responsibility, self-confidence and self-reliance in them. From this point of view, instead of implementing the various projects for village development, and social welfare directly through Government machinery or officers, it should be seen that as far as possible they are implemented through the village people and their institutions.

8.11. Considering the sources of income for the new popular institutions to be established and their capacities it may not be possible for them to undertake responsibility for all the types of projects and programmes which are undertaken by the State Government for rural areas. That is why we have recommended that the projects and programmes for development, executed by the State Government at the district level, should be handed over to popular institutions with the necessary financial provisions and equipment. The funds that are being spent at present by the State Government on development of projects will have to be handed over to the popular institutions. It is not likely that as a result of this the Government will make any saving in expenditure but the popular institutions will have a variety of functions and duties under the law and in virtue of their constitu-

tion. It is also natural that the popular institutions will try to fulfil their functions and duties as far as possible within the limits of their financial resources. Some of the projects and programmes undertaken by the State Government will thus be included in the sphere of activities of the popular institutions and therefore the State Government will not have to make budgetary provision for such projects and programmes. On the other hand, it is necessary to give to the popular institutions additional income and sources of income in order that they might do justice to their duties. The amounts spent by the State Government for rural areas are many times larger than 40% of the land revenue which remains after 60% is given to the popular institutions. Taking into consideration the fact that some of the projects and programmes on which Government incurs expenditure at present will be included in the sphere of activities of the popular institutions, it will not be necessary for Government to spend anything on them. As it is necessary to give additional sources of income to the popular institutions, we think that the State Government should give grants to the popular institutions in the rural areas to the extent of hundred percent of land revenue with a view to placing ample funds at their disposal.

8.12. At present, the grants made to the Village Panchayat or the Local Board from the land revenue collections is given on the basis of the collections made in the preceding year. But if any year is a year of famine or scarcity and if in that year land revenue collections are remitted or suspended, in the subsequent year the Village Panchayat or the Local Board will receive very small grants. It also happens that sometimes no grant is received or only a nominal grant is received. To obviate this difficulty, we recommend that instead of making the grant to the popular institutions merely on the basis of collection of the preceding year, it should be made on the basis of the average collection of the preceding three years according to the standard fixed by Government in this behalf.

8.13. Under the existing Panchayat Act, the secretaries of the Panchayats are Government servants and their salaries are paid by Government. According to the new arrangement suggested, the secretaries of the Panchayats will be on deputation to the Panchayats. If the responsibility for their salaries is placed on each Village Pan-

chayat or Taluka Panchayat, it will be difficult for the Village Panchayat or the Taluka Panchayat of backward areas to meet that expenditure. It is, therefore, considered desirable that the payment of their salaries be continued as at present at the State level. The estimated expenditure on the salaries of the Panchayat secretaries and Talaties and on their training amounts at present to 25% of land revenue collections. We, therefore, recommend that Government should retain with itself 25% of the average land revenue collections of the preceding three years to meet the expenditure on account of the salaries of Panchayat secretaries and their training throughout the State.

8.14. The economic conditions of the various districts are not identical. Some districts enjoy natural advantages for progress and development, whereas other districts remain backward for want of such advantages. We consider it necessary to provide for special grants for backward districts with a view to remove the inequalities as between district and district. For this purpose, we recommend that a special fund to be called the "State Equalisation Fund" be established and in accordance with 8.12 above, 5 percent of the land revenue is recommended to be credited in this fund. Special grants be made out of this fund to District Panchayats according to rules. This Fund will not be lapsable.

8.15. In the State there are certain Devasthan villages. Land revenues of those villages go to the Devasthans. As a result, the Panchayats of Devasthan villages do not get grant-in-aid from the land revenue. Consequently, these villages are not able to undertake any special programmes of village development and they remain backward in comparison to other villages. With a view to do away with the inequality between districts when the State Government gives grant-in-aid to the backward districts from the State Equalisation Fund, the number of Devasthan villages and the backwardness of such districts should be taken into consideration for giving adequate grant-in-aid.

8.16. We have recommended in 8.13 above that the amounts of salary bills of the Panchayat Secretaries be paid to the Taluka

Panchayats out of the 25% of the land revenue retained by the State Government with itself for the purpose. It is possible that the expenditure on account of the salaries of the Panchayat secretaries and their training might sometimes exceed 25 % or might be less than that. We recommend that if the expenditure on this account exceeds 25%, the excess sum may be drawn out of the State Equalisation Fund and if the expenditure is less, the surplus amount may be credited into that Fund.

8.17. We recommend that from out of the amount of average land revenue collection of the preceding three years as recommended in 8.12, the amount remaining after the deduction of 25% on account of salaries of the Panchayat secretaries and their training under 8.13 above and 5 percent for the State Equalisation Fund under 8.14, be distributed in full to the various popular institutions.

8.18. We recommend that this amount should be distributed amongst the various popular institutions as follows :—

1. 50% as grant to Village Panchayats (8.33).
2. 25% as grant to the Taluka Panchayats.
3. 10% as grant to the District Panchayats.
4. 7½% as grant to be paid into the Equalisation Fund managed by the District Panchayat for the purpose of removing inequalities existing between different Taluka Panchayats and Village Panchayats and on account of backwardness.
5. 7½% to be paid into the Encouragement Fund to be managed by the District Panchayats and to be spent in encouraging Village Panchayats to raise income from taxes and fees.

VILLAGE PANCHAYAT

8.19. The Village Panchayats in Gujarat are very old institutions. They have been provided with adequate sources of income by the State Government. Additions have been made to these sources from time to time. Under Section 124 of the Village Panchayat Act of 1958, the Village Panchayats have been empowered to impose taxes and collect fees. Under Section 127, the Village Panchayats have also been empowered to impose a cess on land revenue at the rate of 12 naye paise per rupee. The State Government gives 25 to 30% of land revenue as grant to the Panchayats every year. As a result of this, the Village

Panchayats can be said to have satisfactory financial resources to fulfil their functions and duties. The report on the panchayats for the financial year 1958-59 will give a clear idea of the receipts and expenditure of the Village Panchayats and their financial condition. In that year, there existed in the area now covered by the present Gujarat State 10,497 Village Panchayats covering 18,419 villages. The income of these Village Panchayats during that year amounted to Rs. 2,89,47,767, out of which the income from taxes and fees was estimated at Rs. 94,53,166. As against this an amount of Rs. 64,10,589 was realised which worked out to 67.8% of the estimated income. The average income per panchayat amounts to Rs. 2,758 and on the basis of the population of the villages covered by the panchayats, the average per capita income amounts to Rs. 2.80. Against this income the Village Panchayats spent Rs. 2,49,55,113 in different fields such as health and sanitation, public works, education and culture, village defence, administration, social welfare, agriculture, cattle breeding, afforestation and cottage industries. The average expenditure per panchayat amounts to Rs. 2,377 and per capita expenditure on the basis of the population of villages covered by panchayats amounts to Rs. 2.40. Against the average income of the panchayats amounting to Rs. 2,89,47,764 the expenditure amounts to Rs. 2,49,55,113 and Rs. 39,92,654 remain as balance with the panchayats. With the balance of Rs. 2,14,61,228 for the preceding years, the total balance with them amounts to Rs. 2,54,53,882. These details show that the Village Panchayats have finances for their functions and duties.

8.20. In view of the responsibilities and duties of the village panchayats in regard to the welfare of the people and the prosperity of the villages, it will appear naturally surprising that they should have such balances. But a definite plan has to be thought of before any work is undertaken. The Village Panchayat needs proper direction and assistance to think out such a plan. In the newly thought of arrangements the Village Panchayats will have better and easier facilities than at present for receiving necessary direction and guidance and, therefore, they will be able to utilise their resources and capacities to the full. Their responsibilities too will increase. From this point of view we feel that there should be an increase in their income and the grants received by them at present.

8.21. For some of the works in the development programmes undertaken by the Village Panchayats, they incur expenditure from their own income. For some works they receive grants in accordance with the rules from the funds provided for Development Blocks and the remaining amount is received from the village people by way of popular contribution in the form of cash or labour. The State Government undertakes some works with the assistance of popular contribution in the form of cash or labour. Even under these schemes, some Village Panchayats undertake and implement schemes by grants received from the Government under the rules, by popular contributions in the form of cash or labour. In the schemes and programmes undertaken with the assistance of popular contributions, in addition to Government grants, the residents of the village contribute their share in the form of labour or materials or cash. A correct picture of the receipts and expenditure and the financial and labour resources of the Village Panchayat will be obtained only if the grants received from Government for schemes of local development and the contributions of the people in cash or labour are considered as part of the total income of the Village Panchayats and the expenditure on account of them is shown in the budget on the expenditure side. Very few Village Panchayats maintain their accounts in this way. The figures of receipts and expenditure of the Village Panchayats for the year 1958-59 examined by us do not include the programmes of village development carried out by the Village Panchayats through popular contributions. Since it is necessary that the budget estimates and the report of the Panchayats should give a clear idea of the contribution made by the village population and the effort put in by them for self-development, every Village Panchayat should adopt this system of maintaining accounts. We recommend that Government should frame necessary rules and that each Village Panchayat should be required to maintain accounts in accordance with such rules.

8.22. Under the Panchayat Act of 1958, the Village Panchayat is empowered to levy taxes and collect fees. In addition to this, the Village Panchayat should be empowered to levy a tax on cash crops produced in agricultural lands situated within its jurisdiction. If the village people and the Village Panchayat desire to undertake useful schemes for village development and for providing amenities to the people and if they need additional sources of income, this tax will

be a good source of income to the Panchayat. There are two views as to how this tax should be levied. In Andhra Pradesh, the tax is levied on the sale and purchase per maund of cash crops within the area of the Village Panchayat. There is another alternative of collecting the tax on the basis of the area of cultivation rather than on the basis of weight. A third alternative is suggested that instead of levying this cess on the area of cultivation, it should be levied on the basis of revenue of the land covered by such crops. The second alternative ensures facility of collection which is absent in the first. But according to the second alternative, the people have to pay the same amount of tax, irrespective of the yield of the crop. The same amount of tax has to be paid by a person getting less produce on account of poor soil and by a person getting abundant produce on account of rich soil. According to the third alternative, the cess is levied on the revenue of the land; even then the disparity would prevail to a certain extent. If the Village Panchayat is empowered to levy this tax, the decision as to which alternative is more suitable and convenient should be taken by the Panchayat with the advice and co-operation of the residents. It will, therefore, be advisable to provide for all the three methods of tax collection in the rules, and to leave the actual decision as to the method to be adopted to the Village Panchayat itself.

8.23. Under Section 127 of the Village Panchayat Act of 1958 the Village Panchayat is empowered to levy a cess at the rate of 12 naye paise per rupee of land revenue. Under the existing provisions, if the Village Panchayat wants to levy such a cess, it can do so at the rate of 12 naye paise, neither more nor less. If a Village Panchayat wants to levy a higher cess according to its needs and capacity, it should be permitted to do so. If a Village Panchayat desires to levy a cess of more than 12 naye paise, but not exceeding 25 naye paise, there should be a provision in law to enable it to levy such a cess and collect it by a resolution passed according to a procedure prescribed in the rules.

8.24. Sometimes a Village Panchayat needs money to undertake some special project, or carry out some work in public interest or for the benefit of the community. At present, the Village Panchayats collect contributions from the people on such occasions. ing

in doing so, they encounter difficulties too. But it may not be necessary to levy a permanent cess to meet such a need. If it is possible to complete the proposed scheme within a year or any such fixed limit, the Panchayat may prefer to raise the amount required to meet the expenditure in connection with the scheme or work undertaken by raising the rate of the cess per rupee, as may be necessary, for a period of one year or any such fixed limit instead of by collecting contributions. There should be a provision for the Village Panchayat, if it so desires, to levy a cess of upto 100 naye paise instead of upto 25 naye paise for some special work and for a fixed period. We have recommended that for levying a cess upto 25 naye paise, there should be provision for the Village Panchayat itself to take the decision in accordance with the prescribed procedure in the rules. But for levying a cess of more than 25 naye paise, the Village Panchayat should obtain the previous permission of the District Panchayat. We recommend that necessary provision should be made for this purpose.

8.25. Under the rules governing mines and minerals the State Government has the power to collect royalty on sand, metal and murum taken from the beds of rivers and rivulets by framing rules. In Gujarat the royalty collected in this manner is first credited in Government treasury. It is the practice at present that from out of the royalty so credited, a sum equal to the royalty collected within the area of the Village Panchayat is given to the Village Panchayat as additional grant, and a sum equal to the royalty received from areas where there is no Village Panchayat is given to the District Local Board as additional grant with a view to providing one more source of income.

8.26. According to rules relating to mines and minerals in most of the areas this royalty is collected by the Government directly through its own Departments. But in some places monopolies are given by public auction. If the labourers working in the field of collection and supply of sand and kankar from the beds of rivers and rivulets organise themselves on a co-operative basis, Government have decided, with a view to encouraging such societies, to issue licenses to them at a fee equal to the average income during the preceding three years, instead of by public auction or competition. As a result, wherever such labours' co-operative societies exist, licenses are not issued to private individuals, and in consequence the labourers joining

such societies enjoy security of employment and financial stability. This is a heartening fact.

8.27. Construction activities are expanding in every area and in every sphere day by day. As a result, the demand for sand and kankar is also rising, which further means that the income of co-operative societies to whom licenses for sand and kankar are issued increase. Since licenses are issued on the basis of the average fee for the preceding three years, the income from licenses in any particular year is not likely to increase. The demand for sand and kankar is rising, and it is possible to raise the income by way of royalties from them, but wherever licenses are issued to co-operative societies, the income from royalties remains the same, and hence there is no possibility of the receipts from this source increasing in the case of the Village Panchayats or the Local Boards which receive these royalties as grant from the Government. Thus in some places, we occasionally hear of friction between the co-operative societies of the labourers on the one hand and the Village Panchayat on the other.

8.28. It is necessary to encourage the labourers of sand and kanker and their co-operative societies. But at the same time it is necessary that reasonable amounts of royalty on sand and kanker is realised. From this point of view, the system of issuing licenses on the basis of the average fee for the preceding three years needs to be reconsidered.

8.29. As stated above at present, there is a system of giving grant-in-aid to the Village Panchayat to the extent of the royalty collected within its area and to the District Local Board in the other areas. But it is necessary to consider this question from another angle. On one hand the river sand and kanker is a source of income, but on the other hand, by the same river the lands of some villages are washed away. Thus it happens that the benefit of income goes to one village while the damages caused by the washing of the land is suffered by another village. From this point of view we consider it proper and essential to use the income derived from the sand and kanker of the villages for preventing the damage caused to the lands by river and in improving the eroded lands instead of utilising it for any other work. By so doing the benefit of the income realised

by the sale or monopoly of kankar or sand from the river bed will accrue to the whole area instead of to the very village.

8.30. In view of this, our recommendation for the disposal of sand, kankar and morum is :—

(1) The right of the State Government to receive royalty on sand, kankar and morum under the Mines and Mineral Rules should be vested in the District Panchayat, by making special provision in the Act.

(2) The District Panchayat shall have to manage the disposal of sand, kankar and morum in accordance with the existing rules or rules framed by Government from time to time for its management and for encouragement to the Co-operative societies.

(3) In order that the Village Panchayat, from whose area the District Panchayat receives income on account of sand and kankar, gets benefit to a certain extent, it is desirable that the District Panchayat should give 25 percent of the total income derived from this source to the Village Panchayat of the respective area.

After giving the fixed share of income received on account of sand, kankar and morum to the Village Panchayats, the remaining amount will have to be utilised for the whole district for preventing erosion of the soil as a result of the washing by the river or in reclaiming lands by the flood control measures scheme as suggested or decided by the Government instead of using it for any routine administrative works.

8.31. If the District Panchayat is given the right to receive royalty, it should also be entrusted with its administration in accordance with rules that may be framed in this regard. The co-operative societies entertain the fear that if such powers are given to the District Panchayat they will not receive any facilities or encouragement. But in view of the policy of the State Government to encourage co-operative societies, there is no ground for any one to entertain such fears. For this reason, it should be made obligatory for the District Panchayat to give necessary facilities and encouragement to co-operative societies in accordance with rules to be framed by the State Government.

8.32. If a regular license for sand and kankar is issued to a co-operative society or any other body, and if any individual requires sand or kankar or murum for his own use, he has at present to obtain permission from the Mamlatdar or the Headman of the village. We recommend that instead of this the authority to give such permission within the limits of a Village Panchayat should be vested in the Building Committee of the Panchayat by making necessary changes in the rules.

8.33. At present, the Village Panchayat receives grant to the extent of 25 to 30 percent of land revenue. The State Panchayat Council has recommended that the Village Panchayats should be given grants to the extent of 50 percent of land revenue. But now Government will have to provide financial resources to the Taluka Panchayats and the District Panchayats in addition to the Village Panchayats. Further, we have also recommended that encouragement be given for the development of sources of revenue and provision be made for special grants to Panchayats in backward areas. The benefit of these arrangements will go to the Panchayats. After taking into consideration all these factors, we recommend that of the total amount from land revenue to be assigned to the popular institutions as in 8.17, 50 percent be assigned to the Village Panchayats on the basis shown in 8.18 above.

8.34. At present, the arrangements for training the Village Panchayat secretaries are made by the Government, and the responsibility for paying their salaries is also borne by Government. We recommend that an amount equal to 25 percent of the total amount of land revenue be set apart for the training and the salaries of the Village Panchayat secretaries, and out of this amount provision should be made for their training directly by Government and for their salaries through the Taluka Panchayat (8.16). Thus the Village Panchayats will not have to shoulder the burden for the salaries of the Panchayat secretaries.

8.35. The State Government gives to the Village Panchayat grants equal to 30 percent of the total land revenue to enable them to meet their responsibilities. Our recommendations (8.33) involve some modifications in such grants. The responsibility for the training and salaries of the Panchayat Secretaries is borne by the Government. The State Government also gives some other facilities, and

we have recommended certain additional facilities. But if the Village Panchayats are to function as strong and effective institutions of Village self-government and self-rule, they will have to raise independent sources of income for themselves instead of depending entirely on Government grants. Normally in cities we find more amenities than in villages. For this a belief prevails that Government is incurring more expenditure for providing amenities in cities in comparison to such expenditure incurred for providing amenities in villages. It is seen from the foregoing details that a major portion of the State income is being spent at present on the various village development schemes in rural areas. In cities, the citizen bear the burden of the major portion of the amenities they receive in the form of taxes. For the last several years citizen have accepted financial burden by way of local taxes for their amenities. In comparison to this the village people have borne additional burden which is quite negligible.

8.36. To enable them to raise necessary sources of income for providing facilities and services to the village people the Village Panchayats have been vested with powers to levy taxes and collect fees. But all Panchayats have not used these powers and created adequate sources of income. If the Village Panchayats intend to give satisfactory services and necessary amenities to the village people, they shall have to raise sources of income by way of local taxes. With a view to encouraging the Village Panchayats in this direction, we recommend that a special fund be created, to be called the Village Panchayat Encouragement Fund, vested in the District Panchayat, with the object of providing special grants, by way of encouragement, to the Village Panchayats which raise new sources of income through taxes and fees, on such basis as may be decided by Government, to be paid in addition to the grants received by them as their share of the total amount of land revenue (8.17) and an amount equal to 7 1/2 percent of the land revenue to be assigned to the popular institutions should be paid into this Fund every year (8.17) and from this Fund grants should be paid by way of encouragement to the Village Panchayats as per rules (8.18). This Fund will not be lapsable.

8.37. Some villages are endowed with natural advantages for economic development, such as good soil, adequate supply of water,

communications, etc., whereas some other villages have remained backward for want of such advantages. The needs of these backward villages are many. The land revenue being low, their income from grants is also low. It is very necessary to give special grants to such backward villages to ensure their economic progress. In order that it might be possible to give special grants to the Village Panchayats of these villages, we recommend that a Special Fund be created, called the District Equalisation Fund, vested in the District Panchayat, and the amount equal to 7 1/2 percent of the land revenue collection to be assigned to the popular institutions under 8.17 above be credited into this Fund every year. Additional grants should be given out of this Fund, according to rules to be prescribed in this behalf, to Village Panchayats considered backward or situated in backward areas. This fund will not be lapsable.

TALUKA PANCHAYAT

8.38. In the one hundred and eighty-five Taluka / Mahals of Gujarat State, development blocks of the following categories and types are in existence:—

The type and category of development block.	No. of Blocks.	No. of Taluks/Mahals
Stage I	85	71 1/2
Stage II	41 1/2	40
Multi-purpose development blocks ...	3	1 1/2
Pre-emption Blocks	83 1/2	72
Total	213	185

8.39. As a result of the formation of Development Blocks and definite schemes of rural development at the Taluka level, a special administrative set-up and other resources for the purpose have come into existence at that level. But no statutory body exists at the Taluka level, and therefore, there are no special sources of income for such a body. According to the recommendations made above, the Taluka Panchayat will be a newly created statutory body at the Taluka level. It will be necessary to provide altogether new sources of income for the newly created Taluka Panchayats.

8.40. Rs. 2,92,44,800/- have been provided for the year 1960-61 (11 months) for plans in the budget estimates of the different types of schemes for development blocks. We recommend that on the establishment of the Taluka Panchayat, the budget estimates with the financial provisions made thereunder should be made over to the Taluka Panchayat according to the nature and stage of the development block. As a result of this, the Taluka Panchayat will get whatever provisions and grants which will be available for each development block. In respect of the works of the development blocks which may be decided to be entrusted to the Gram Panchayat, the relevant provisions from the budget estimates of the development blocks should be made over to the respective Village Panchayat.

8.41. The budget estimates and the financial provisions of the Development Block will be made over to the Taluka Panchayat. This will make it possible for the Taluka Panchayat to continue the Development Block Schemes. But the Taluka Panchayat should have special financial resources for whatever statutory duties are entrusted to it. The District Local Board receives an amount from the local cess equal to three annas per each rupee of land revenue. Out of this cess of 36 pies, the District School Board receives from the District Local Board a share of 15 pies for primary education. It might appear at first sight reasonable and necessary that each Taluka Panchayat should receive its share from this amount but from the accounting point of view such an arrangement will become difficult and complicated and hence we recommend that the full amount of the cess might remain with the District Panchayat. Considering that as a result of this the Taluka Panchayat will not receive any share from this cess, we recommend that a statutory grant equal to 25 percent of the land revenue collection from the Taluka be paid to the Taluka Panchayat from out of the land revenue of the State to be assigned to the popular institutions under 8.18.

8.42. The Panchayat secretaries are at present Government servants and they receive salaries from the State Government. According to the new arrangement proposed, they will be considered in the Panchayat services, and for the purposes of the administrative control, supervision and discipline they will be subject to the control of Taluka Panchayat. They should receive their salaries through

the Taluka Panchayat. We, therefore, recommend that provision should be made for the Taluka Panchayats to receive regularly from the State Government specific amounts due for payment of salaries to all the Panchayat secretaries under the control of the Taluka Panchayat (8.13).

8.43. The projects and programmes being, executed by the State Government departmentally at the Taluka level, will be entrusted for the purpose of administrative decentralisation along with their administrative set-up to the Taluka Panchayat. We recommend that the annual allocations in the State budget on account of these projects and programmes, and the full amount of the salaries of their administrative personnel, should be paid as grants to the Taluka Panchayats.

8.44. At present, primary education is administered by the District School Board. We have recommended that the administration of primary education in each Taluka under the control of the District School Board should be handed over to the Taluka Panchayat. We further recommend that the Taluka Panchayat should receive grants from the State Government for the functions relating to the administration of primary education entrusted to it, on the same basis on which the District School Board receives grants from the State Government for primary education.

8.45. We have recommended that, for the purpose of democratic decentralisation, some of the responsibilities and functions vested in the District Boards at present should be made over to the Taluka Panchayat. Naturally, the Taluka Panchayat should receive from the District Panchayat an amount equal to the expenditure being incurred by the District Local Board in regard to those of its responsibilities and functions which are to be transferred to the Taluka Panchayat. We recommend that suitable provision should be made for this purpose.

8.46. We recommend that the Taluka Panchayats be invested with powers to levy a surcharge of 15 percent on tax on the sale of immovable property that may be imposed by the State Government, and that suitable legal provision be made for the purpose.

8.47. We recommend that the Taluka Panchayat should be empowered to levy a cess for primary education, and that suitable provision be made for it.

8.48. We recommend that the Taluka Panchayat be empowered to levy a surcharge on a prescribed basis on the taxes and fees levied by the Village Panchayat, and that suitable provision be made for the purpose.

8.49. The District Local Board receives a cess, at the rate of three annas per rupee of the water-rate collected by the State Government under section 95 of the District Local Boards Act. Under section 80(a) of the District Local Boards Act, it is obligatory on the Local Board to incur expenditure out of the income from this 'cess, to the extent determined by the Government on improvement of communications within the areas under irrigation. We recommend that on condition that the Taluka Panchayat incurs the expenditure required under this rule, provision should be made for the Taluka Panchayat concerned to receive the amount of the water-rate.

8.50. It may be expected that the execution of the programmes, to be executed at the Taluka level, under the auspices of the all India bodies like the Khadi and Gramodyog Board, the Silk Board, the Handloom Board and such other Boards will be given for execution by these Boards to the Taluka Panchayat. If such programme is given to the Taluka Panchayat for execution, it should be given along with the financial provision made for such programmes by these Boards.

8.51. It may also be expected that assistance and contributions in the form of cash or labour will be available to the Taluka Panchayat from the Village Panchayat, from the people, from institutions or donors for the fulfilment of the responsibilities of the Taluka Panchayat, over and above the financial assistance that they will get from Government and the resources that will be raised by them.

8.52. Various programmes are to be undertaken for the development of the Taluka. In order to fulfil such programmes over and above other resources that are available to the Taluka Panchayat,

it can obtain contribution from the Village Panchayats if the Village Panchayats agree and such a resolution is passed in a meeting of the Taluka Panchayat.

8.53. As a result of the recommendations made in respect of the financial resources of the Taluka Panchayat, and in other ways, the Taluka Panchayat will have in the end the following heads of sources of income :—

1. The full amount provided in the budget estimates for the Development Block 8.40.

2. Government grant to Taluka Panchayat under 8.41.

3. State grant on account of the salaries of Village Panchayat Secretaries and Talatis 8.42.

4. The funds required for the implementation of the projects and programmes handed over by the Government to the Taluka Panchayat and for the salaries of their administrative personnel 8.43.

5. State aid to the Taluka Panchayat out of the aid and facilities given to the District School Board for primary education 8.44.

6. Such share, as may be ordered by Government, from the sources of income to be transferred to the District Panchayat from the present District Local Board 8.45.

7. Surcharge upto fifteen percent levied by the Taluka Panchayat on taxes on immoveable income that may be levied by the State Government 8.46.

8. Primary education cess 8.47.

9. Surcharge on taxes or fees levied by the Village Panchayat 8.48.

10. The share of the Taluka from out of the cess received by the District Local Board at the rate of three annas per rupee of the water-rate collected by the State Government under Section 95 of the District Local Boards Act 8.49.

11. Grants received under the rules from the All India Khadi and Cottage Industries Board, the Silk Board, the Handloom Industry Board and other All India Boards, for implementation of programmes under their charge 8.50.

12. Grants or contributions in any form received by the Taluka Panchayat from the Village Panchayat or the people in general or other institutions 8.51.

13. Contributions collected by the Taluka Panchayat from the Village Panchayats 8.52.

DISTRICT PANCHAYAT

8.54. The following are the sources of income at present for the District Local Board :—

1. Cess at the rate of three annas on land revenue under Section 32 of the District Local Boards Act.

2. Cess at the rate of 3 annas on water-rate, levied under the Bombay Irrigation Act, according to Section 95 of the District Local Boards Act.

3. Income accruing from any such tax, other than a tax on conveyance and animals, which, being a tax that the State Legislature can levy, the District Local Board is empowered to levy with the previous permission of the Government under Section 99 of the District Local Boards Act.

4. Two percent of the income of forest produce of the District as Government grant.

5. 5% of land revenue of the District, being given as a grant under administrative order of the Govt.

6. Grants in aid from Government for various works.

7. Fees for morum, kankar etc., from areas other than Village Panchayats in the District under administrative order of the Government.

8.55. The funds available from all these resources to the District Local Boards will have to be distributed by Government by a general or special order between the District Panchayat and the Taluka Panchayat according to the distribution of functions between them.

8.56. Government grant and other assistance which is now available to the District Local Board will have to be distributed by Government by a general or a special order between the District Panchayat and Taluka Panchayat according to the functions and activities given to each of them.

8.57. The District School Board receives at present from the District Local Board a share of the local cess at the rate of fifteen pies in three annas. The responsibility of the District School Board for primary education has been recommended to be transferred to the Taluka Panchayat, but we recommend that instead of transferring its share of the local cess to the Taluka Panchayat, the full amount of three annas should remain with the District Panchayat.

8.58. We recommend that the District Panchayat should receive the amounts provided for in the State budget for expenditure on those projects and programmes, which at present are under execution by the State Government through various departments at the District level, and which may be transferred to the District Panchayats ; that the Government servants of different categories in those departments be placed under the administrative control of District Panchayats ; and that the amounts provided in the State budget for their pay and allowances be handed over to the District Panchayats.

8.59. We recommend a provision for giving powers to the District Panchayats to levy a surcharge upto ten percent on the duty levied by the State Government on transfers of immoveable property.

8.60. The District Local Board receives a grant of five percent of land revenue. In view of the heavier responsibilities of the District Panchayat, it is necessary that the percentage should be raised. We recommend provision for a statutory grant of ten percent, of the amount of land revenue of the State to be assigned to the democratic institutions under paragraph 8.17 above.

8.61. The District Village Panchayat Mandals has no sources of income. But it is necessary that, since the functions of the District Village Panchayat Mandals are to be transferred to the District Panchayats, provision should be made for the transfer of the administrative personnel of the District Village Panchayat Mandals,

along with the budget provisions on account of their salaries etc., to the District Panchayats. The District Development Board is an advisory body. It has no separate sources of income. It has a small administrative staff and some other facilities. It is necessary that the administrative personnel of the District Development Board, along with the full budget provision on their salaries etc., should be transferred to the District Panchayat.

8.62. We recommend provision for granting powers to the District Panchayat to levy a surcharge according to prescribed rules on taxes and fees levied by the Village Panchayats or the Taluka Panchayats.

8.63. It may also be expected that assistance and contribution in the form of cash or labour will be available to the District Panchayat from the Taluka Panchayat, from the people, from institutions or donors for the fulfilment of the responsibilities of the District Panchayat, over and above the financial assistance that they will get from Government and the resources that will be raised by them.

8.64. Various programmes are to be undertaken for the development of the District. In order to fulfil such programmes over and above other resources that are available to the District Panchayat it can obtain contribution from the Taluka Panchayat if the Taluka Panchayats agree and such a resolution is passed in a meeting of the District Panchayat.

8.65. We recommend that the Government grant of 2% of forest revenue from the forest area in the district which is at present given to the District Local Board should be continued to be given to the District Panchayat.

8.66. The following will, if taken as a whole, form the resources of income of the District Panchayat as a result of our recommendations for financial resources of the District Panchayat :

(1) The amount equal to about 75% of the revenue from royalty on sand and metal from the district area as mentioned in para 8.30.

(2) The District Panchayat can, with the sanction of Government, impose any tax which the State Legislature is empowered to impose except a tall on vehicles and animals as mentioned in section 99 of the Local Boards Act. The income realised from such a tax. 8.55.

(3) The share of Government grant and assistance from such grant and assistance available to the District Local Board. 8.56.

(4) Income of three annas cess on land revenue imposed under Section 93 of the District Local Board Act. 8.57.

(5) The amount of grant sanctioned in the budget estimates for the schemes and programmes of Government Departments which are entrusted to the District Panchayat and the amount for salaries and allowances of Government servants who are transferred to the District Panchayat under its administrative control. 8.58.

(6) Surcharge upto 10% of the Government tax on transfer of immovable property. 8.59.

(7) Percentage of land revenue as provided in the Act. 8.60.

(8) Amount of salaries and allowances of Government servants who are working for the District Panchayat Mandals and who are transferred to the District Panchayat. 8.61.

(9) Surcharge on taxes imposed by the Taluka Panchayat or the Village Panchayat. 8.62.

(10) Amount of assistance or contribution given to the District Panchayat by the Taluka Panchayat. 8.63.

(11) Contributions imposed by the District Panchayat on the Taluka Panchayat. 8.64.

(12) 2% of the forest revenue of the district. 8.65.

GENERAL

9.1. The constitution, functions, powers, and the financial resources of the Village Panchayat, the Taluka Panchayat, and the District Panchayat have been considered. Now the services and the executive machinery required by these institutions in order to carry out their duties will be considered. First let us examine the structure of the administrative set up as it stands at present.

9.2. The administrative set-up as it exists at present in the State, from the State level down to the Village level, has been moulded and has developed under the British Rule, in the region under the British Administration as well as in that under the former native States. At that time to preserve law and order, and to gather land revenue and other taxes were considered as the functions of the State. The Government of that time had no special interest in any programme for the social and economic upliftment of the people or in their social welfare. The Executive then was also moulded and set accordingly. This Executive was responsible to the Foreign Rule. This administration was centralized purposefully, and in a planned way so as to tighten the hold of the Foreign Government. Amongst the reasons for centralization to such a degree could be considered the reluctance of those in authority to relinquish power and their mistrust of the subordinate administration.

9.3. With the achievement of independence in 1947, we inherited this administration and its machinery. But certain important events in the country followed the Independence. The Constitution of a Sovereign Democratic Republic was adopted in January 1950. A series of Five Year Plans started since 1951. The Nation determined in 1954 to establish a Welfare State on a Socialistic pattern.

9.4. These important events brought about a revolutionary change in the climate of the country. This changed atmosphere necessitates fundamental readjustments in the objective and the system of the Government, and in the structure, methods, and the thinking

of its administrative set-up. The administrative machinery cannot remain immune to these far-reaching currents—their impression and their influences. The revolutionary programme influenced this too. The main objective of the Government now became not only to gather land revenue and other taxes, and preserve peace but also to achieve welfare of all classes of the people, and especially of the backward classes. The administrative machinery, which before the Independence was loyal and responsible to the foreign rule, now owed its allegiance to the representatives of the people. Consequent to these changes, new responsibilities emerged for the officers of the administration.

9.5. Some of the officers, who were set in the habit of administering this country according to the dictates of the foreign rule, and who were habituated to regard the preservation of law and order to be the first and foremost function of the State have, after the establishment of democratic Government in the country, contributed a great deal towards the planning and development in the country, as well as towards the fulfilment of the objective of the Welfare State. However, much remains yet to be desired from the administrators. The attitude and the method of working of the officers and the servants of the administration need undergo a basic change to appreciate and to do justice to the changed objectives of the States, to the important programmes taken in hand by the State, and to the responsibility to be shouldered in a democratic system.

9.6. No special programme has yet been launched to make fundamental changes in the administrative set-up, to adjust it to cope with the responsibilities following the revolutionary changes in the country, and with the rising aspirations of the people. Only a few stray efforts have been made in this direction. Attempts have been made to train and to educate the administrative machinery created for the Community Development Projects so as to achieve the objectives of the Plan and to make them work as a team of volunteers of people. The programme of democratic decentralisation presents a fine opportunity to introduce necessary changes in the administrative machinery, especially up to the District level, and to remould it to suit the objectives of the State and the desires of the people.

9.7. The administrative set-up for the District level and below

at present can broadly be divided into the following three patterns :—

1. Officers and servants working in the various departments of Government.

2. Officers and servants appointed for the Community Development Projects and the National Extension Service Schemes.

3. Personnel working under the statutory Boards such as the School Board, the Local Board, etc.

9.8. The administrative machinery and officers and servants of various categories from village to district level functioning at present according to these different patterns are as follows :—

Level 1	Nature 2	Under the control of 3
1. Village Level	1. Village Panchayat Secretary and Talati.	Lands and Rural Development Departments : responsible to the Panchayat.
	2. Revenue Patel	Lands Department.
	3. Revenue-cum-Police Patel.	Do.
	4. Police Patel	Police Department.
	5. Village Police	Lands and Police Departments.
	6. Primary School Teacher.	District School Board.
	7. Vaccinator	Public Health Department.
	8. Stockman	Animal Husbandry Department.
2. Group Level	1. Village level worker.	Rural Development Department.
	2. Circle Inspector	Lands Department.
	3. Assistant Deputy Educational Inspector.	Education Department
	4. Head-Constable, Police Out-post.	Police Department.

Level 1	Nature 2	Under the control of 3
3. Taluka or Block Level.	1. Mamlatdar	Lands Department.
	2. Aval Karkun	Do.
	3. Surveyor	Land Records Department.
	4. Sub-Registrar	Registration Department
	5. Police Sub-Inspector	Police Department.
	6. Medical Officer (other than under the District Local Board)	Medical Department.
	7. Deputy Educational Inspector	Education Department.
	8. Overseer (other than with the Block).	Public Works Department.
	9. Block Development Officer.	Rural Development Department.
	10. Extension Officer, (Social Education and Social Welfare).	Do.
	11. Taluka Panchayat Officer.	Do.
	12. Extension Officer, (Agriculture).	Do.
	13. Extension Officer, (Co-operation).	Do.
	14. Extension Officer, (Village Industries).	Do.
	15. Statistical Assistant	Do.
	16. Deputy Engineer or Overseer.	Do.

Over and above these, at the Taluka level, there are other officers of special departments like the Soil Conservation and

Irrigation, servants of the dispensaries with the District-Local Board and similar institutions and servants of the Primary Health Centres of the Blocks and of training Centres at the Taluka level.

Level 1	Nature 2	Under the control of 3
4. Sub-divisional level.	1. Prant Officer	Lands Department.
	2. Deputy Superintendent of Police.	Police Department.
	3. Police Inspector	Do.
	4. Deputy Engineer	Public Works Department.
5. District level	1. Collector and District Magistrate.	Lands and General Administration Departments
	2. Personal Assistant to the Collector and Additional District Magistrate.	Do.
	3. District Superintendent of Police.	Police Department.
	4. Executive Engineer.	Public Works Department.
	5. Civil Surgeon	Medical Department.
	6. District Agriculture Officer.	Agriculture Department.
	7. District Animal Husbandry Officer.	Do.
	8. Sub-Divisional Soil Conservation Officer.	Do.
	9. Assistant Registrar of Co-operative Societies.	Co-operative Department.
	10. Industries Officer.	Industry Department.
	11. Educational Inspector	Education Department.

Level 1	Nature 2	Under the control of 3
	12. District Health Officer.	Health Department.
	13. District Social Welfare Officer.	Social Welfare Department.
	14. Jail Superintendent.	Jail Department.
	15. District Statistical Officer.	Bureau of Economics and Statistics.
	16. Sales Tax Officer.	Finance Department.
	17. District Village Panchayat Officer.	Rural Development Department.
	18. District Project Officer.	Do.
	19. Administrative Officer, District School Board.	Education Department.
	20. Chief Officer, District Local Board.	District Local Board.

Over and above these, there are officers for special duties like the Land Acquisition Officer, the District Supply Officer, the Irrigation Engineers and others.

9.9. Reorganization of the services becomes inevitable in light of the fact that various activities above the District level, and the responsibilities like that of maintaining Law and Order, etc., even at the District level will remain with the State, and considering that almost all the developmental activities at the District level are to be entrusted to the new democratic institutions moulded on the pattern of democratic decentralisation. Services of two types as under thus become essential :

State Service :

A.—Officers and servants of the departments of, and services with, the State ;

B.—Government servants and officers placed under the District Panchayat and the Taluka Panchayat for the work to be entrusted to these bodies.

Panchayat Service :

Officers and servants for the services of the District Panchayat, the Taluka Panchayat, and the Village Panchayat. Different cadres of Panchayat services will have to be created for different levels.

9.10. General standard for the two services could be as follows:—

'A' Posts higher than those of Block level Extension Officers and other similar posts of that level which are being filled in by recruitment by the State Public Service Commission, Heads of Departments and State level or regional level officers could be considered as State Service posts.

'B' Posts of Block level Extension officers and similar posts of that level, which are being filled in by recruitment by Heads of Departments or regional officers, and posts which are being filled in by recruitment by Collector or his subordinate revenue officers, and by district heads of different departments or their subordinate officers could be considered as Panchayat Service posts.

9.11. According to these standards, the Panchayats at different levels will get services of certain officers of the State service on loan from Government, while the following servants of various levels will be taken on the Panchayat services—

1. Extension Officers and servants of similar rank;
2. Circle Inspector;
3. Village level worker (male);
4. Village level worker (female);
5. Primary School Teacher;
6. Village Panchayat Secretary/Talati;

7. Clerical service like Aval Karkun, Senior Clerk, Clerk, etc;
8. Fieldman;
9. Stockman;
10. Vaccinator;
11. Class IV servants; and
12. Inferior servants of the village.

9.12. State Government could, by general or special orders, make appropriate changes in the levels and grades of the Panchayat Service.

9.13. The District Panchayat will have control over the Village Panchayat Secretaries, the Primary School Teachers, the Village level workers, the Circle Inspectors, and such other servants on the Panchayat service. But we recommend that powers of supervision and administrative control over these officials should be delegated by the District Panchayats to the Taluka Panchayats, in the interest of administrative convenience according to rules framed on the subject.

9.14. Appointment of servants for the Panchayat Service could be made in any one of the following ways :—

1. By direct recruitment,
2. By promotion, and
3. By transfer (from the State Service to the Panchayat Service, or from one department to another.

9.15. Servants working on the posts which are transferred from the State Service to the Panchayat Service should, along with the posts, be placed on the Panchayat Service, and should be continued there on terms and conditions not less advantageous than those available at present in the State Service. Necessary steps will have to be taken by legislation in order to safeguard the personnel absorbed in the Panchayat Service from the State Service. Rights of pension of these servants of the State Service will be continued and the respective Panchayats under which they serve will have to pay to the Government the requisite pension contribution for that part of their tenure with them, so as to

enable the servant to have his pension for the full tenure of his service from the Government on his retirement. The various Panchayats will have to frame rules for pension and provident funds with the approval of the State Government for the newly appointed staff.

9.16. Disciplinary action against the officials of the Panchayat Service could be taken only according to the rules framed by the State Government. According to these rules, authority to take disciplinary action can be delegated to the District Development Officer by the District Panchayat, and to the Taluka Development Officer by the Taluka Panchayat. One appeal should be allowed against the orders regarding disciplinary matters passed by the District Development Officer and the Taluka Development Officer. The Standing Committee could be given the authority to take disciplinary action in certain matters. One appeal could be allowed to the Panchayat against the orders of the Standing Committee. The Panchayat can take disciplinary action by a majority vote in certain matters. We recommend that all these matters be regulated by rules.

9.17. The existing personnel of institutions like the District Local Board, the District School Board etc., will join the Panchayat Service. These servants should be continued in this Service only on conditions which are not less beneficial than those by which they are governed in the institutions they serve at present. Necessary steps, therefore, should be so taken as to protect them explicitly and definitely by law. The servants on the Panchayat Service should be given opportunities of promotion on the State Service, *e. g.*, at present district-wise lists of Aval Karkuns are maintained for selection of Mamlatdar-Mahalkari ; the Aval Karkuns on the Panchayat Service should also be included in such lists and they should have rights for selection and promotion. The State Government should fix definite quota for this by rules.

9.18. Though it is necessary to entrust matters of recruitments, promotions and transfers of Panchayat Service to the district level, we recommend setting up of a State level selection Board consisting of three members in the interest of maintaining uniformity and common standards in these matters.

9.19. This Selection Board will consist of three members, one of whom should at least be a Government Officer (either in service or retired). The Government will appoint any one member as the Chairman. Government will have to frame detailed rules for the conduct of business of this Board.

9.20. The State Selection Board will have to recruit servants of those levels and grades as may fixed by the State Government for recruitment of servants on Panchayat service, according to rules framed in this behalf.

9.21. A District Selection Committee will be constituted in each district for filling in those posts of those levels and grades by recruitment, promotions and transfers, other than the posts which are to be filled in by the State Selection Board. One member of the State Selection Board, as decided by the Chairman of the State Selection Board, will be the Chairman of the District Selection Committee, and the President of the District Panchayat and the District Development Officer will be the members of the District Selection Committee.

9.22. The functions of the District Selection Committees will be as under:—

(1) To recommend candidates for the recruitment of the posts having levels and grades below those attached to the posts to be filled in by the State Selection Board ;

(2) To recommend for those posts, which are to be filled in by promotions and transfers ;

(3) To advise the District Panchayat in cases of disciplinary action against the servants of Panchayat service.

9.23. It is expedient to empower the District Development Officer to make temporary appointments for three months with approval of the President of the District Panchayat, on any post for which suitable candidate is not recommended by the State Selection Board or the District Selection Committee.

9.24. It is recommended that detailed rules for the writing of the confidential records of those officers and servants, who are on loan service to the Panchayats from the State service, be framed by the State Government.

9.25. Those posts at the district level or below, recruitments for and appointments on which, are being done by the State Public Service Commission, or Heads of Departments or Regional officers are to be considered as State service posts. But, we recommend that such posts which are proposed for Panchayat service, and recruitment for which is made by State level or regional level officers, or by committees of special officers should be examined and included in the Panchayat Service.

9.26. The existing procedure in respect of selections, promotions, transfers etc of posts like those of Prant officers and Block Development officers, by Government Departments and Heads of Departments will continue. Such officers will be under the operational and administrative control of the respective Panchayat, so long as they serve in that Panchayat. The services of State Service officers will be deemed as loan services to the District Panchayat, but they will not be entitled to deputation or additional allowances. However, the District Panchayat will have to pay to the Government leave salary contribution, and pension contribution, according to rules, in respect of such officers.

9.27. The District Panchayat will place the services of the servants lent or appointed for Panchayat Service by the Government, at the disposal of Taluka Panchayats, after considering the requirements of each Taluka Panchayat. The District Panchayat will be competent to transfer such staff from one Taluka Panchayat to another.

9.28. The District Development Officer can, in case it is necessary, take minor disciplinary action against the officers on the State Service lent to District Panchayat. An appeal against such an order will lie to the District Panchayat. For major disciplinary actions, the District Development Officer will have to make recommendations to the authorities appointing the officer in question through the President of the District Panchayat.

9.29. It will not be out of place here to touch upon the financial matters concerning these posts. While considering provisions of financial resources to these institutions, we have recommended that the amounts of salary for the posts which have been entrusted by the

State to the Panchayat should be given as grant-in-aid by the State to the respective Panchayat. The Panchayats will have to bear the expenditure on account of pension contributions and leave salary contributions of the officers whose services are lent for these posts. The Panchayats will pay its contribution to the State. It is considered necessary to add the amount of this contribution, after assessing it, as grant-in-aid to the amount of the salaries of the officers lent-over to the Panchayat by the State, to enable them to meet with this strain on their economic resources.

9.30. According to our recommendations, there will a wide range of posts of different cadres on Panchayat service. The existing policy and standards as are being followed, or as may be revised later with reference to the reservation of a certain percentage of posts for the Scheduled Tribes, Scheduled Castes and Backward Classes at the time of recruitment for the State service will also apply to the posts on the Panchayat service.

9.31. According to this general background and standards of the administrative machinery from the viewpoint of democratic decentralisation, the administrative set up of Village Panchayat, Taluka Panchayat and District Panchayat in the new framework will be as under:—

VILLAGE PANCHAYAT

9.32. There is a Panchayat Secretary independently for a village which is large, or for a group of villages, if they are small. The Panchayat Secretary is appointed by the Government, and the Government bears the expenditure on account of his salary. Similarly, the Lands Department keeps a Talati for the collection of land revenue at the village level. It has been decided to merge the cadres and duties of the posts of the Panchayat Secretary and the Revenue Talati, consequent to provisions for entrusting the work of land revenue collections to the Village Panchayat under the Village Panchayat Act of 1958. The posts in the Talatis' and the Panchayat Secretaries' cadres should be adjusted after considering the transfer of functions of land revenue collections and other duties to the

Village Panchayat, and should be fixed and allotted Taluka-wise accordingly.

9.33. There is a provision in the present Village Panchayat Act to entrust to the Panchayat all the powers and responsibilities of land revenue matters at the village level. Registers and records concerning land revenue are to be maintained according to rules. As prescribed in the Revenue Accounts Manual, Village Forms Nos. 1 to 18-20 are to be maintained. Some of these forms are regarding land revenue and their collection, while some others pertain to the records of rights for agricultural land, and other allied matters. These are called "Village Forms". Village Forms excepting Nos. 1, 3, 6, 7 and 12 will have to be maintained by the Panchayat Secretary on behalf of the Panchayat. Village Forms No. 1, 3, 6, 7 and 12 will have to be made and maintained by the Panchayat Secretary in his capacity as the Talati, and he will be responsible to the Mamlatdar for this work. The State will not have to maintain staff at the village level, once the work regarding land revenue is entrusted to the Village Panchayat.

9.34. The Panchayat Secretary, in his capacity as Talati, will also have to carry out the work of collecting the taxes for the the State or the Central Government, and for this work he will be responsible to the Mamlatdar.

9.35. A Police Patel functions at the village level for such duties of the Police at the village level as are laid down under the Village Police and the District Police Acts. These functions will remain with the State. So the agency of the Police Patel at the village level will continue to remain with the State.

9.36. There is a Revenue Patel in every village to assist in the collection of land revenue and such other executive matters. Now the utility of such a Revenue Patel at the village level ceases when an institution like the Village Panchayat is established to deal with executive matters of the village level, and entrusted with the functions of land revenue collections. We, therefore, recommend the abolition of the post of the Revenue Patel. The duties of the Revenue Patel, as they are at present, will have to be carried out by the Village Panchayat through a member or a servant of its own.

9.37. There are also Pasayatas to assist the Police Patel and the Revenue Patel at every village. In the new set-up, the village servants for the assistance of the Police Patel will remain with the State as the post of the Police Patel will be with the State. We recommend that the rest of the Pasayatas be placed under the Village Panchayat.

9.38. The Revenue Patel, the Police Patel, and the Village Police at the villages are hereditary servants. This hereditary system might have been necessary at the time of its inception, and it might have had its own advantages. But this system is not in tune with the times at present. A report has been prepared by Shri M. G. Pimputkar, who was appointed as a Special Officer for the re-organisation of the district administrative set up in the erstwhile Bombay State. Shri Dehejia, the then Special Secretary in the Political and Services Department of the Ex-Bombay State, has made a comprehensive note on this report. In the opinion of both these officers, "The hereditary system as regards the Patel and other smaller posts of the village should ultimately be abolished." A Committee of the Senior Secretaries was appointed by the erstwhile Bombay Government to make recommendations on the opinions of these two officers. This Committee has also opined that this system should be abolished as soon as possible. In the five districts of the Rajkot Division of the State, this system has been abolished by the former Saurashtra Government. In other districts, this system is still prevalent. We also feel that the State Government should take necessary measures to abolish the system of hereditary appointment as soon as possible.

9.39. Such of these servants as are appointed by the Village Panchayat at the village level will be under the Village Panchayats' control ; however, the District Panchayat and the Taluka Panchayat, if, and in so far as, empowered by the District Panchayat, will exercise control over the servants of the Panchayat Service.

9.40. The primary schools in the villages are run at present by the District School Board, and the teachers of these schools are the servants of the District School Board. We have recommended that the administration of the primary schools be handed over to the

Taluka Panchayat. The school teachers at the village level will therefore have to be placed under the Taluka Panchayat, instead of under the District School Board.

9.41. According to these recommendations, the Panchayat Secretary (talati) and other smaller servants at the village level, as are part of the administrative system at present, will go over to the charge of the Village Panchayat. The Police Patel and the necessary Pasayatas will remain with the District Police Administration. The teachers of the Primary Schools will remain under the Taluka Panchayat. Over and above this, the Village Panchayats can make appointments of the necessary clerks or class IV servants in order to discharge their duties from out of their own funds, in accordance with the rules laid down in this behalf.

9.42. The servants at the Village Panchayat level will be, as mentioned above, as under :—

1. Village Panchayat Secretary, (Panchayat Service) ;
2. Police Patel (State Service) ;
3. Inferior Village Servants, (State Service, as per requirement ; and the rest with Panchayat Service) ;
4. Primary School Teachers (Panchayat Service) ;
5. Clerks (Servants of the respective Village Panchayats) ;
6. Peons (Servants of the respective Village Panchayats).

TALUKA PANCHAYAT

9.43. The Taluka Panchayat is a new institution, with no administrative set up of its own. Considering the duties, scope, and functions allotted to the Taluka Panchayat according to these recommendations, the programme of the Community Development Schemes and its administrative machinery go to the Taluka Panchayat. The Development Block has an executive machinery of its own. Almost all the Taluka-Mahals of the Gujarat State at present are covered by these development blocks. In some of these Taluka-Mahals, there are blocks of different categories according to the Community Development Projects of the Central Government. In those Taluka-Mahals, where it has not been possible to initiate development blocks according to the

Community Development pattern of the Central Government, pre-extension service blocks, according to the Gujarat State's own scheme have been set-up. Every development block, therefore, has its own executive machinery, small or large. We recommend that the whole of this executive machinery be handed over, according to rules, to the Taluka Panchayat to be established now.

9.44. We recommend that the teachers and other servants as are under the District School Board for primary education, should be handed over to the Taluka Panchayat, once the responsibility for primary education is transferred to that body.

9.45. It is not possible for this Committee to give a department-wise and detailed account of the schemes or programmes carried out by the State through all its various departments. But the State Government will have to issue due orders in details after deciding upon them in light of these principles.

9.46. We have recommended that the existing programme of the District Local Board at the Taluka level should be transferred to the Taluka Panchayat. It is recommended that those servants of the District Local Boards as are serving at the Taluka level at present, and other servants occupied with the same work, should also be brought under the Taluka Panchayat.

9.47. The Block Development Officer shoulders at present the responsibility of each Development Block. The services of this Block Development officer also will be passed on to the Taluka Panchayat for performing the functions of the Chief Officer of the Taluka Panchayat, once the programme and the machinery of the Development Block have been handed over to it. The Block Development Officer will also serve as the Secretary to the Taluka Panchayat. We recommend that this Chief executive Officer of the Taluka Panchayat be designated as "the Taluka Development Officer".

9.48. We have referred earlier to the transfer of the functions of land revenue collections to the Village Panchayat. The Circle Inspector and the Mamlatdar are the officers at present entrusted with the supervision and other duties regarding this function of the Village Panchayat. The function of the Circle Inspector and the

Mamlatdar in respect of land revenue collections should be completely given over to the Taluka Panchayat, as the duties of the supervision etc., of the Village Panchayat now devolves on the Taluka Panchayat.

9.49. The work regarding the collection of land revenue with the Taluka Panchayat will be carried out by the Taluka Development Officer on its behalf. He will discharge the functions of the Mamlatdar in these matters on behalf of the Taluka Panchayat. We therefore, recommend that the Mamlatdar, and the Taluka Development Officers be treated as Officers with similar rank and status ; the grade and pay scales of the Taluka Development officer be also kept on the same level as those of the Mamlatdar.

9.50. When the work of the collection of land revenue will thus be given over to the democratic institutions, all the posts of the Circle Inspectors in charge of groups of villages as a link between the Mamlatdar and village level will not be necessary. A part of the work of land revenue and other matters will remain with the Mamlatdar even after the function of land revenue collections is transferred to the Taluka Panchayat. Our assessment of the amount of work leads us to the opinion that half the number of the Circle Inspectors at present in office be reserved for the assistance of the Mamlatdar and the rest be allotted to the Taluka Panchayat for carrying out the work of land revenue collection entrusted to it. The Staff associated with the Circle Inspector will also have to be similarly distributed.

9.51. The present work load of the Mamlatdar will be reduced with the work connected with land-revenue going over to the Taluka Panchayat. Half the number of the Circle Inspectors and the Talatis and the Panchayat Secretaries of the Taluka will go to the Taluka Panchayat. The workload of establishment branch of the Mamlatdar's office will also thus be reduced. The work load of the Taluka Panchayat, on the other hand, will correspondingly increase. We recommend, therefore, that the staff of the establishment Branch of the Mamlatdar's office be allotted to the Taluka Panchayat in proportion to the increased amount of work.

9.52. In every District, there is a Prant Officer for each Sub-Division to assist the Collector in carrying out the activities and res-

possibilities allotted to him at the District level, and to supervise the lower offices. In our opinion, these sub-divisions will no longer be necessary when the work of collection of land revenue upto the Taluka level will be entrusted to the Taluka Panchayat, and other similar activities at the District level will be handed over to the District Panchayat. We therefore recommend that the Prant offices at sub-divisional level be abolished.

9.53. Of the existing posts of the Prant Officers, half the number may be allotted to the Collector's office, to assist the Collector in performance of the functions that still remain with him. The rest of the Prant Officers, along with their staff should be placed under the District Panchayat, as the District Panchayat is now entrusted with some of the responsibilities of the Collector, and especially with the work of supervision, inspection, audit etc., of the land revenue collection matters carried out by the Village Panchayat and the Taluka Panchayat, and also with some of the responsibilities of the Collector. We recommend that necessary steps be taken after examining the possibility of allotting to the District Panchayat staff in proportion to the work now being handed over to it from the Collector's office.

9.54. The Taluka Development Officer will have to write and submit to the President of the Taluka Panchayat the confidential reports of the servants on the Panchayat Service working in the Taluka Panchayat, and of the officers whose services have been lent to the Taluka Panchayat by the State. The confidential reports of the officials to be submitted to the District Panchayat will have to be forwarded to the District Development Officer through the President of the Taluka Panchayat. The reports of the Taluka Development Officer will have to be written by the President of the Taluka Panchayat, and forwarded to Government through the District Panchayat.

DISTRICT PANCHAYAT

9.55. As mentioned earlier, there are four institutions functioning at present at the District level. The District Local Board, the District Village Panchayat Mandal, and the District School Board are statutory bodies. The District Development Board is an advisory body. Each of these bodies has its own establishment of staff. It is

but obvious that on the formation of the District Panchayat resulting from the integration of these four bodies, the staff of all the four will be available to the District Panchayat. These officers belong to different categories, and the selection, appointment, transfer, promotion, dismissal, etc. of all these officials at present are governed by different rules of each separate body. We have elsewhere considered bringing in a uniformity and definiteness of standards in these rules (9.41).

9.56. In accordance with our recommendations regarding the allotment of activities and responsibilities to the District Panchayat, the following functions, at present carried out by the Collector's office at the District level, will be handed over to the District Panchayat:—

(1) The work of the Development Blocks and Local Development Works being carried out as per advise of the District Development Board;

(2) The work concerning the Village Panchayats and the District Local Board ;

(3) The work regarding the distribution of foodgrains and sugar, and other work regarding civil supplies that may be entrusted to it;

(4) The work regarding collection of land-revenue;

(5) A part of the work of supervising the staff of the District Revenue machinery.

Along with this work, the staff pertaining to it, as is at present with the Collector's office , should also be available to the District Panchayat.

9.57. We have recommended that the District Panchayat be entrusted with the activities carried out by the Development Departments of the State at the District-level (8.58). According to that recommendation, the work of the following departments at the District level will be handed over to the District Panchayat according to definite principles and rules:—

(1) The District Agriculture Officer;

(2) The District Health Officer;

- (3) The District Social Welfare Officer;
- (4) The work regarding prohibitoin propaganda of the District Prohibition and Excise Inspector;
- (5) The Executive Engineer;
- (6) The District Statistical Officer;
- (7) The Assistant Registrar of Co-operative Societies;
- (8) The Educational Inspector;
- (9) The District Officer for Village Industries; .
- (10) The Subdivisional Soil Conservation Officer;
- (11) The District Animal Husbandry officer; and
- (12) The departments whose activities may be entrusted by the Government to the District Panchayat.

9.58. The work of these departments will be distributed between the District Panchayat and the Taluka Panchayats. So the services of officers of these departments at the District level and lower levels should be placed at the disposal of the District Panchayat and the Taluka Panchayat in proportion to the work. The different officers at the District level will be on the State service, and their services will be lent to the District Panchavat. But the State Government, in consultation with the President of the District Panchayat, may transfer these officers from one district to another, or from one place to another.

9.59. In light of the work and the responsibilities allotted to the District Panchayat according to our recommendations, and in order to give proper justice to the high responsibilities to be shouldered by the District Panchayat as an important democratic institution at the district level, and for the efficient discharge of the duties of the District Panchayat, an experienced, competent officer who can hold similar responsibilities will be required. We propose that the post of the Chief Officer of the District Panchayat be filled from the senior officers of the Indian Administrative Service Cadre; and that the Government should appoint on that post an officer of that cadre. If, under any circm-

stances, it is not possible to appoint such officer from the cadre of the Indian Administrative Service, the State should appoint a high officer of the State Service on this post, as the State does for such other posts in the State. The post of this officer should be such as would be interchangeable with other posts of the Cadre of the Indian Administrative Service in the State. The State can transfer such officer whenever deemed fit. This officer will be under the operational and administrative control of the District Panchayat as long as he serves in the District Panchayat. It will be helpful, if a tradition is set to the effect that in matters of transfer or new appointments regarding this post, the State Government takes a decision in consultation with the President of the District Panchayat. We recommend that this Chief Executive Officer of the District be designated as the "District Development Officer".

10.1. In the foregoing chapters, the items entrusted to the Committee have been duly considered, and recommendations have been made. But certain other problems, connected with these items as also with the activities arising therefrom, still require consideration.

SPECIAL ARRANGEMENTS FOR THE DANGS DISTRICT

10.2. As mentioned in the foregoing chapters, not a single village Panchayat has been set up in the Dangs area as yet, as that area is a forest area administered under the Indian Forests Act. The area and the population of the Dangs District being of the size of a single Taluka it does not comprise of any Taluka. Under these circumstances, there is no scope for the formation of a Taluka Panchayat on basis of Village Panchayats and of a District Panchayat on basis of Taluka Panchayats. At the same time, the fact remains that a District Local Board does exist and operate in the Dangs District. If recommendations made in chapter 3 as to the setting up of the Village Panchayats in the Dangs District are accepted and gram Panchayats established in pursuance thereof it might be possible thereafter to form an institution in this District at the District level. For the other Districts we have recommended the formation of Taluka Panchayats, and on the basis thereof the formation of the District Panchayat. But in the Dangs District there being no possibility of establishing any democratic institution at the Taluka level, District Panchayat will have to be set up directly from the Village Panchayats. In view of this, special provision by way of an exception will have to be made for the Dangs District in the proposed legislation. The District Local Boards Act will stand repealed on the coming into force of the District Panchayat Act. If, by the time the District Panchayat Act comes into force, the village Panchayats are already established in the Dangs District, it will be possible to set up a District Panchayat there in pursuance of the special provision made in the Act. But, if it is not possible to establish Gram Panchayats by this time, the District Local Boards Act should continue to operate in the Dangs District as an exception till such time as Gram Panchayats and on their basis District Panchayat are established,

ENCOURAGEMENT OF PUBLIC INSTITUTIONS THROUGH PANCHAYATS

10.3. In a welfare State it is both natural as well as necessary, that activities for the development and benefit of the people, such as education, health, arts, social welfare etc., are duly encouraged. An attempt on the part of the people to develop and extend such activities through Institutions, Associations or Organisations would be a welcome feature. It has been the policy of the Central as well as the State Governments to extend necessary aid and encouragement to the institutions or organisations doing social work in different fields, for the development of their activities. There will be a wider scope for the growth of such activities following the establishment of democratic institutions. It will also be natural on the part of the Village Panchayat, the Taluka Panchayat and the District Panchayat to further such activities. It would be appropriate for the village, the Taluka and the District Panchayats to launch and conduct such activities through their own agencies, where necessary. But it is desirable to make an effort to develop such activities of public welfare through public Institutions, Associations or Organisations already interested in and doing or intending to do work in the different fields so far as possible. It has been the policy of the Central and the State Governments to give the necessary aid and encouragement to such institutions. On the same lines, the Panchayats also should adopt the policy of extending the necessary aid and encouragement to such bodies for the maintenance, strengthening and expansion of their welfare activities. It is necessary that the panchayats get due guidance from the State in this respect.

OTHER STATUTORY BODIES AND POPULAR INSTITUTIONS

10.4. Certain Statutory bodies have been formed by the State for the activities and responsibilities of a special kind, such as the Electricity Board, State Transport, Khadi Gramodyog Mandal, Housing Board etc. The field of activities of such bodies extends over the whole of the State and each body has its own administrative machinery. The Committee has carefully considered the question as to whether such Statutory bodies can also decentralise their administration and activities with the aid of democratic institutions. This is all the more relevant when we are considering the democratic decentralisation of the responsibilities and the activities of the State through

public institutions. Such statutory bodies are set up only for the activities and responsibilities of a special nature, and a special State-wide administrative set up and organisation becomes necessary to cope with such activities and responsibilities. In view of this, it does not seem possible or desirable to us to decentralise the work and administration of such Statutory Bodies on a geographical basis. But such Statutory bodies have got to consider the needs, difficulties etc. of the people while carrying out their activities and responsibilities. The co-operation of the people is also indispensable to their activities. These democratic institutions are eminently suitable to serve as proper and best instruments for understanding the needs and the difficulties of the people, and for securing necessary co-operation from them. We, therefore, recommend that the statutory bodies should avail of the services of these democratic institutions for such purposes.

10.5. Some of the activities and schemes of the Statutory bodies are of such a nature as can be handed over for their execution to other agencies, once their policy and programme are settled. We recommend that the statutory bodies make use of the democratic institutions for carrying out of any such schemes.

10.6. It will not be out of place to expect that a Statutory body will give careful and sympathetic consideration to the needs, difficulties, and public sentiments brought to its notice with reference to its activities and responsibilities by any democratic institution, and will try to dispose of the same expeditiously.

VESTING OF PROPERTIES IN POPULAR INSTITUTIONS

10.7. There is a provision in the Village Panchayat Act under which the Government can vest any of its properties, in the Village Panchayat, for specific use with necessary conditions, or entrust the same for some specific use and management only. Orders issued by the old Bombay and Saurashtra States (in pursuance of the powers of the State) to vest in the Village Panchayats certain properties, are at present operative in the Gujarat State. We have made recommendations to vest certain additional properties also in the Village Panchayats. Similar provision for the

vesting of properties as is already there in the Village Panchayat Act, is required to be made in the Nagar Panchayat, the Taluka Panchayat and the District Panchayat Acts also.

10.8. For the activities being entrusted by the State to the District Panchayat, it is necessary to make arrangements for the transfer of the existing facilities in respect of office accommodation and record to the District Panchayats.

THE PREPARATION AND SANCTION OF BUDGET ESTIMATES

10.9. At present, the Village Panchayats have to prepare their budget estimates and forward them to the higher institution for sanction. On a consideration of the question whether each Panchayat budget should be sanctioned by itself or by its superior body, the Committee feels that the democratic institutions formed of the representatives of the people should enjoy the right of approving their own budgets.

10.10. The annual budget of each Panchayat can be considered to be but a reflection of its aspirations and potentialities. The budget of each Panchayat, therefore, should be prepared with great care, caution and deliberation. The State Government should prepare models and rules for budget estimates with a view that each Panchayat may derive definite guidance as to which work, scheme or need is to be given priority and in what proportion, how and when to prepare the budget and such other important aspects.

10.11. Each Panchayat will prepare its budget estimates in accordance with the models and the instructions issued by the State Government; the budget estimates thus prepared will then be forwarded by the Village or Nagar Panchayat to the Taluka Panchayat, by the Taluka Panchayat to the District Panchayat, and by the District Panchayat to the State Government within fixed time schedules. Each of these bodies will examine and scrutinise the budgets submitted to it, and will refer them back to the next lower body within a fixed time schedule with such observations or instructions as it deems fit. In the absence of any instructions from the higher body within the fixed time limit it should be taken for granted that it has nothing to say with regard to the budget. We recommend that provision

should be made for each Panchayat to sanction its own budget with due modifications in the light of the suggestions received, if any.

ACCOUNTS

10.12. It is necessary that each Panchayat maintains regular, systematic and clear account of its expenses. The Panchayats will be entrusted by the Government with the activities carried out through departments at the district level. The Panchayats will have to maintain their accounts according to definite rules and regulations. Some of these accounts and statements are to be maintained in English according to the present rules. These rules should be modified and provision should be made that the Panchayat of each level can maintain its accounts in Gujarati. Different rules may be devised by the State keeping in mind all these matters. We recommend that the State Government formulate the rules regarding the preparation of accounts in the light of these considerations, and that the Panchayats should maintain their accounts accordingly.

10.13. For administrative convenience and in pursuance of the provision made in the budget, Panchayats will have to invest their Standing Committees, Executive Committees, and Officers with certain powers to incur expenditure. We recommend that definite provision be made about this also in the rules.

AUDIT

10.14. In order that the democratic institutions may remain alert in their work, and their administrations may run economically and efficiently, a regular audit of their accounts is necessary. The responsibility of auditing the accounts of the Village Panchayats was entrusted to the District Local Board before 1958. On the basis of the Village Panchayat Act of 1958, the State Government has taken over the responsibility of auditing the accounts of the Village Panchayats. A special agency called 'The Local Fund Audit' is running for auditing the accounts of the Municipalities and the District Local Boards. We have considered whether the responsibility of auditing the Panchayat accounts also can be entrusted to the Panchayats of the higher

level. In our opinion, a separate and independent audit arrangement should be made as much of the efficiency, alertness, and exactness of the Panchayat depends on it. We recommend, therefore, that the State Government should make a special arrangement for a regular audit of the accounts of all the Panchayats either through the 'Local Fund Audit' by expanding its machinery or by creating an independent machinery; during the initial years it is advisable that the audit is carried out every three or six months instead of the system of yearly audit.

SUPERVISION AND INSPECTION

10.15. We have recommended the formation of the village or Nagar Panchayat, the Taluka Panchayat, and the District Panchayat at their respective levels. These Panchayats get vast responsibilities and extensive duties. It is essential for the proper discharge of their responsibilities and duties and for their healthy growth that all these Panchayats get guidance through proper supervision and inspection, and their activities are properly integrated and their difficulties are expeditiously solved. The responsibility of supervision and inspection of the existing Village Panchayats rests with the District Village Panchayat Mandal. In the proposed new pattern, the existence of the village Panchayat Mandal will be no more. The responsibilities for the supervision and inspection of the Village Panchayat will properly, therefore, have to be entrusted to the Taluka Panchayat and the District Panchayat. Similarly, some of the responsibilities of supervision and inspection of the Taluka Panchayat should be entrusted to the District Panchayat. Besides, the responsibility for an over all supervision and inspection of all the Panchayats rests with the State Government also. The State Government should have the necessary powers for this. Supervision and inspection do not mean merely pointing out the errors. Really, their true meaning consists in preventing errors through occasional observations and instructions. These powers of supervision and inspection should, therefore, be so used as not to kill the initiative and self-confidence of the institutions, but to inspire in them an eagerness to discharge their responsibilities ever increasingly.

10.16. It is necessary for the Panchayat of each level to have a certain income for the execution of the duties and functions fixed for it. In the event of the income falling short of the requirements, there is provision, under Section 128 of the existing Village Panchayat Act, for the District Village Panchayat Mandal to give a direction to the Village Panchayat to increase the income to a certain extent by effecting an increase in the number and measure of taxes or fees. We feel that there should be such a provision for Panchayats of each level. We recommend that a provision should be made to empower a Panchayat of a higher level in respect of Panchayats of each level and to empower the State Government in respect of the District Panchayat in the same manner as the existing provision under Section 128 of the Village Panchayat Act which empowers the District Panchayat Mandal in respect of Village Panchayat.

10.17. It is very essential for the State Government to set up a special machinery or organisation for the supervision and inspection, for Panchayats of all tiers for their guidance, for a proper co-ordination of their activities and for seeing to their constant progress. At present, the Secretary, Rural Development Department in his capacity as Development Commissioner, discharges the responsibilities in respect of the Community Development Projects and Village Panchayats. After the establishment of the democratic institutions and in view of their functions and responsibilities, we believe that a special officer who can devote his full time to this work will be necessary. We recommend that proper provision be made by the appointment of an Additional or Joint Development Commissioner or Officer on Special Duty.

10.18. The Bombay State had established a State Council for Panchayats for assistance and advice in matters relating to Village Panchayats. The Gujarat State also has, after its formation, set up a State Council for Panchayats. The Vice-Chairmen of the District Village Panchayat Mandals are members of this Council by reason of their official capacity. As a result of the new set-up, this Council will have to be re-constituted. All the activities and responsibilities of the District will be entrusted to the District Panchayat for guidance and co-ordination of the Panchayats; we recommend the formation of a State Council for Panchayats consisting of all the District Panchayat Presidents.

CONTROL

10.19. The ultimate responsibility of the State Government does not cease with the decentralisation of the State's responsibilities and powers regarding development activities and administrative functions and devolving them on the democratic institutions. As a matter of fact it rests with the State to see whether the democratic institutions at all levels function in accordance with the laws and rules, in accordance with national and state policy and in accordance with nationwide and State-wide plan. It is inevitable that the State should have some powers of ultimate control for the proper fulfilment of these responsibilities. The democratic institutions are organisations constituted of the representatives of the people. The sentiments, the ability and the aspirations of the people will express themselves through these institutions. But in the event of these democratic institutions straying from their path and behaving against law and policy, the State Government may also have to perform the duty of preventing them from straying from their proper path, and if necessary, even to suspend or supersede them. We recommend that proper provision be made to keep necessary powers with the State in this respect.

10.20. Provision will have to be made in law to empower the State Government or such officer as may be authorized by the State Government to cancel such resolution passed or to suspend the execution of such work undertaken by democratic institutions as may provoke a breach of peace or as may be against the constitution or any law.

10.21. Under certain circumstances, it becomes necessary to remove a President or a Vice-President of a Panchayat from his position, in public interest. Necessary provisions exist for this in the present laws. It is necessary to make such a provision also in the Act establishing the new democratic institutions. We feel it necessary to provide that such powers be given to the District Panchayat, in matters relating to the Village or Nagar Panchayat, on the recommendations of the Taluka Panchayat; to the State Government, in matters relating to the Taluka Panchayat on the recommendation of the District Panchayat; and to the State Government, in matters relating

to the District Panchayat, on recommendations of a special officer to be appointed for the purpose.

10.22. It is also necessary to make provision for giving a directive to Panchayats to make a reasonable reduction in the number of personnel or in their remuneration whenever it is considered that the number of personnel employed as officers and servants with the respective Panchayats of various levels or that the remuneration being given or proposed to be given is excessive. Such a provision is made for Village Panchayats under Section 141 of the existing Village Panchayat Act. A provision be made to empower the Taluka Panchayat for giving such a directive in matters relating to Village Panchayats and to allow one appeal to the District Panchayat over such order by the Taluka Panchayat. In respect of the Taluka Panchayat the District Panchayat be empowered to issue such order and one appeal may be provided over such order to the State Government or to such officer authorised by the State Government. Similar power be given to an officer authorised by Government in this behalf with a provision for an appeal to Government over the order. We recommend that necessary provision should be made in this behalf.

10.23. Under Section 143 of the Village Panchayat Act the Collector has in cases of emergency power to provide for the execution of any work or doing of any act which a Village Panchayat is empowered to execute or do, and immediate execution or doing thereof is, in his opinion, necessary for the health or the safety of the public and to direct that the expenses of executing a work or doing an act shall be forthwith paid by the Village Panchayat and if the Village Panchayat does not pay the expenses the Collector can recover the same from the funds of the Panchayat. The Collector has forthwith to report to the Commissioner every such case in which he exercises his power under this section. It is necessary to make similar provision in cases of Panchayats of all levels. The Taluka Development Officer may be authorised to issue such an order in respect of the Village Panchayat. On issue of such an order he should immediately report to the District Development Officer. In respect of the Taluka Panchayat such authority should be given to the District Development Officer and he should be required forthwith to report to Government or

an officer authorised by Government in this behalf. In respect of the District Panchayat an officer authorised by Government in this behalf may exercise such power and he should forthwith report to Government. In addition to this it is necessary to provide that Government can issue such orders directly in respect of Panchayats of all levels. We recommend that suitable provision should be made in the act in this behalf.

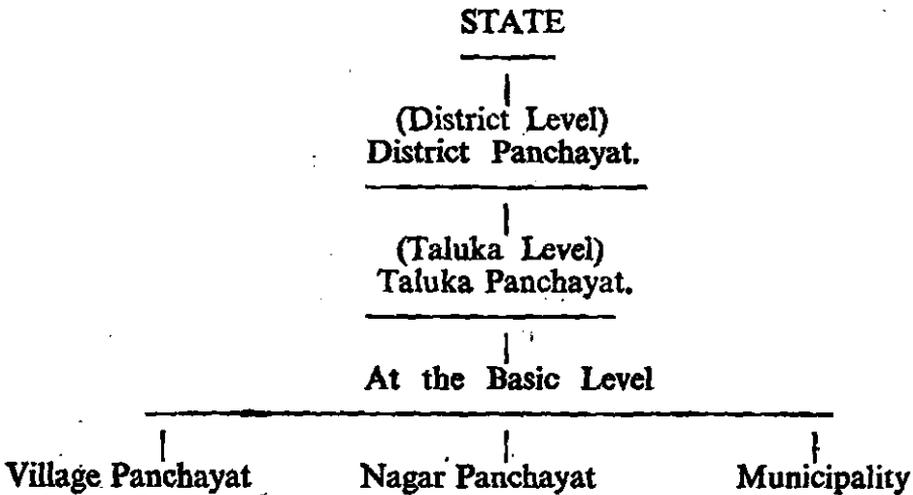
10.24. Under Section 144 of the Village Panchayat Act there is a provision that if at any time the Panchayat makes any default in the performance of any duty specified under Section 45, the District Panchayat Mandal can direct the Village Panchayat to perform that function within a specified time. If the duty is not performed by the Village Panchayat in the specified time, the District Panchayat Mandal can appoint an officer and get the duty performed and can recover the expenses incurred from the Village Panchayat. It is also provided that if the District Village Panchayat Mandal fails to exercise this power, the Government or an officer authorised by Government in this behalf can take the same steps as the District Panchayat Mandal is authorised to take. We recommend that provision similar to this should be made and the District Panchayat be authorised in respect of Village Panchayat and Taluka Panchayat and Government be authorised to issue such an order in respect of the District Panchayat.

TRANSFORMATION OF EXISTING INSTITUTIONS

10.25. A question may naturally arise regarding the impact of the recommendations of this Committee on statutory bodies like the District Local Board, the District School Board, and the District Village Panchayat Mandal, and on the District Development Board and the Block Development Committees, and other similar bodies. In the foregoing chapters, we have proposed the setting-up of a democratic institution called the District Panchayat at the District level with special powers and financial resources by integrating the functions, duties, powers and resources of the three District level statutory institutions and the District Development Board. It is but evident that the District Local Board, the District School Board, the District Village Panchayat Mandal and the District Development Board now functioning in their present forms should cease to exist with the formation of the District Panchayat.

There are Development Committees existing at present at the Block level. These Development Committees will naturally cease to function on the formation of the Taluka Panchayats, and their responsibilities, and activities will all devolve on the Taluka Panchayats.

10.26. The following will be the picture emerging on the formation of popular institutions, as proposed, at different levels :



CHANGES IN THE EXECUTIVE ADMINISTRATION

10.27. The terms of reference of the Committee include an inquiry into the changes that are likely to take place, as well as those that will have to be made, in the working of Government at the District and lower levels, on the basis of the recommendations made by our Committee. Some of these points have been dealt with in the foregoing chapters, and recommendations also have been made. It will not be proper, therefore, to repeat here the same points.

10.28. Shri Pimputkar who, during the Bilingual Bombay State, was appointed as a Special Officer to consider the reorganisation of the Revenue Administration at the District Level, and to submit a report on it, has submitted his report to the Government. The Committee considered this Report. But the recommendations there have been made only on the presumption that the District Revenue Administration will remain with the State. Our recommendations, however, are based differently. The Committee has desisted from further considering the recommendations made in the Pimputkar's Report on finding that they will not serve the purpose in view of our recommendations to set up democratic

institutions at the village level, Taluka level, and at the District level, and to hand over to the respective Panchayats the functioning of the State's Development Departments, along with the personnel. The Committee recommends that from among the different activities that the State carries out through the various departments up to the District level, all, excepting a few like Law and Order, Major Projects, etc., should be handed over to the Panchayats, as democratic institutions or as "agents" of the State. According to this recommendation a greater share of the administration at the District level will remain with the Panchayat. It would be in the fitness of things for the Panchayats to bring about changes therein as and when they are found due on experience. So we do not propose any outstanding changes therein at this stage. It is expected that the District Panchayats and the Taluka Panchayats, if on further experience they find it necessary, will consider changes in it and will bring out their own proposals before the State. It has not been found feasible to propose any change in the administrative set-up meant to discharge the responsibilities that would remain with the State at the District level, after proposing to hand, most of the activities along with the requisite administrative machinery at the District level, over to the Panchayats. It is recommended that the State will effect due changes therein as, and when, it is found expedient on experience.

10.29. We have also been referred to recommend any suggestion for necessary changes in the present Village Panchayat Act, to make the Village Panchayat a stronger and a more vital body. We have made some recommendations regarding the Village Panchayats. For that, some amendments are required to be made in the Village Panchayat Act. A major share of the responsibility of supervising and inspecting the Village Panchayat lies with the "District Village Panchayat Mandal". In the new set-up the District Village Panchayat Mandal will cease to exist. The duties invested with the District Village Panchayat Mandal viz. those of supervision, control, and inspection etc. will now be left with the Taluka Panchayat and with the District Panchayat. For all these, in our opinion, it would be more easy to draft a new Village Panchayat Act, instead of amending it.

10.30. The Village Panchayat Act is not the only one to be considered now. However, legislation will have to be formulated for the setting-up of four different types of agencies at various levels, each serving as a democratic institution.—Village Panchayat or Town Panchayat at the Village level, Taluka Panchayat at the Taluka level, and District Panchayat at the District level. The question now arises as to what will be more suitable, to formulate four different Acts for these four different bodies, or to draw out one comprehensive act for all the four. All of these bodies are organically connected. One grows out of another, and their duties and functions are complementary and supplementary to each other. It is necessary that a hierarchy be created—one having the duties and authority of supervision and inspection over the other. We, therefore feel that it will be more appropriate to lay down one Act for all the four so as to draw a coherent picture of the whole. We, therefore, recommend that one Act only viz., “The Gujarat State Panchayat Act” be formulated, and that it be further divided under four different parts viz., 1 Village Panchayat; 2 Nagar Panchayat; 3 Taluka Panchayat; and 4 District Panchayat.

DECENTRALISATION IN THE CO-OPERATIVE FIELD

10.31. Co-operative movement is not merely an activity but a way of life. In our programme for the establishment of a new social order, the co-operative movement as well as the co-operative spirit occupy a very prominent place. So many different co-operative societies are already in existence, and many more are coming into being, in order to effect progress on a co-operative basis in numerous different fields, especially in the social and the economic fields. In the transformation of the Village the Co-operative Society claims as much of importance as does the Village Panchayat.

10.32. We have recommended that the District Panchayat be endowed with the responsibilities regarding the co-operative activity upto the District level which the State bears at present, and also with the powers of the Officers at the District level.

10.33. The Co-operative Societies are our popular institutions. Federal Co-operative institutions, closely and organically related to

each other, have been set-up at different levels. Such federal Co-operative Unions have been entrusted with the responsibilities of supervision of Co-operative Societies and to impart training. It is an important question to be considered as to whether it is possible to bring about necessary changes in view of democratic decentralisation, in the structure and relations of the Co-operative institutions of different units, This is all the more necessary when an important step is being taken with regard to the administrative organisation.

10.34. As the question of co-operative Societies has not been included in our terms of reference we have not given further thought to the matter, but it is felt necessary in view of the democratic decentralisation that relevant suggestions be made, after careful consideration, by the State Co-operative Union constituted with the responsibilities of training and publicity and by the State Co-operative Council formed to advise the Government on co-operative movement. And it is equally urgent that the State Government may, after due consideration,] on the suggestions made, devise the necessary measures for the same. We recommend the State Government to do needful in this matter.

CONSTITUTION OF STATE FINANCIAL BOARD

10.35. In chapter 8, we have thought over the financial resources of the Panchayats. We have recommended that financial resources, adequate in proportion, should be transferred to the Panchayats along with the duties and functions. We have also recommended that the Government should hand over a large number of posts of State Services to the Panchayats and pay grant equivalent to the liabilities of salaries of the servants working on these posts. As many servants of the State services will be placed at the disposal of the Panchayats we have also proposed that the Panchayat should pay pension and leave salary contribution in respect of such servants. It is also proposed that the Government should give necessary financial aid to Panchayats to enable it to meet these liabilities. Thus the Government will give financial aid to Panchayat in different ways. In addition to this it is proposed that Government should give different sources of income to Panchayats. But this initial arrangement cannot last on permanent

basis. The duties and functions of the Panchayat will increase and bulk and volume of the works thereunder will also increase. Therefore, it will be necessary to carry out a periodical review as regards the financial liabilities of Panchayats and the means to discharge these liabilities. We, therefore, recommend that a "State Financial Board" should be constituted to advise as to what arrangements should be made regarding the financial sources of Panchayats. The State Financial Board should examine this question in details and the State Government should, after review by such board at the interval of every five years, and on its recommendations, decide as to what financial resources are to be vested in the Panchayats and in what manner.

EVALUATION

10.36. These Panchayats will be established under the Acts pertaining to them and they will act according to the provisions contained therein. It will be necessary to review and evaluate their activities at intervals. For such evaluation Government will have to make certain arrangements so that in certain matters evaluation can be made continuously and in certain matters at intervals ; and on the strength of such evaluation necessary guidance can be given to Panchayats and their efficiency can be raised. We recommend that Government should work out definite system for such evaluation.

PRELIMINARY ARRANGEMENTS FOR IMPLEMENTATION AND TRAINING

10.37. After carefully considering all the issues entrusted to us, we have recommended the establishment of democratic institutions at different levels, and we have also proposed that they be given adequate functions and duties and that sufficient financial resources and services be given to them. In accordance with these recommendations fundamental changes in the present local bodies and in present administrative machinery have also been proposed.

10.38. It is understood that a considerable time will elapse in examining our recommendations carefully, in drafting necessary bills, in submitting the bills before legislature and getting their assent and approval, in getting approval, with regard to certain provisions, of the Central Government, thereafter in enacting the law, and in framing and sanctioning rules before enforcing the act. But it is necessary

to think out and make proper provision in advance, for the preliminary preparations and arrangements that will be required to be made before the enforcement of the Act.

10.39. Programme of democratic decentralisation necessitates fundamental changes in the administrative machinery. It is essential that each member of the administrative organization understands the spirit and importance of this programme. It is important that they get the outlook and training for the responsibilities that they have to shoulder for fulfilling the programme. We recommend that Government should right from now make suitable arrangements.

10.40. Fundamental changes will be required to be made in the administrative machinery and organization in order to implement the programme of democratic decentralisation. This process should start right now so that when the Act is to be enforced all preliminaries are completed and the Act can be enforced immediately. Certain preliminaries and advance arrangements, in this behalf, will be gone through and done by the proposed State level organization. Along with this, selections should be made early of the officers who are to be appointed as District Development Officers for the proposed District Panchayats so that this programme can be pushed through in the district smoothly. These officers should be appointed three to six months before the date, which is the likely date for bringing the Act into force so that they can complete all the preliminary arrangements in the district. We strongly recommend this, as these preliminaries are of great importance and before the Act is enforced suitable arrangement should be made.

10.41. Wide and extensive responsibilities devolve on people at different levels as a result of this programme of democratic decentralisation. They have to fulfil this responsibility in a democratic way following the national and State policy and with full sense of responsibility. They will have to prepare themselves whole heartedly to fulfil this responsibility and to carry on the administration and responsibility of such a democratic institution. It is likely that it will create confusion and dis-organization if this programme is launched or implemented with little understanding and inadequate preparations.

10.42. It is absolutely essential that every villager grasps the form and importance of the new order, bears in mind the responsibility

that will come to his share through the democratic institutions and is prepared with full understanding and faith to contribute his legitimate share to fulfil the same.

10.43. Fundamental changes have been suggested in the form, arrangement and responsibilities of the bodies like the Village Panchayats, different Development Committees at different levels, District Local Boards, District School Boards, District Village Panchayat Mandal and the District Development Board, which are now in existence. The representatives and the workers who are rendering service and shouldering the responsibilities of the existing institutions should also properly grasp and understand the new order, its objective, composition, importance and responsibility so that their useful cooperation can be available in the new order.

10.44. Before starting the implementation of the programme of democratic decentralisation and during the time other formalities are being gone through, it is considered essential to provide for education and training, on an extensive scale and in an organised manner, right from now so as to create proper atmosphere and bring to the notice of the people concerned the form, objectives, intentions and responsibilities of the programme so that every villager gets himself ready to successfully fulfil, with understanding, faith and diligence, the responsibilities that will come to him through this programme. We strongly recommend that, with this object in view, necessary advance arrangements and provisions should be made for the successful implementation of this democratic programme.

Rasiklal Umedchand Parikh

Ratubhai M. Adani

Maneklal Shah

Utsav Parikh

Dahyabhai Nayak

Babubhai Jashbhai Patel

V. L. Gidwani

Lalit Dalal

Romeshchandra M. Desai

Maganlal R. Patel

Premshanker Keshavrai Bhatt

Ghanshyamlal C. Oza

Hariprasad H. Trivedi

Ahmedabad :

Dated 31-12-1960.

**NOTE on composition and tenure of the various Panchayat
bodies proposed to be set up at different levels given by
Shri V. L. Gidwani.**

**NOTE on composition and tenure of the various Panchayat bodies
proposed to be set up at different levels given by
Shri V. L. Gidwani.**

There was considerable discussion regarding the composition and tenure of the various Panchayat Bodies proposed to be set up at different levels. I regret that I have been unable to agree with the recommendations made by the Committee in this regard and in this note I would like to submit my own recommendations as I feel that the matter is important in principle.

2. 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 stature 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. The Committee has recommended the co-option of some members possessing some special experience and representing certain special interests. I feel that it should be possible for such members to get elected on the local bodies directly and their co-option should be avoided in order to make the Panchayat truly representative and democratic. In case of necessity some such members could be co-opted on special committees rather than as members of the Panchayat themselves. I would, therefore, suggest that the co-option of such members should be limited to statutory and special committees only.

If, however, it is decided to provide for co-option of some members in the Panchayats themselves, I suggest that such provision may be limited to a temporary period of say ten years.

4. Reservation of seats for Scheduled Tribes and Scheduled Castes as recommended by the Committee, may also be limited to such period as similar reservation of seats in the State and Union Legislature is continued for such classes.

5. For the purpose of retaining the experienced members for a longer time and maintaining continuity, as well as for avoiding sweeping changes and strong political influences in local affairs, it seems very desirable to provide for the retirement of say half of the members of each Panchayat by rotation every two or three years, instead of wholly reconstituting the Panchayats by fresh general elections every four years. This could be done by suitably arranging the electoral constituencies so as to elect two members each, one of whom could retire alternatively and another candidate be elected in his place, every two or three years.

Summary of the Recommendations

Democratic Institutions

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| 1. | 2.9. | Strong and efficient democratic institutions of elected representatives of the people at the district level, the taluka or block and the village level should be established. |
| 2. | 2.9. | These democratic bodies should be organically linked; the State administration should be decentralised and responsibilities should be duly devolved on these bodies. |
| 3. | 2.9. | These institutions should become parts of one arrangement and work according to their own lights in their own fields and at the same time supplement and complement each other. |
| 4. | 2.11. | These institutions should be closely and organically linked with each other. Higher institution should be constituted through the lower one. |
| 5. | 2.24. | Taluka or Mahal should be accepted as a proper unit and level above the village level for the establishment of a popular institution. This popular body may aptly be called "Taluka Panchayat." |
| 6. | 2.25. | Two talukas or mahals within one development block should each of them have a separate unit for the establishment of a popular institution. |
| 7. | 2.27. | Wherever one block contains two talukas or mahals, each of them should be given 1/2 Block with one Block officer each. Extra expenditure should be incurred. |

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| 8. | 2.38. | Strong popular body at the district level should be established to which should be entrusted the duties, responsibilities and resources of all the present bodies at the district level and delegated to it adequate powers and necessary financial resources entrusting to it such other administrative responsibilities as may be feasible at that level. It should be called "District Panchayat." |

Village Panchayat

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| 9. | 3.10. | It is not proper to suggest any special changes in procedure in force at present right from nomination of candidates up to the election by tendering votes. The interval from the nomination of a candidate up to the casting of votes should be reduced a little. That political parties should be forbidden by law from taking part in Panchayat elections, is a suggestion which is not acceptable. The village Panchayat, being an institution working from chiefly for development of a village, should put the interest of the village above other interest. The constitution and election to the Panchayat should therefore be based on this aspect. But this cannot be done by including a prohibitory clause in the Act. It would be an essential and welcome gesture for the political parties themselves to leave the Village Panchayat out of party politics. |
| 10. | 3.12. | With the facilities and provisions made available by the present Village Panchayat Act any Village can develop along desired lines and, therefore, it does not seem necessary to amend the Village Panchayat Act for purpose of Gramdan. |

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| 11. | 3.13. | The minimum number of members of the Panchayat should be increased from seven to nine. |
| 12. | 3.14. | Even if the Scheduled Caste population is insufficient or even if there is only one family of such people in the village, one seat should be reserved for them on the Village Panchayat, by law. The present provision for more seats on the Panchayat for Scheduled Caste people in proportion to their population should also be retained. |
| 13. | 3.15. | Even where the population of Scheduled Tribes exceeds 50%, at least 50% of the seats should be reserved for them under rules. |
| 14. | 3.16. | The deserted villages should not be continued as revenue villages. They should be amalgamated with one adjoining village in case the Khatedars are residing in that village and if they are residing in different villages the agricultural area of the deserted villages should be amalgamated with different villages according to the number of cultivators and the extent of the area cultivated by them after prescribing a suitable standard. Government have initiated taking steps in this direction and certain deserted villages have already been amalgamated with the adjoining villages but instead of carrying on this procedure at a slow pace a definite programme, to be completed within a specified time, should be chalked out for amalgamating them with suitable adjoining villages and to cancel the deserted villages from the revenue records. |

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| 15. | 3.23. | The villages with a population of 250 or less can easily be amalgamated with neighbouring villages or two or four villages linked to get modern facilities, in a group. Some definite scheme should be thought out to provide modern facilities at such places. |
| 16. | 3.24. | It is difficult to provide modern amenities and conduct administration efficiently in Village Panchayats of villages having a population of 500 and specially of villages having population of less than 250, and therefore, attempts should be made by persuading the villagers to group such villages with adjoining villages for purposes of establishing Village Panchayats and thus form efficient units. |
| 17. | 3.25. | It is necessary to provide in the Act or the rules for constitution of Advisory Committees composed of members of the Panchayats as well as other residents, to execute the responsibilities of the Panchayat, in order that their advice and co-operation may be available. |
| 18. | 3.26. | One or more than one but not exceeding three Standing Committees as recommended by the Taluka Panchayat should be constituted with the object of doing proper justice to the various functions and duties devolved on the Panchayats and to profit by the abilities of the members of the Panchayat in discharging the responsibilities of the Panchayat. |
| 19. | 3.27. | The following standard is suggested for Standing Committees and for distributing their responsibilities :— |

(1) *Production Committee* : This Standing

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Committee should prepare and execute schemes relating to production from agriculture, cattle wealth and small industries.

(2) *Education Committee* : This Standing Committee should undertake the responsibility for Pre-Primary Education, Primary Education and such other cultural activities at the village level.

(3) *Public Health and Building Committee* : This Standing Committee will discharge those duties in connection with the subjects mentioned as far as it lies within the jurisdiction of the Panchayat.

20. 3.28. Standing Committee upto three will have to be constituted from amongst the members of the Panchayats. Each Standing Committee should consist of three members. Each Standing Committee shall elect its Chairman. Every Standing Committee should decide all matters relating to the administration of such of the functions as may be entrusted to it by rules. The Standing Committees should be appointed every year. A member elected to a Standing Committee once, will be eligible for re-election.
21. 3.29. Special provision should be made to give to the people in the Dangs and other forest areas powers and facilities of Self Government normally enjoyed by the Village Panchayats.
22. 3.30. Following arrangements should be made for establishing Village Panchayats in forest areas and for giving them monetary aid :—
- (1) In forest areas habitations are formed first which later grow into villages. In such

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habitations wherever the population is 500 and above, an independent Village Panchayat should be established. Where the population is less, more than one habitations should be grouped together and a Panchayat should be established. But the jurisdiction of this Village Panchayat will be limited to the village sites only. For this purpose limits of the village site will have to be fixed. Outside this limit the Village Panchayat will have no jurisdiction. It will be just and fair that this should be a limitation of Village Panchayats in the Dangs and other forest areas. Apart from this, these Village Panchayats should be allowed to enjoy the advantages flowing from the other provisions of the Panchayat Act.

(2) It is provided in the Act that 25 to 30 per cent. of the land revenue collected from the area should be given as grant to Village Panchayats formed in revenue areas. There is no income from land revenue in forest areas, but there is an income under the Forest Act. Thus it is not possible to give grants to these Panchayats from the land revenue collections. The Village Panchayats in the Dangs and other forest area should be given a share from the forest income on per capita basis as it would work out in other areas of the State. In order to enable a Village Panchayat to function efficiently its income should not be less than Rs. 500. In the Dangs and other forest areas any Village Panchayat receiving an income of less than Rs. 500 should be paid the balance so as to make up the minimum income of Rs. 500.

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| 23. | 3.31. | <p>It is essential that there should be a common standard regarding vesting of property to Panchayats in the whole of Gujarat State. For this reason and also with a view to transfer local administration to Panchayats village sites should be vested in Village Panchayats subject to the following conditions:—</p> <p>(1) The District Development Officer must certify that the Village site which the Village Panchayat wants to dispose of is not likely to be required in the near future for any public purpose connected with the Panchayat or the State :</p> <p>(2) Before disposing of such land, plots and roads should be laid out ;</p> <p>(3) Such sites should not be given on the basis of an outright sale but should be given on annual lease ;</p> <p>(4) The land may be disposed of subject to such priorities and rules which Government may make from time to time for the purpose ;</p> <p>(5) Any such disposal by the Village Panchayats should be subject to the sanction of the District Panchayat ; and</p> <p>(6) The income arising from such disposal of land should not be used for the normal administrative works of the Panchayat but should be utilised for works of a permanent developmental benefit to the village. Government will determine by a general or a special order as to which development work will be considered as of a permanent benefit to the village.</p> |
| 24. | 3.32. | <p>It is not in public interest to allow the present state of affairs in the matter of removal of</p> |

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encroachments on streets and public lands within the village to continue. The following provisions should be made in the Act :—

(1) If the Village Panchayat finds it difficult to remove such encroachments or get them removed and if a request is made, the Taluka Panchayat and its Development Officer can take action for the removal of such encroachments.

(2) The Taluka Development Officer can take action if it is reported to him that the attention of the Village Panchayat has been drawn to such encroachments and yet for one reason or the other the Village Panchayat has not taken any action for three months.

(3) In addition to (1) and (2) above, the Taluka Panchayat can act suo motu but in that case, it will first suggest to the Panchayat to take action and if the Panchayat fails to do so within a specified time, the Taluka Panchayat can take proper action to remove the encroachment.

25. 3.35. In order to preserve the important and useful element of settling disputes between the parties in the village by reconciliation, some special arrangement within the village for reconciliation before any suit or complaint is presented before the Nyaya Panchayat should be made.
26. 3.36. In addition to the Nyaya Panchayat, every Village Panchayat should have a Reconciliation Panch established by law. One person should be selected by the Village Panchayat for this body from amongst the members

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of the Gram Sabha. The person so selected should be a permanent member and Chairman of the Reconciliation Panch. Whenever any civil suit or a complaint of an offence, compoundable under the Indian Penal Code and the Criminal Procedure Code, comes before the Village Panchayat for being passed on to the Nyaya Panchayat, before forwarding it to that body, the Village Panchayat should first pass it on to the Chairman of the Reconciliation Panch for bringing about a compromise in the matter. The parties to the dispute should be then asked by the Chairman to select one member each. If any party does not so suggest a name, it should be presumed that the party does not wish or consent to reconciliation and the Chairman should forward the suit or the complaint, along with his note in this behalf, to the Nyaya Panchayat. If both the parties suggest the names of Panchas in this behalf, the Reconciliation Panch composed of the Chairman and these two members, will try to bring about a compromise between the parties. The Panch should take a final decision on any suit or complaint within one month. The Chairman of the Nyaya Panchayat can extend this time limit by one month in cases where this is absolutely necessary. The case would be considered as disposed off according to the decision given by the Reconciliation Panch. In cases where the Reconciliation Panch is not able to give a decision, they will be passed on to the Nyaya Panchayat according to rules along with a certificate to that effect. Necessary provision for this purpose should be made in the Act.

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| 27. | 3.37. | After the Nyaya Panchayat is elected the members should select a Chairman whose term of office will be the same as that of the Nyaya Panchayat. |
| 28. | 3.38. | The representative of the village would in fact be useful in the Nyaya Panchayat. It is therefore necessary to provide in the Act that the representative of the Village from which the suit or complaint has originated should also attend the session of the Nyaya Panchayat, with a rule that when a member of the Nyaya Panchayat is interested directly or indirectly in the matter, he should not attend the session of the Nyaya Panchayat in which that matter is heard. |
| 29. | 3.39. | The members of the Nyaya Panchayat and the Chairman of the Reconciliation Panch should at least be able to read and write Gujarati. Necessary provision for the purpose should be made in in the Act. |
| 30. | 3.40. | It should be provided in the Act, that Panchayat can incur expenditure on educational or medical relief outside its jurisdiction if its finances permit and if it so wishes. Whenever a Panchayat wants to incur such expenditure this can only be done after obtaining the prior sanction of the District Panchayat. |
| 31. | 3.41. | It should be provided in the Act that an appeal can be preferred to the District Panchayat for any administrative order of the Panchayat affecting any individual or an institution. |

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| 32. | 3.42. | Provision should be made to enable the Village Panchayat to obtain loans from the public or from other Statutory bodies or by other means. That such a loan can be taken only after the sanction and guarantee of the District Panchayat also should to be provided. |
| 33. | 3.43. | It is necessary to make arrangements for training the Sarpanchas and Up-Sarpanchas and other Panchas of the Village Panchayats and further even the villagers with a view to reorient them and inform them regarding planning and development programmes, national policies, responsibilities of the Panchayat and other important subjects. Necessary arrangement should be made to take on hand an extensive and sound programme of training, through conferences, camps, classes, seminars, exhibitions, tours, etc. |

Nagar Panchayat

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| 34. | 4.5. | Necessary provision should be made for the establishment of Village Panchayats at the earliest opportunity in villages with a population of 10,000 where Municipalities have already been established. |
| 35. | 4.7. | Special provision should be made for establishing Nagar Panchayats in towns with a population of 10,000 to 30,000 now served by Municipalities, with the status to which they are used and also invest them with duties, resources and powers which are given to Village Panchayats for Community life and rural development. |
| 36. | 4.9. | It should be provided in the Constitution of Nagar Panchayats that there shall be from 15 to 31 members on that body in proportion |

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| | | to the population. They should include two women members and one Harijan member. More Harijan members should be included if there is a relatively larger Harijan population; and reserved seats should be kept for Scheduled Tribes in proportion to their population. The elected members of the Nagar Panchayat should elect their own Chairman and Vice-Chairman according to rules. |
| 37. | 4.10. | An independent Nyaya Panchayat should be established for every Nagar Panchayat. |
| 38. | 4.11. | Such Nyaya Panchayats may be given powers to hear civil suits of higher amounts than Village Panchayats and suits relating to immovable property. They should also be given powers to try cases under more sections of the Indian Penal Code and also the power to impose fines, higher in amount than those given to the Village Panchayat. |
| 39. | 4.12. | The members of the Nyaya Panchayat should at least be able to read and write Gujarati, and one of the members of such a Nyaya Panchayat should have legal knowledge and experience. |
| 40. | 4.13. | While converting Municipalities into Village Panchayats 50% grant of the dearness allowance paid to the scavenging staff and other Government assistance should be continued. If any Municipalities are converted into Nagar Panchayats, the standard enunciated above should be applied to them. |
| 41. | 4.14. | Nagar Panchayats should be represented by its President on the Taluka Panchayat with |

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functions and duties, at present given to the Municipalities and Village Panchayats with necessary financial resources.

Taluka Panchayat-Composition and Constitution

42. 5.6. Sarpanch of each Village Panchayat situated within the jurisdiction of Taluka Panchayat should be an ex-officio member of the Taluka Panchayat.
43. 5.9. The constituency formed by the Chairmen of the cooperative societies of all types within the Taluka should elect from amongst themselves representatives to seats equal to ten percent of the number of sarpanchas of village panchayats.
44. 5.10. As cooperative societies are proposed to be represented in the taluka panchayats so also the municipality situated within a taluka should be represented on the taluka panchayat. The President of the District Municipality should be an ex-officio member of the taluka panchayat.
45. 5.11. Two women interested in the programmes for women and children should be coopted in the Taluka Panchayat.
46. 5.12. Two representatives of Scheduled Castes, however small their population may be, and two representatives of Scheduled Tribes if their population is 5% or more, should be included in the Taluka Panchayat.
47. 5.13. Two persons from among social workers, having administrative experience and residing in the Taluka should be included in the Taluka Panchayat.
48. 5.14. The Taluka Panchayat consisting of the Sarpanchas of all Village Panchayats and of representatives elected by the Cooperative Societies

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according to prescribed rules, should coopt two women, two members from Scheduled castes, two members from the Scheduled Tribes and two persons having administrative experience.

49. The member or members of the Legislative Assembly elected from the area should be "Associate Members" of each Taluka Panchayat.

50. 5.16. The Mamlatdar or Mahalkari of a Taluka or Mahal should find a place on the Taluka Panchayat as an "Associate Member".

51. 5.17. The Taluka Panchayat should elect five persons from amongst its members on the Standing Committee for Education and coopt two persons, from the Taluka, possessing necessary outlook and experience in education. Two persons thus coopted on the Standing Educational Committee will discharge their duties regarding education by serving on that that Committee. They will not be considered as members of the Taluka Panchayat.

52. 5.18. The functions, duties and powers of the Standing Committee for education should be laid down independently by law.

53. 19. According to the above recommendations the composition of the Taluka Panchayat will be as follows :—

(1) the Sarpanchas of all Village Panchayats of the Taluka or Mahal ;

(2) the Chairmen of Municipalities situated

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within the Taluka or Mahal ;

(3) representatives of Cooperative Societies to the extent of 10% of the numbers of Sarpanchas who are ex-officio members of the Taluka Panchayat. These representatives will be elected by the constituency formed by the Chairmen of all types of cooperative societies situated in the taluka ;

(4) the members elected as indicated in (1), (2) and (3) above will coopt the following members.

(b) two women taking active interest in the programmes of women and children ;

(b) two members from the Scheduled Caste population in the Taluka ;

(c) two members from the Scheduled Tribes if their population is 5% or more in the Taluka ;

(d) two persons, from among social workers with experience of administration ;

(5) members of the Legislative Assembly elected from the Taluka except those elected from constituency of Borough Municipality or Corporation will be "Associate Members" of the Taluka Panchayat ;

(6) The Mamlatdar or Mahalkari of the Taluka will be an "Associate Member" of the Taluka Panchayat.

54. 5.20. The "Associate Members" of the Taluka Panchayat will take part in discussions in the meetings of that body and give the necessary suggestions and advice. They will neither be entitled to vote nor hold any office of the Taluka Panchayat.

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| 55. | 5.21. | The members of the Taluka Panchayat, thus formed, shall elect a President and a Vice-President in the prescribed manner. The duties and functions of the President and the Vice-President will be prescribed by rules. The Taluka Development Officer will work as Secretary of the Taluka Panchayat. |
| 56. | 5.22. | If a Village Sarpanch is elected as President of the Taluka Panchayat, he should resign the former office. Although he resigns as a Sarpanch he will continue to be a member of the Taluka Panchayat till he remains the President of the Taluka Panchayat. In the vacancy caused by the resignation of such a person as Sarpanch, the Village Panchayat will elect another Sarpanch and he will become an ex-officio member of the Taluka Panchayat. As a result of this arrangement there will be an increase of one member in the Taluka Panchayat. |
| 57. | 5.23. | The recommendations made in the preceding paragraph for the Sarpanch of the Gram Panchayat will equally apply to the President of a Municipality in case he is elected President of the Taluka Panchayat. |
| 58. | 5.24. | The number of members of a Standing Committee should not be more than seven. Every Standing Committee will elect a Chairman from amongst its members. As far as the Standing Committee for Education is concerned, out of seven only five members should be elected by the Taluka Panchayat and the remaining two seats should be filled by coopting two persons who have experience of educational field and reside in the taluka. |

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| 59. | 5.25. | Standing Committees not exceeding five in number should be constituted for discharging the various duties of the Taluka Panchayat and their functions decided by the Taluka Panchayat. |
| 60. | 5.26. | <p>The composition and the functions of these Standing Committee may generally be as under :—</p> <p>(1) <i>Production Committee</i> : This Standing Committee will attend to all the work relating agriculture, animal husbandry, irrigation, electric power, soil conservation, contour bunding and soil reclamation;</p> <p>(2) <i>Co-operation and Health Committee</i> : This Standing Committee will discharge the duties regarding the co-operative movement, small saving scheme, village industries, statistics, prohibition propaganda, medical relief, health and sanitation, drainage scheme and water supply;</p> <p>(3) <i>Education Committee</i> : This Standing Committee will attend to duties regarding primary education, social education, social welfare and the welfare of women and children;</p> <p>(4) <i>Building Committee</i> : This Standing Committee will discharge responsibilities of Communications, building, rural housing, and help and aid at the time of natural calamities.</p> <p>(5) <i>Finance Committee</i> : This Standing Committee will discharge the responsibilities regarding financial matters of the Taluka Panchayat.</p> |
| 61. | 5.27. | It is necessary to establish an executive Committee for ensuring co-ordination and co-operation between the various Standing Committees and also for discharging the day to day administrative responsibilities of the Taluka Panchayat. The |

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number of members of this executive Committee should not be less than seven and more than eleven. The President, Vice-President of the Taluka Panchayat and the Chairman of each Standing Committee will be ex-officio members of the executive Committee. The remaining members of the executive Committee will be elected by the Taluka Panchayat. The President of the Taluka Panchayat will be ex-officio Chairman of the Committee. The field work, duties and responsibilities of the Standing Committees and the executive Committee should be prescribed by rules. All these committees should be constituted every year. Members elected on this Committee once should be eligible for re-election.

62.	5.28.	Normally the Taluka Panchayat will hold office for four years. But Government or an officer authorised in that behalf may increase this period up to one year. The meeting of the Taluka Panchayat should normally be held every three months and the President of the Taluka Panchayat can call meeting as often as he considers necessary.
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63.	5.29.	President of the Taluka Panchayat should be paid a monthly honorarium as may be fixed by Government and that he should also be provided with free residential accommodation.
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District Panchayat-Composition and constitution.

64.	6.2.	Two representatives of the Taluka Panchayat as shown below should become members of the District Panchayat :—
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(1) The President of each Taluka Panchayat will be an ex-officio member of the District Panchayat ;

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| | | (2) In addition every Taluka Panchayat will elect one of its members as a member of the District Panchayat . |
| 65. | 6.3. | The number of members to be elected directly to the District Panchayat should be equal to the number of representatives of the Taluka Panchayats. |
| 66. | 6.4. | These members will be elected by voters in rural areas of the district excluding Municipalities, Borough Municipalities, Municipal Corporations, Cantonment and Notified areas. The constituencies for these members will be delimited by Government on the basis of single member constituencies. |
| 67. | 6.5. | Amongst the seats to be filled by direct election reservation should be made for women, Scheduled Castes and Scheduled Tribes as indicated below :—
2 seats for women ;
2 seats for Scheduled Castes, and
2 seats for Scheduled tribes if their population in the district is more than 5%. |
| 68. | 6.6. | Each of these reserved seats should be from a single member constituency and should be made to rotate at the time of every election. |
| 69. | 6.7. | The District Panchayat should co-opt two persons having necessary outlook and experience in education. |
| 70. | 6.9. | According to the above recommendations, the composition of the District Panchayat will be as follows :—
(1) The President of each Taluka Panchayat ex-officio ; |

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| | | (2) One member elected by each Taluka Panchayat within the district from amongst its members ; |
| | | (3) The representatives to be directly elected from the rural areas within the district equal in number to the representatives of the Taluka Panchayats in the district ; |
| | | (4) The two members possessing necessary outlook and experience of education to be co-opted by all the members mentioned in (1) to (3) above. |
| 71. | 6.10. | Members of the Parliament elected from the District or any part thereof, except the members of Parliament elected from purely urban constituencies, members of the Council of State residing in the District and members of the Legislative Assembly, except those elected from purely urban constituencies in the District, should become "Associate members" of the District Panchayat. |
| 72. | 6.11. | The Collector should be ex-officio 'Associate Member' of the District Panchayat. |
| 73. | 6.12. | The members of the District Panchayat constituted in this manner will elect from amongst themselves a President and a Vice-President according to rules. The functions and the duties of the President and the Vice-President shall be prescribed under the rules. The District Development Officer will work as the Secretary of the District Panchayat. |
| 74. | 6.13. | If the President of a Taluka Panchayat is elected as the President of the District Panchayat, he should resign his former office. Although he resigns in this way, he will con- |

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| | | <p>tinue to be a member of the District Panchayat. As a result of his resignation, the Taluka Panchayat will have to elect a new President who will become an, ex-officio member of the District Panchayat. This will result in an addition of one member to the District Panchayat.</p> |
| 75. | 6.14. | <p>It is necessary to establish Standing Committees under the District Panchayat for the speedy execution and quick disposal of questions which arise from day to day. The Standing Committee should consist of not more than seven members and the Committee should elect one of its members as Chairman.</p> |
| 76. | 6.15. | <p>The two coopted members possessing educational experience will automatically become members of the standing Committee for education and the remaining five members should be elected by the District Panchayat from amongst its members. These coopted members will be eligible for being elected to any other Standing Committee. In order that the responsibilities which fall to the District Panchayat regarding primary education can be discharged properly, the functions and powers of the Standing Committee for education should be laid down independently in the Act.</p> |
| 77. | 6.16. | <p>For the due discharge of the various duties and functions of the District Panchayat, Standing Committees, not more than seven in number, should be formed and the District Panchayat should determine the functions of these Standing Committees.</p> |

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| 78. | 6.17. | <p>The composition and functions of these Standing Committees may generally be as under:—</p> <p>(1) Production Committee : This standing committee will discharge the duties relating to agriculture, animal husbandry, irrigation, electric power, soil conservation, contour bunding and soil reclamation;</p> <p>(2) Co-operation and Health Committee : This standing committee will discharge duties regarding the co-operative movement, small savings scheme, village industries, statistics, prohibition propaganda, medical relief, health and sanitation and water-supply;</p> <p>(3) Education Committee : This standing committee will attend to duties regarding primary education, secondary education, social education, social welfare and the welfare of women and children.</p> <p>(4) Building Committee : This standing committee will discharge responsibilities of communications, buildings, rural housing and help and aid at the time of natural calamities.</p> <p>(5) Finance Committee : This standing committee will be entrusted with the responsibilities relating to the finances of the District Panchayat.</p> |
| 79. | 6.18. | <p>In addition to the standing committees an Executive Committee should be constituted. The number of members of the Executive Committee should not be less than seven and more than eleven. The President and the Vice-President of the District Panchayat and the Chairman of each Standing Committee will be ex-officio members of the Executive Committee. The re-</p> |

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maining members of this committee should be elected by the District Panchayat from amongst its members. The President of the District Panchayat will be ex-officio Chairman of this Committee. The field of work, the duties and responsibilities of the standing committees and the Executive Committee should be prescribed by rules. All these Committees should be constituted every year. Members once elected to these committees will be eligible for re-election.

80. 6.19. The District Panchayat should normally hold office for four years. But the State Government may increase this period by one year, if necessary. The meetings of the District Panchayat will be held as may be prescribed by rules, but the President of the District Panchayat may, whenever he considers it necessary, call a meeting.
81. 5.20. President of the District Panchayat should be paid a monthly honorarium as may be fixed by Government and he should also be provided with rent free residential accommodation.

Functions and Duties of Panchayats

82. 7.2. Duties and functions of Panchayats of all the kinds should be so defined that no misunderstanding or other difficulty arises among them, that there might be no unnecessary duplication of any duty or function and that there should be no shifting of responsibility from one to the other on account of ambiguity or misunderstanding. To ensure this, specific functions and duties should be assigned by statute to the panchayats.
- 7.3. When district Panchayats are constituted at the district level, the duties and functions assigned to all the existing bodies should be transferred

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| | | by law to the Taluka Panchayat and the District Panchayat. |
| 84. | 7.4. | The panchayats at the different levels should have at their disposal all the means necessary for the implementation of all those projects and development programmes conducted by the State Government at the district level, with complete means, financial resources and administrative personnel. |
| 85. | 7.5. | The functions and duties of each panchayat, when considered in detail, will fall under two heads :—

(1) Those functions and duties assigned to the panchayat by law in terms of its own constitution, which are to be carried out by its own resources.

(2) From among the projects and programmes being executed by the State Government departmentally at the district level, those projects and programmes which are assigned for implementation to the panchayats for the purpose of democratic decentralisation, should be as assigned along with complete means, necessary financial resources and administrative personnel. |
| 86. | 7.6. | The duties and functions assigned or entrusted to the panchayats at all levels will generally be of the same nature. But a programme that appears essentially the same, will take on different form when assigned to the panchayats at the different levels in accordance with the size of the project, the extent of the area that will benefit by it and the resources needed for its implementation. |

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| 87. | 7.7. | The responsibility for constructing roads connecting more than one village will fall to the lot of the Taluka Panchayat. The responsibility for constructing roads connecting the area of one taluka with another, especially the district roads, will fall to the lot of the district panchayat. |
| 88. | 7.8. | The responsibility for drinking water may be considered to belong to the Village Panchayat. Water supply projects for more than one village which cannot be carried out without mechanical equipment, must be considered the responsibility of the Taluka Panchayat. It must be the responsibility of a District Panchayat to take a water supply project which concerns more than one talukas and which requires special mechanical equipment. |
| 89. | 7.9. | Such functions and duties which appear alike assume different forms at different levels in accordance with the nature of the equipment required, the financial responsibility involved and the size of the area likely to benefit by it. This distribution or allocation of duties must be done with due care. |
| 90. | 7.10. | The following general standards may be accepted for determining the functions and duties and the sphere of work of the panchayats at each level :—

(1) Those functions and duties which can be carried out by the Village Panchayat with the help of its own local resources or external aid available under the rules should be included in the sphere of activities of the Village Panchayats.

(2) Responsibility for projects, which are beyond the capacity of a Village Panchayat to |

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implement or which concern not one but several Village Panchayats, should be assigned to the sphere of activities of the Taluka Panchayat.

(3) Responsibility for projects, which are beyond the capacity of a Taluka Panchayat to implement or which concern not one but several Taluka Panchayats, should be assigned to the sphere of activities of the District Panchayat.

91. 7.11. If a panchayat at a particular level needs mechanical equipment or guidance or assistance of any other nature for implementing a project or programme included in its sphere of activities, it should be possible, under the rules, for the panchayat to obtain these from the panchayat or the administrative set-up at the next higher level. It is not unreasonable to expect that in such circumstances the panchayat or the administration at the higher level will offer all possible assistance to the panchayat at the lower level. But in such cases the responsibility, for initiating a programme or a project and executing it, shall belong to the panchayat at that particular level within whose sphere of duties the project or the programme falls.
92. 7.12. If a district panchayat undertakes, as part of its own duty and with its own resources, a project or programme, which the Taluka Panchayat cannot take in hand, effort should be made to have such a project or programme executed by the Taluka Panchayat. When a Taluka Panchayat undertakes, as a part of its duty and with its own resources, a programme or project which the Village Panchayat cannot take in hand, such a programme or project should, as far as

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possible, be carried out through the Village Panchayat concerned. Necessary arrangement should be made in this behalf.

93. 7.17. The responsibility for the administration and management of primary education in every taluka, at present looked after by the District School Board, should be included in the sphere of activities of the Taluka Panchayat and responsibility for inspection and for the conduct of examination should be included in the sphere of activities of the District Panchayat according to the prescribed standards and rules.

94. 7.18. The following departmental activities handled at present by the State Government at the district level may be delegated to the District Panchayat ;

- (1) Agriculture;
- (2) Animal husbandry;
- (3) Public health and medical relief;
- (4) Public Works Department activities at the district level;
- (5) Social welfare;
- (6) Certain prescribed functions of the revenue department;
- (7) Prohibition propaganda;
- (8) Certain prescribed functions of the Co-operative Department;
- (9) Cottage industries and small-scale industries; and
- (10) The functions of the District Statistical Officer.

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| 95. | 7.19. | In future whatever projects and programmes are undertaken by the State Government at the district level should be entrusted to the District Panchayat, and through it, if possible, to the Taluka Panchayat, for administration, implementation and execution. |
| 96. | 7.20. | The powers of supervision over the work of the village panchayat, of inspection and administrative control, which are at present with the Circle Inspector and the Mamlatdar, should be handed over to the Taluka Panchayat and the functions and powers relating to land revenue collection which are with the Prant Officer and the Collector should be handed over to the District Panchayat. |
| 97. | 7.21. | Under the Land Revenue Code, land survey, classification of land, settlement, records of rights, village forms Nos. 1, 3, 6, 7, 12 relating to such records of rights in the village, appeals and revision applications in connection with them, suits under Section 86 of the Land Revenue Code, the functions and powers under the Mamlatdar Courts Act, land acquisition, legislation and other matters relating to tenancy and occupancy rights, treasury, stamps, registration, the functions of the Executive Magistrate, etc. should remain with the State Government and its departments. Relief to the distressed in times of natural calamities, like floods, fire, famine, etc., civil supplies, issue of licenses to hotels and cinemas, and such other functions will be handed over by the State Government to the District or Taluka Panchayat on agency basis. |

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| 98. | 7.22. | <p>The responsibility for preparing the Five Year Plan for the whole State, for policy decisions on important questions, for providing facilities for research in any subject, and for implementing Statewide projects relating to dams, irrigation, etc., and undertaking programmes concerning more than one district, should remain with the State Government. Projects and programmes, which are executed at the district level through Government departments in accordance with the policies of the State Government and the powers and authority relating to these which are vested in Government officers, should be transferred to the popular institutions at the different levels in the district.</p> |
| 99. | 7.23. | <p>After the responsibility for these projects and programmes, and the officers connected with them, are transferred to the popular institutions, they should continue to receive expert advice and assistance from Government experts at the State level and from Departmental Heads. The control that is at present exercised by the Departmental Heads over district officers on technical matters should continue to be exercised even after these functions are transferred to the popular institutions. Whenever necessary, the expert or the Departmental Head will offer guidance or suggestions to the District Panchayat relating to projects and programmes of a technical nature which are to be implemented by the popular institutions at the District level; the District Panchayat will put them into effect through its District Development Officer and other officers connected with the project or programme.</p> |

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Clear provision should be made for this through legislation or by rules and regulations.

100. 7.24. Provision should be made by legislation in the following matters to enable the State Government to put into effect our recommendation that the projects and programmes being now executed departmentally by the State Government be handed over to the popular institutions :—

(1) It should be possible for the State Government or the Collector to entrust to a Panchayat, under rules to be prescribed, even in the absence of a specific enactment for the purpose, any duty relating to the execution of a project within the area of the particular Panchayat;

(2) Government should be able to authorise any Panchayat, by a general or special order issued in accordance with rules and conditions to be prescribed, to exercise any power or to perform any of the following duties in addition to its own powers and duties mentioned so far :—

land revenue collection, survey, maintenance of village records, collection of statistics relating to the village, supervision and control of Government primary schools, medical relief as may be specified by the Government from time to time, child welfare, supervision and regulation of maternity cases, agricultural improvement, animal husbandry, community development programmes including cottage industries;

(3) Any individual or group of individuals may entrust to a Panchayat in accordance with

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rules to be prescribed, and with the consent of the Panchayat, supervision of any institution within the Panchayat area on conditions to be agreed upon;

(4) It should be lawful for the Government to contribute to the Panchayat funds such sum as may be necessary to meet the expenditure on account of the management of any institution or execution of any programme that may be entrusted to it under sub-clauses (1) and (2) above;

(5) The Panchayat concerned should exercise all the powers conferred on it, and all the functions entrusted to it under the relevant law, or otherwise, and all other powers and duties that may be assigned to it by Government as provided for above.

101. 7.25. Apart from the functions and duties devolving upon a Panchayat under its constitution and other rules, there should be clear provision in law and in the constitution of each Panchayat to enable it to take any steps or do anything that may be necessary for the social, economic and cultural development of the inhabitants within its areas of control or that might conduce to improvements in their health, safety, education and comforts.
- Financial Resources of Panchayats**
102. 8.4. Arrangement should be made to provide the Gram or Nagar Panchayat, Taluka Panchayat and District Panchayat with adequate financial resources and facilities.
103. 8.11. The State Government should give grants to the popular institutions of different tiers in the rural areas to the extent of hundred percent of the land revenue.

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| 104. | 8.12. | Instead of making the grant to the popular institutions merely on the basis of the collection of the preceding year, it should be made on the basis of the average collection of the preceding three years according to the rate fixed for each year. |
| 105. | 8.13. | The Government should retain with it 25% of the average land revenue collection of the preceding three years to meet with the expenditure on account of the salaries of Panchayat Secretaries and Talatis and their training throughout the State, and the above expenditure should be met therefrom. |
| 106. | 8.14. | With a view to do away with inequalities between districts, a special fund, to be called the "State Equalisation Fund", be established and in accordance with 8.12 above 5% of the land revenue is recommended to be credited in this Fund, and special grants be made from out of this fund to the District Panchayats according to rules. This Fund will be non-lapsable. |
| 107. | 8.15. | With a view to do away with the inequality between the districts when the State Government gives grant-in-aid from the State Equalisation Fund the number of Devasthan villages in the District should be taken into consideration for giving adequate grant-in-aid. |
| 108. | 8.16 | It is possible that expenditure on account of the salaries of the Panchayat secretaries and their training might sometimes exceed 25% or might be less than that. If the expenditure incurred on this account exceeds 25%, the |

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| | | excess drawn out of the State Equalisation Fund and if the expenditure incurred is less, the surplus amount may be credited to that Fund. |
| 109. | 8.17. | Out of the amount of average land revenue collection of the proceeding three years as per 8.12, after a deduction of 25% on account of salaries of the Panchayat secretaries and their training and 5 percent for the State Equalisation Fund, the remaining amount should be distributed in full to the various popular institutions. |
| 110. | 8.18. | This amount should be distributed amongst the various popular institutions as follows :— <ol style="list-style-type: none"> 1. 50 percent as grants to Village Panchayats 8.33. 2. 7.5 percent to be paid into the encouragement Fund to be managed by the District Panchayats and to be spent to encourage village panchayats to raise their income by way of taxes and fees. 8.36. 3. 7.5 percent as grants to be paid into the Equalisation Fund managed by the District Panchayat for the purpose of removing inequalities existing between different taluka Panchayats and Village Panchayats on account of backwardness. 8.38, 4. 25 percent as grants to the Taluka Panchayats. 8.41. 5. 10 percent as grants to the District Panchayats. 8.60. |
| 111. | 8.21. | A correct picture of the receipts and expenditure and the financial and labour resources of the |

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| | | Village Panchayat will be obtained only if the grants received from Government for schemes of local development and the contributions of the people in cash or labour are considered as part of the total income of the Village Panchayat and the expenditure on account of them are both shown in the budget. |
| 112. | 8.22. | The Village Panchayat should be empowered to levy a tax on cash crops produced within its jurisdiction. |
| 113. | 8.22. | This tax can be levied either on weight, or on area of cultivation or on the assessment of the land revenue covered by such crop. All the three methods of tax collection should be provided in the rules and the actual decision as to the method to be adopted should be left to the Village Panchayat itself. |
| 114. | 8.23. | If a Village Panchayat desires to levy a cess of more than 12 naye paise, but not exceeding 25 naye paise, there should be a provision in law to enable it to levy such a cess and collect it, by a resolution passed according to a procedure prescribed in the rules. |
| 115. | 8.24. | There should be a provision that a Village Panchayat, if it desires, can levy a cess of upto 100 naye paise instead of upto 25 naye paise for some special work and for a fixed period. But for levying a cess of more than 25 naye paise, the Village Panchayat should obtain the previous sanction of the District Panchayat. |
| 116. | 8.30. | For the disposal of sand, kankar and morum following arrangement should be made :— |

(1) The right of the State Government to

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| | | taking royalty on sand, kankar and morum under the Mines and Minerals Rules should be vested in the District Panchayat, by making special provision in the Act. |
| | | (2) The District Panchayat shall have to manage the disposal of sand, kankar, and morum in accordance with the existing rules or rules framed by Government from time to time for its management and for giving encouragement to the Co-operative societies. |
| | | (3) In order that the Village Panchayat from whose area the District Panchayat receives income on account of royalties on sand and kankar, gets benefit to a certain extent, the District Panchayat should give 25 percent of the total income derived from this source to the Village Panchayat of the respective area. |
| 117. | 8.30. | After giving the fixed share of income received on account of sand, kankar and morum to the Village Panchayats, the remaining amount will have to be utilised for the flood control measures as suggested or decided by the Government and not use it for any routine administrative works. |
| 118. | 8.31. | It should be made obligatory for the District Panchayat to give necessary facilities and encouragement to the co-operative societies in accordance with rules to be framed by the State Government. |
| 119. | 8.32. | The powers to give permission to any individual who requires sand, kankar or morum for his |

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| | | personal use should be given to the Building Committee of the Panchayat. |
| 120. | 8.33. | Out of the total amount from land revenue to be assigned to the popular institutions as in 8.17 50 percent should be assigned to the Village Panchayats on the basis shown in 8.18 above. |
| 121. | 8.36. | If the Village Panchayats intend to give satisfactory services and necessary amenities to the Village people, they shall have to raise sources of income by way of local taxes. With a view to encouraging the Village Panchayats in this direction, a special fund be created, to be called the Village Panchayat Encouragement Fund, vested in the District Panchayat with the object of providing special grants, by way of encouragement, to the Village Panchayats which raise new sources of income through taxes and fees, on such basis as may be decided by Government, to be paid in addition to the grants received by them as their share of the total amount of land revenue. An amount equal to 7-1/2% of the land revenue to be assigned to the popular institutions should be paid into this Fund every year (8.17) and from this Fund grants should be paid by way of encouragement to the Village Panchayats as per rules (8.18). This Fund will not be lapsable. |
| 122. | 8.37. | In order that it might be possible to give special grants to the Village Panchayats of the backward villages, a Special Fund be created, called the District Equalisation Fund, vested in the District Panchayat, and an amount equal to 7½ percent of the land revenue collection to be assigned to the popular institutions under 8.17 above be |

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| | | credited into this Fund every year. Additional grants should be given out of this Fund, according to rules to be prescribed in this behalf, to Village Panchayats considered backward or situated in backward areas. This fund will not be lapsable. |
| 123. | 8.40. | On the establishment of Taluka Panchayat, the budget estimates with the financial provisions made thereunder for every type of plan prepared by the block should be made over to the Taluka Panchayat. |
| 124. | 8.40. | In respect of the works of the Development Blocks which may be decided to be entrusted to the Village Panchayat, the relevant provision from the budget estimate of the development Blocks should be made over to the respective Village Panchayats. |
| 125. | 8.41. | The District Local Board receives an amount from the local cess fund equal to three annas per rupee of land revenue. Out of this cess of 36 pies, the District School Board receives from the District Local Board a share of 15 pies for primary education. The full amount of the cess should remain with the District Panchayat. |
| 126. | 8.41. | A statutory grant equal to 25 percent of the land revenue collections from the Taluka be paid to the Taluka Panchayat out of the land revenue of the State to be assigned to the popular institutions under 8.18. |
| 127. | 8.43. | Panchayat Secretaries should receive their salaries through the Taluka Panchayat. A provision should be made for the Taluka Panchayats to |

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| | | receive regularly from the State Government specific amounts due for payment of salaries to all the Panchayat secretaries under the control of the Taluka Panchayat. (8.13). |
| 128. | 8.43. | The projects and programmes, being executed by the State Government departmentally at the Taluka level, will be entrusted, for the purpose of administrative decentralisation along with their administrative set-up to the Taluka Panchayat. The annual allocations in the State budget on account of these projects and programmes, and the full amount of the salaries of their administrative personnel, should be paid as grants to the Taluka Panchayats. |
| 129. | 8.44. | The administration of primary education in each Taluka under the control of the District School Board should be handed over to the Taluka Panchayat which should receive grants from the State Government for the functions relating to it, and administration of primary education entrusted to it, on the same basis on which the District School Board receives grants from the State Government for primary education. |
| 130. | 8.45. | The Taluka Panchayat should receive from the District Panchayat an amount equal to the expenditure being incurred by the District Local Board in regard to those of its responsibilities and functions which are to be transferred to the Taluka Panchayat. |
| 131. | 8.46. | The Taluka Panchayats should be invested with powers to levy a surcharge of 15 percent on tax on sale of immovable property that may be imposed by the State Government. |

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| 132. | 8.47. | The Taluka Panchayat should be empowered to levy a cess for primary education. |
| 133. | 8.48. | The Taluka Panchayat be empowered to levy a surcharge on a prescribed basis on taxes and fees levied by the Village Panchayat. |
| 134. | 8.49. | The District Local Board receives a cess, at the rate of three annas per rupee of the water-rate collected by the State Government under section 95 of the District Local Boards Act. Under Section 80(a) of the District Local Boards Act, it is obligatory on the Local Board to incur expenditure out of the income from this 'cess', to the extent determined by the Government on improvement of communications within the areas under irrigation; on condition that the Taluka Panchayats incur the expenditure required under this rule, it should receive the amount of the water-rate. |
| 135. | 8.50. | It may be expected that the execution of the programmes, to be executed at the Taluka level, under the auspices of the all India bodies like the Khadi and Gramodyog Board, Silk Board, the Handloom Board and other such Boards will be given for execution by those Boards to the Taluka Panchayat. If such programme is given to the Taluka Panchayat for execution, it should be given along with the financial provision made for such programmes by these Boards. |
| 136. | 8.51. | It may also be expected that assistance and contributions in the form of cash or labour will be available to the Taluka Panchayat, from the Village Panchayat, from the people, from |

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| | | institutions or donors for the fulfilment of the responsibilities of the Taluka Panchayat, over and above the financial assistance that they will get from Government and the resources that will be raised by them. |
| 137. | 8.52. | Various programmes are to be undertaken for the development of the Taluka. In order to fulfil such programmes over and above other resources that are available to the Taluka Panchayat, it can obtain contribution from the Village Panchayats if the Village Panchayats agree and such a resolution is passed in a meeting of the Taluka Panchayat. |
| 138. | 8.55. | The funds available from all this resources to the District Local Boards will have to be distributed by Government by a general or special order between the District Panchayat and the Taluka Panchayat according to the distribution of functions between them. |
| 139. | 8.56. | Government grant and other assistance which is now available to the District Local Board will have to be distributed by Government by a general or a special order between the District Panchayat and Taluka Panchayat according to the functions and activities given to each of them. |
| 140. | 8.58. | The District Panchayat should receive the amounts provided for in the State budget for expenditure on those projects and programmes, which at present are under execution by the State Government through various departments at the District level, and which may be transferred to the District Panchayats; the Government servants of different categories in those depart- |

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| | | ments be placed under the administrative control of District Panchayats ; the amounts provided in the State budget for their pay and allowances be handed over to the District Panchayats. |
| 141. | 8.59. | A provision for giving powers to the District Panchayats to levy a surcharge upto ten per cent on duty levied by the State Government on transfers of immoveable property should be made. |
| 142. | 8.60. | The District Local Board receives a grant of five percent of land revenue. In view of the heavier responsibilities of the District Panchayat, it is necessary that the percentage should be raised. A provision for a statutory grant of ten percent of the amount of land revenue of the State to be assigned to the democratic institutions under paragraph 8.17 above should be made. |
| 143. | 8.61. | The District Village Panchayat Mandal has no sources of income. But it is necessary that, since the functions of the District Village Panchayat Mandals are to be transferred to the District Panchayats, provision should be made for the transfer of the administrative personnel of the District Village Panchayat Mandals, along with the budget provisions on account of their salaries etc., to the District Panchayats. The District Development Board is an advisory body. It has no separate sources of income. It has a small unit of administrative personnel and some other facilities. It is necessary that the administrative personnel of the District Development Board, along with the full budget provision for their salaries etc. should be transferred to the District Panchayat. |

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| 144. | 8.62. | Powers should be given to the District Panchayat to levy a surcharge according to prescribed rules on taxes and fees levied by the Village Panchayats on the Taluka Panchayats. |
| 145. | 8.63. | Assistance and contribution in the form of cash or labour will be available to the District Panchayats from the Taluka Panchayat, from the people, from institutions or donors for the fulfilment of the responsibilities of the District Panchayats, over and above the financial assistance that they will get from Government and the resources that will be raised by them. |
| 146. | 8.64. | Over and above other resources that are available to the District Panchayat it can obtain contribution from the Taluka Panchayat if the Taluka Panchayats agree and such a resolution is passed in a meeting of the District Panchayat. |
| 147. | 8.65. | Government grant of 2% of forest revenue from forest area in the district which is at present given to the District Local Boards should be continued to be given to the District Panchayat. |

Administrative Machinery.

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| 148. | 9.9. | Reorganization of the services becomes inevitable in light of the fact that various activities above the District level, and the responsibilities like that of maintaining Law and Order, etc., even the District level will remain with the State, and considering that almost all the developmental activities at the District level are to be entrusted to the new democratic institutions moulded on the pattern of democratic decentralisation, |
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Services of two types as under, thus become essential :

State Service

A.—Officers and servants of the departments of and services with the State;

B.—Government Servants and Officers placed under the District Panchayat and the Taluka Panchayat for the work to be entrusted to these bodies.

Panchayat Service

Officers and servants for the services of the District Panchayat, the Taluka Panchayat, and the Village Panchayat. Different cadres of Panchayats services will have to be created for different levels.

149. 9.10. The general categories of these two services may be :—

(a) Posts higher than those of Block Extension Officers and other similar posts of that level which are being filled in by recruitment by the State Public Service Commission, Heads of Departments and State level or regional officers could be considered as State Service posts.

(b) Posts of Block level Extension officers and similar posts of that level, which are being filled in by recruitment by Heads of Departments or regional officers, and posts which are being filled in by recruitment by Collector or his subordinate revenue officers, and by district heads of different departments or their subordinate officers could be considered as Panchayat Service posts.

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| 150. | 9.11. | The Panchayats at different levels will get the services of certain officers from the State services on loan from Government, while the following servants of various levels will be taken on the Panchayat service:— <ol style="list-style-type: none"> <li data-bbox="492 475 1093 548">1. Extension Officers and other servants of a similar status; <li data-bbox="492 558 778 589">2. Circle Inspector; <li data-bbox="492 606 958 637">3. Village Level Worker (Male); <li data-bbox="492 654 984 685">4. Village Level Worker (Female); <li data-bbox="492 703 902 734">5. Primary School Teacher; <li data-bbox="492 751 1050 782">6. Village Panchayat Secretary-Talati; <li data-bbox="492 799 1097 873">7. Clerks, clerical service like 'Aval Kar-kun, Senior Clerk, etc; <li data-bbox="492 890 685 921">8. Fieldman; <li data-bbox="492 938 694 969">9. Stockman; <li data-bbox="476 987 703 1018">10. Vaccinator; <li data-bbox="476 1035 803 1066">11. Class IV servants; <li data-bbox="476 1074 1018 1105">12. Inferior Servants of the Village. |
| 151. | 9.12. | State Government could, by general or special orders, make appropriate changes in the level and grades of the Panchayat Service. |
| 152. | 9.13. | The District Panchayat will have control over the Village Panchayat Secretaries, the Primary School Teachers, the Village Level workers, the Circle Inspectors, and such other servants on the Panchayat service. But powers of supervision and administrative control over these officers should be delegated by the District Panchayats to the Taluka Panchayats, in the interest of administrative convenience according to rules framed on the subject. |
| 153. | 9.14. | Appointment of servants for the Panchayat |

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Service could be made in any one of the following ways:—

1. By direct recruitment,
2. By promotion,
3. By transfer (from the State Services to the Panchayat Services, or from one department to another).

154. 9.15. Servants working on the posts which are transferred from the State Service to the Panchayat Service should along with the posts be placed on the Panchayat Service, and should be continued there on terms and conditions not less advantageous than those available at present in the State Service. Necessary steps will have to be taken by legislation in order to safeguard the personnel absorbed in the Panchayat Service from the State Service. Rights of pension of these servants of the State Service will be continued and the respective Panchayats under which they serve will have to pay up to the Government the requisite pension quantum for that part of their tenure with them, so as to enable the servants to have their pension for the full tenure of his service from the Government on his retirement. The various Panchayats will have to frame rules for Pension and Provident funds with the approval of the State Government for the newly appointed staff.
155. 9.16. Disciplinary action against the officers of the Panchayat Service could be taken only according to rules framed by the State Government. According to these principles, authority to take disciplinary action can be delegated to the District Development Officer by the District Panchayat,

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and to the Taluka Development Officer by the Taluka Panchayat. One appeal should be allowed against the orders regarding disciplinary matters passed by the District Development Officer and the Taluka Development Officer. The Standing Committee could be given the authority to take disciplinary action in certain matters. One appeal could be allowed to the Panchayat against the orders of the Standing Committee. The Panchayat can take disciplinary action by a majority vote in certain matters. All these matters be regulated by rules.

156. 9.17. The existing personnel of institutions like the District Local Board, the District School Board etc., will join the Panchayat Service. These servants should be continued in Service only on conditions which are not less beneficial than those by which they are governed in the institutions they serve at present. Necessary steps, therefore, should be so taken as to protect them explicitly and definitely by law. The servants on the Panchayat Service should be given opportunities of promotion on the State Service, e.g., at present districtwise lists of Aval Karkuns are maintained for selection of Mamlatdar-Mahalkari, the Aval Karkuns on the Panchayat Service (if any) also should be included in such lists and they should have the right for selection and promotion. The State Government should fix definite quota for this by rules.
157. 9.18. Though it is necessary to entrust matters of recruitment, promotions and transfers of Panchayat Services to the district level we

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| | | recommend a State level Selection Board consisting of three members in the interest of maintaining uniformity and common standards in these matters. |
| 158. | 9.19. | This Selection Board will consist of three members, one of whom should at least be a Government Officer (either in service or retired). The Government will appoint any one member as Chairman. Government will have to frame detailed rules for the conduct of business of this Board. |
| 159. | 9.20. | The State Selection Board will have to recruit servants of those levels and grades as may be fixed by the State Government for recruitment of servants on Panchayat service, under rules framed in this behalf. |
| 160. | 9.21. | A District Selection Committee will be constituted in each district for filling in those posts of those levels and grades by recruitment, promotions and transfers, other than the posts which are to be filled in by the State Selection Board. One member of the State Selection Board, as decided by the Chairman of the State Selection Board, will be the Chairman of the District Selection Committee, and the President of the District Panchayat and the District Development Officer will be the members of the District Selection Committee. |
| 161. | | The functions of the District Selection Committees will be as under :— |
| | | (1) To recommend candidates for the recruitment of the posts having levels and grades |

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below those attached to posts to be filled in by the State Selection Board ;

(2) To recommend for those posts, which are to be filled in by promotions and transfers.

(3) To advise the District Panchayat in cases of disciplinary action against the servants of Panchayat service.

162. 9.23. Provision should be made to empower the District Development Officer to make temporary appointments for three months with approval of the Chairman of the District Panchayat, on any post for which suitable candidate is not recommended by the State Selection Board or District Selection Committees.
163. 9.24. Detailed rules for the writing of the Confidential Records of those officers and servants, who are on loan to the Panchayats from the State Service, should be framed by the State Government.
164. 9.25. Such posts which are proposed for Panchayat Service and recruitment for which is made by State level or regional level officers, or by committees of special officers would be examined and included in the Panchayat Service.
165. 9.26. The existing procedure in respect of selections, promotions, transfers, etc. of posts like those of Prant Officers and Block Development Officers, by Government Departments and Heads of Departments will continue. Such Officers will be under the operational and administrative control of the respective Panchayat, so long as they serve in that Panchayat. The services of

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| | | State Service Officers will be deemed as loan services to the District Panchayat, but they will not be entitled to deputation or additional allowances. However, the District Panchayat will have to contribute to the Government for leave salary contribution and pension contribution according to rules in respect of such officers. |
| 166. | 9.27. | This District Panchayat will place the services of the servants lent or appointed for Panchayat Service by the Government, at the disposal of Taluka Panchayats, after considering the requirements of each Taluka Panchayat. The District Panchayat will be competent to transfer such staff from one Taluka Panchayat to another, |
| 167. | 9.28. | The District Development Officer can, in case it is necessary, take minor disciplinary action against the officers on the State service lent to District Panchayat. An appeal against such an order will lie to the District Panchayat. For major disciplinary actions, the District Development Officer will have to make recommendations to the authorities appointing the officer in question through the President of the District Panchayat. |
| 168. | 9.29. | Provision should be made to add the amount of Leave Salary and Pension contribution, after assessing it, as grant-in-aid to the amount of the salaries of the officers lent-over to the Panchayat by the State. |
| 169. | 9.30. | The existing policy and standards as are being followed, or as may be revised later with reference to the reservation of a certain percentage of |

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posts for Scheduled Tribes, Scheduled Castes and Backward Classes at the time of the recruitment for the State Service will also apply to the posts on the Panchayat service.

170. 9.32. The posts in the Talatis' and the Panchayat Secretaries' cadres should be adjusted after consideration, and should be fixed and allotted Taluka-wise.
171. 9.33. Village Forms excepting Nos. 1, 3, 6, 7 and 12 will have to be maintained by the Panchayat. Village Forms except nos. 1, 3, 6, 7 and 12 will have to be made and maintained by the Panchayat Secretary on behalf of the Panchayat. Village Forms Nos. 1, 3, 6, 7 and 12 will have to be made and maintained by the Panchayat Secretary in his capacity as the Talati, and he will be responsible to the Mamlatdar for this work. The State will not have to maintain staff at the village level once the work regarding land revenue is entrusted to the Village Panchayat.
172. 9.34. The Panchayat Secretary, in his capacity as the Talati, will also have to carry out the work of collecting taxes for the State or the Central Governments, and for this work he will remain responsible to the Mamlatdar.
173. 9.35. The arrangement of the Police-patel at the village level will continue to remain with the State.
174. 9.36. At the village level, revenue¹Patel is not necessary. So that post should be abolished. The duties of the Revenue Patel, as they are at present, will have to be carried out by the Village Panchayat through a member or a servant of its own.

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| 175. | 9.37. | There are Pasaitas to assist the Police Patel and the Revenue Patel at every village. In the new set-up, the village servants as are needed for the assistance of the Police Patel will remain with the State as the post of the police Patel will be with the State. The rest of the Village Police be placed under the Village Panchayat. |
| 176. | 9.38. | In villages, Revenue Patel, Police Patel & Pasaitas are hereditary servants. The State Government should take the necessary measures to abolish the system of hereditary appointments as soon as possible. |
| 177. | 9.39. | Such of the servants as are appointed by the Gram Panchayat at the village level will be under the Gram Panchayats' control. However, the District Panchayat, and the Taluka Panchayat, if and in so far as, empowered by the District Panchayat, will exercise control over the servants of the Panchayat Service. |
| 178. | 9.40. | The school teachers at the village-level should be placed under the Taluka Panchayat instead of under the District School Board. |
| 179. | 9.41. | Village Panchayats should make appointments of the necessary clerks or class IV servants in order to discharge their duties from out of their own funds, in accordance with the rules laid down in this behalf. |
| 180. | 9.42. | The servants at the Village Panchayat level will be as under:—
(1) Village Panchayat Secretary, (Panchayat Service); |

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- (2) Police Patel (State Service);
- (3) Inferior Village Servants, (State Service, as per requirement; and the rest with Panchayat Service);
- (4) Primary School Teachers (Panchayat Service);
- (5) Clerks (Servants of the respective Village Panchayats), and
- (6) Peons (Servants of the respective Village Panchayat).
181. 9.43. Every development block has its own executive machinery; the whole of this executive machinery be handed over, according the rules, to the Taluka Panchayat to be established now.
182. 9.44. The teachers and other servants under the District School Board concerned with primary education, should be handed over to the respective Taluka Panchayat.
183. 9.45. It is not possible for this Committee to give a department-wise and detailed account of the schemes or programmes carried out by the State through all its various departments. But the State Government will have to issue due orders in details after deciding upon them in the light of these principles.
184. 9.46. The activity of the District Local Board at the Taluka level, when transferred to the Taluka Panchayat, and those servants of the District Local Boards, as are serving at the Taluka level at present, and are occupied with the same work, should also be brought under the Taluka Panchayat.

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| 185. | 9.47. | The services of Block Development Officer also will be passed on to the Taluka Panchayat for performing the functions of the Chief Officer of the Taluka Panchayat. The Block Development Officer will also serve as the Secretary to the Taluka Panchayat. This Chief executive Officer of the Taluka Panchayat be designated as " the Taluka Development Officer ". |
| 186. | 9.48. | The functions of the Circle Inspector and the Mamlatdar in respect of Land Revenue Collections should be completely given over to the Taluka Panchayat. |
| 187. | 9.49. | The Mamlatdar and the Taluka Development Officers be treated as Officers with similar rank and status ; the grade and pay scales of the Taluka Development officer be also kept on the same level as those of the Mamlatdar. |
| 188. | 9.50. | Half the number of the Circle Inspectors at present in each taluka be reserved for the assistance of the Mamlatdar and the rest be allotted to the Taluka Panchayat for carrying out the work of Land Revenue Collection entrusted to it. The other Staff concerned with the Circle Inspector will also have to be similarly distributed. |
| 189. | 9.51. | The staff of the establishment branch of the Mamlatdar's Office be allotted to the Taluka Panchayat in proportion to the amount of work transferred to it. |
| 190. | 9.52. | Sub-divisions will no longer be necessary. The Prant offices at sub-Divisional level should be abolished. |

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| 191. | 9.53. | Of the existing posts of the Prant Officers, half the number may be allotted to the Collector's Office, to assist the Collector in performance of the functions that still remain with him. The rest of the Prant Officers, along with their staff should be placed under the District Panchayat as the District Panchayat is now entrusted with some of the responsibilities of the Collector. Necessary steps be taken after examining the possibility of allotting to the District Panchayat staff in proportion to the work now being handed-over to it from the Collector's Office. |
| 192. | 9.54. | The Taluka Development Officer will have to write the confidential reports of the servants on the Panchayat Service working in the Taluka Panchayat and of those whose services have been lent to the Taluka Panchayat by the State and submit them to the President of the Taluka Panchayat. The confidential reports of the officers as are to be submitted to the District Panchayat will have to be forwarded to the District Development Officer through the President of the Taluka Panchayat. The reports of the Taluka Development Officer will have to be written by the President of the Taluka Panchayat and forwarded to Government through the District Panchayat. |
| 193. | 9.56. | The following functions, at present carried out by the Collector's office at the District level, will be handed-over to the District Panchayat :—

(1) The works of the Development Blocks and local Development Works as being carried out as per advise of the District Development Board; |

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(2) The work concerning the Village Panchayats and the District Local Board ;

(3) The works regarding the distribution of foodgrains and sugar, and other works regarding civil supplies that may be entrusted to it;

(4) The work regarding the collection of land revenue ;

(5) A part of the work of supervising the staff of the District Revenue machinery.

Along with this work, the staff pertaining to it, which is at present with the Collector's office, should also be made available to the District Panchayat.

194. 9.57. The work of the following departments at the District level will be handed over to the District Panchayat according to definite principles and Rules :—

(1) The District Agriculture Officer ;

(2) The District Health Officer ;

(3) The District Social Welfare Officer ;

(4) The works regarding prohibition propaganda of the District Prohibition and Excise Inspector ;

(5) The Executive Engineer ;

(6) The District Statistical Officer ;

(7) The Assistant Registrar of Co-operative Societies ;

(8) The Educational Inspector ;

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(9) The District Officer for Village Industries;

(10) The Sub-divisional Soil Conservation Officer ;

(11) The District Animal Husbandry Officer ;
and

(12) The departments whose activities may be entrusted by the Government to the District Village Panchayat.

195. 9.58. The work of these departments will be distributed between the District Panchayat and the Taluka Panchayat. So the services of officers of these departments at the District level and lower levels should be placed at the disposal of the District Panchayat and the Taluka Panchayat in proportion to the work. The different officers at the District level will be on the State service, and their services will be lent to the District Panchayat. But the State Government, in consultation with the President of the District Panchayat, may transfer these officers from one district to another, or from one place to another.
196. 9.59. The post of the Chief Officer of the District Panchayat be filled in from the Senior Cadre of the Indian Administrative Service and that the Government should appoint on that post an Officer of that cadre. If, under any circumstances it is not possible to appoint an officer of the senior cadre on the Indian Administrative Service, the State should appoint a high Officer of the State Service on this post, as the State does for those other posts which are with the State. The

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post of this Officer should be such as would be interchangeable with other posts of the Cadre of the Indian Administrative Service in the State. The State can transfer such officer whenever deemed fit. This Officer will be under the operational and administrative control of the District Panchayat as long as he serves in the District Panchayat. It will be helpful if a tradition is set to the effect that in matters of transfer or new appointments regarding this post, the State Government takes a decision in consultation with the President of the District Panchayat. The Chief Executive Officer of the District be designated as the "District Development Officer".

Miscellaneous

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| 197. | 10.1. | <p>In the Dangs District there being no scope for the formation of any democratic institutions at the Taluka level, District Panchayat be set up directly from the Village Panchayats. In view of this, special provision be made for the Dangs District in the laws relating to the Taluka Panchayat and District Panchayat when the same are enacted. The District Local Board Act will stand repealed on the coming into force of the District Panchayat Act. If, by the time the District Panchayat Act comes into force, the village Panchayats are already established in the Dangs District, it will be possible to set up Panchayats there in pursuance of the special provision made in the Act. But if it is not possible to establish Gram Panchayats by this time, the District Local Board Act should continue to operate in the Dangs District as an</p> |
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| | | exception till such time as Gram Panchayats, and on their basis District Panchayats, are established. |
| 198. | 10.3. | An attempt to develop such activities of public interest through public institutions, associations or organisations interested in and doing or intending to do work in the different fields is necessary, so far as possible. It has been the policy of the Central as well as the State Government to extend the necessary aid and encouragement to such institutions. On the same lines, the Panchayats also should adopt the policy of extending the necessary aid and encouragement to such bodies, for the unification, maintenance, and expansion of their activities. |
| 199. | 10.4. | These democratic insfitutions being eminently suitable to serve as proper and best instruments for understanding the needs and the difficulties of the people, and for securing necessary co-operation from them, the statutory bodies should avail themselves of the services of democratic institutions for such purposes. |
| 200. | 10.5. | The statutory bodies should make use of the democratic institutions for the carrying out of any of their schemes too. |
| 201. | 10.6. | Statutory bodies will give careful and sympathetic consideration to the needs, difficulties, and public sentiments brought to their notice with reference to their activities and responsibilities by any democratic institution, and will try to dispose of the same expeditiously. |
| 202. | 10.7. | Similar provision for the vesting of properties, as is already there in the Village Panchayat Act, is required to be made in the Nagar Panchayat, the Taluka Panchayat and the District Panchayat Acts also. |

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| 203. | 10.8. | For the activities being entrusted by the State to the district Panchayat, it is necessary to make arrangements for the transfer of the existing facilities in respect of office accommodation and record to the District Panchayats. |
| 204. | 10.8. | Democratic institutions formed of the representatives of the people should enjoy the right of approving their own budgets. |
| 205. | 10.10. | The State Government should prepare models and rules for budget estimates with a view that the Panchayat of each level may derive definite guidance as to which work, scheme or need is to be given priority and in what proportion, how and when to prepare the budget and such other important aspects. |
| 206. | 10.11. | Each Panchayat will prepare its budget estimates in accordance with the models and the instructions issued by the State Government ; the budget estimates thus prepared will then be forwarded by the Village or Nagar Panchayat to the Taluka Panchayat; by the Taluka Panchayat to the District Panchayat, and by the District Panchayat to the State Government within fixed time schedule. Each of these bodies will examine and scrutinise the budgets submitted to it, and will refer them back to the next lower bodies within a fixed time schedule with such observations or instructions as it deems fit. In the absence of any instructions from the higher bodies within the fixed time-limit it should be taken for granted that they have nothing to say with regard to the budget. Each Panchayat to sanction its own budget with due modifications in the light of the recommendations received, if any. |

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| 207. | 10.12. | It is necessary that each Panchayat maintains a regular, systematic and clear account of its expenses. The Panchayats will be entrusted by the Government with the activities carried out through departments at the District level. The Panchayats will have to maintain their accounts according to definite rules and regulations. Some of these accounts and statements are to be maintained in English according to the present rules. These rules should be modified and provision should be made that the Panchayat of each level can maintain its accounts in Gujarati. Different rules may be devised by the State keeping in mind all these matters. Provision should be made to formulate the rules regarding the preparation of accounts in the light of these considerations, and the Panchayats should maintain their accounts accordingly. |
| 208. | 10.13. | For administrative convenience and in pursuance of the provision made in the budget, Panchayats will have to vest their Standing Committees, Executive Committees, and Executive Officers with certain powers to incur expenditure. Definite provision be made about this also in the rules regarding accounts. |
| 209. | 10.14. | A separate and independent audit arrangement should be made as much of the efficiency, alertness and exactness of the Panchayat depends on it. The State Government should make special arrangements for a regular audit of the accounts of all the Panchayats either through the 'Local Fund Audit' by expanding its machinery or by making an independent arrangement ; and during the initial years arrangement should be made for audit every three or six months instead of the |

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| | | system of audit after the financial year is completed. |
| 210. | 10.15. | The responsibilities for the supervision and inspection of the Village Panchayat should properly be entrusted to the Taluka Panchayat and the District Panchayat. Similarly, the responsibilities of supervision and inspection of the Taluka Panchayat should be entrusted to the District Panchayat. Besides, the responsibility for an over all supervision/inspection of all the Panchayats should rest with the State Government also. The State Government should have the necessary powers for this. These powers of supervision and inspection should be so used as not to kill the initiative and self-confidence of the institutions, but to inspire in them an eagerness to discharge their responsibilities ever increasingly. |
| 211. | 10.16. | A provision should be made to empower a Panchayat of a higher level in respect of Panchayats of each level and to empower the State Government in respect of the District Panchayat in the same manner as the existing provision under Section 123 of the Gram Panchayat Act which empowers the District Panchayat Mandal in respect of Village Panchayat. |
| 212. | 10.17. | It is very essential for the State Government to set up a special machinery or organisation for the supervision and inspection of Panchayats of all levels for their guidance, for a proper coordination of their activities and for seeing to their constant progress. Proper provision be made by the appointment of an Additional or |

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		Joint Development Commissioner or Officer on Special Duty.
213.	10.18.	From the point of view of guidance and co-ordination of the Panchayats, the formation of a State Panchayat Parishad consisting of all the District Panchayat Presidents should be effected.
214.	10.19.	In the event of these democratic institutions straying from their path and behaving against law and policy, the State Government should perform the duty of preventing them from straying from their proper path, and if necessary even to suspend or supersede them; proper provision be made to vest the necessary powers in the State in this respect.
215.	10.20.	Provision should be made in law to empower the State Government or such officer as may be authorized by the State Government to cancel any resolution passed or to suspend the execution of any work undertaken by democratic institutions as may provoke a breach of peace or as may be against the constitution or any law.
216.	10.21.	Under certain circumstances, it becomes necessary to remove the President or the Vice-President of the Panchayat from his post, in public interest. Such powers be given to the District Panchayat, in matters relating to the village or Nagar Panchayat, on the recommendation of the Taluka Panchayat; to the State Government, in matters relating to the Taluka Panchayat, on the recommendation of the District Panchayat; and to the State Government, in matters relating to the District Panchayat, or any Panchayat, on the recommendation of Officer on Special Duty to be appointed for the purpose.

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| 217. | 10.22. | If it is considered that the number of personnel with the Panchayats or their remuneration is excessive, a provision similar to Section 141 of the existing Village Panchayat Act be made to empower the Taluka Panchayat for giving a similar directive in matters relating to Village Panchayats and to allow one appeal to the District Panchayat over such order by the Taluka Panchayat. In respect of the Taluka Panchayat the District Panchayat be empowered to issue such an order and one appeal may be provided over such order to the State Government or to such officer authorised by the State Government; in respect of District Panchayat, similar power be given to an officer authorised by Government in this behalf with a provision for an appeal to Government over his order. |
| 218. | 10.23. | When immediate execution of any work is necessary for the health or the safety of the public, the Taluka Development Officer may be authorised to issue such an order in respect of the Village Panchayat. On issue of such an order he should immediately report to the District Development Officer. In respect of the Taluka Panchayat such authority should be given to the District Development Officer and he should be required forthwith to report to Government or an officer authorised by Government in this behalf. In respect of the District Panchayat an officer authorised by Government in this behalf may exercise such power and he should forthwith report to Government. In addition to this it is necessary to reserve that Government can issue such orders directly in respect of . |

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| | | Panchayats of all levels. Suitable provision should be made in the Act in this behalf. |
| 219. | 10.24. | If at any time the Panchayat makes any default in the performance of any duty or function entrusted to it, provision similar to that under section 144 of the Village Panchayat Act should be made and the District Panchayat be authorised in respect of Village Panchayat and Taluka Panchayat; and Government be authorised to issue such an order in respect of the District Panchayat. |
| 220. | 10.25. | The District Local Board, the District School Board, the District Village Pachayat Mandal and the District Development Board now functioning in their present forms should cease to exist with the formation of the District Panchayat. The Development Committees will naturally cease to function on the formation of the Taluka Panchayats, and their responsibilities and activities will devolve on the Taluka Panchayats. |
| 221. | 10.29. | In the new set-up the District Village Panchayat Mandal will cease to exist. The duties vested in the District Village Panchayat Mandal viz., those of supervision, control, and inspection etc. will now be left to the Taluka Panchayat and District Panchayat. For all these it would be more easy to draft a new Village Panchayat Act, instead of reshaping it. |
| 222. | 10.30. | The one Act only viz., "The Gujarat State Panchayat Act" be formulated, and it be further divided under four different parts viz., 1. Village Panchayat ; 2 Nagar Panchayat ; 3 Taluka Panchayat ; 4 District Panchayat. |

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| 223. | 10.34. | From the point of view of the democratic decentralisation relevant suggestions be made by the state co-operative union after careful consideration by the State Co-operative Parishad constituted with the responsibilities of training and giving advice. Government may, after due consideration on the suggestions made, devise necessary measures for the same. |
| 224. | 10.35. | A "State Financial Board" should be constituted to advise as to what arrangements should be made regarding the financial resources of Panchayats. The State Financial Board should examine this question in details and the State Government should review it every fifth year and decide on the strength of recommendation of this Board as to what financial resources have to be vested in, and in what manner, to the Panchayats. |
| 225. | 10.36. | Government should work out a definite system for the periodical evaluation of the work of Panchayats. |
| 226. | 10.39. | The programme of democratic decentralisation is one requiring radical changes in the executive administration. It is essential that every officer or the Executive Administrator should understand the importance and significance of this programme. It is also important that the officers have the necessary perspective of, and training in, the responsibilities that they have to shoulder for the successful implementation of this new programme. The State Government should take necessary steps in the matter right now. |

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| 227. | 10.40. | <p>In order to implement the programme of democratic decentralisation, radical changes will have to be made in the administrative machinery and organisation. Its process should start right now, so that when the Act is to be implemented all preparations may have been completed and the Act may be implemented at once. Some of its preparations should be made by organising a set-up at the State level. At the same time the officer who has to be appointed as District Development Officer of the District Panchayat should also be selected earlier so that the implementation of the programme may begin smoothly in the District, and this appointment may further be made six or three months earlier, so that preliminary arrangements in this behalf can be made in each district. All these preparations are most expedient to be made before the enforcement of the Act and, therefore, necessary arrangements be made in the matter in advance.</p> |
| 228. | 10.44. | <p>In order that, every villager may understand the responsibility devolving upon him under the new programme and prepare himself diligently and in the right spirit to make the programme a success, provision should be made for extensive programme of education and training right now by way of preliminary arrangements.</p> |