CHAPTER : IV

PANCHAYAT RAJ IN MAHARASHTRA

India got independence and accepted the objectives of welfare states. Maharashtra was not the exception. Therefore, modest programme of rural development and that a greater measure of initiative and participation on the part of the people was necessary. A complete reorientation of the district administration with an emphasis on development activities was essential. The First Five Year Plan emphasised that district administration has to be carved on the implementation of development programmes in close co-operation, with the active support of the people. It was suggested that the district administration should be reorganised in order to provide for, among other things, a linkage, in relation to all development work of local self-government institutions, and administrative agencies of the State Government.

It was pointed out at that the activities of the local government institutions were not sufficiently integrated with those of the State Government and
that so long as local government institutions were not conceived as part of the same organic, constitutional and administrative framework, the structure of democratic government provided by the constitution at the centre and in the state, would remain incomplete.

The common man in rural India did not secure a direct hearing in the institutional framework of the Constitution, even in independent India. However, Government of India was aware that the common man in rural India must be involved in the process of Government at the gross roots by introducing participative democracy, if India was to develop its resources in men and material.

Naturally the Central and State Governments, after independence in 1947, had to grapple with the tremendous problems of the eradication of those evils like poverty, ill-literacy, unemployment, disease, etc. They were also required to meet the growing wishes and aspirations of the masses and nation building became their primary concern. They, therefore, had to undertake a series of Five Year Plans in order to provide the Indian masses
with the opportunity to lead a good, free and full life.

As Government had to undertake rapid and all-sided development of the country with special emphasis on provision of all basic amenities in the rural areas, a large number of schemes were started through its own agencies viz. the Government Departments.

The Community Development Programme:

The Community Development Programme initiated in the First Plan was intended to develop the rural areas intensively and to organise the village people. It was started in 1952 on a pilot basis in selected areas called 'Community projects'. In 1953, it was considered advisable to reduce the size of the projects and Community Development Blocks were started in selected areas having a population of about 66,000. It was later on decided to establish National Extension Service all over the country with a Development Block as the lowest administrative-cum-development-unit. An attempt was made to harness local initiative through the information of ad-hoc bodies mostly with nominated and official personnel and invariably advisory in character.
The Indian leaders also realized that the various welfare programmes launched for the good of the people could not be successfully implemented without the cooperation of the people, and therefore, they attached greater importance to these institutions. Before framing of the constitutional village panchayats Acts were passed in some of the states. They were given large numbers of functions in order to have fullest and freest development of the rural institution. The Government sponsored its community development programme to have the development of rural areas. However, it was soon realised that the success of the programme largely depended upon popular initiative and public co-operation. The Planning Commission clearly recognised that unless there was comprehensive planning from below which tasks into account the needs of the entire community and every family participates in the Community Development movement, the living standard of the people cannot be raised. And these aims cannot be achieved unless there are agencies at the village level and above which represent the community as a whole, can assume responsibility and initiative for developing the resources of the village.
and can bring all the people into common programme to be carried out with the assistance of the Government. It was, therefore, emphasised in the First Five Year Plan and re-emphasised in the Second Five Year Plan, that the administration of the country has to provide for establishment and development at the village level and above of appropriate agencies which derive their authority from the people only. The First Five Year Plan pointed out, "The Constitution has provided for democratic institutions at the centre and in the states, but so long as local self-governing institutions are not conceived as parts of the same or organic institutional and administrative framework, the structure of democratic government will remain incomplete. Local self-governing bodies have to play a vital role in the field of development. It may also be necessary to work out suitable arrangements for linking local self-governing bodies at different levels with one another, for instance, village panchayats with district or subdivision local boards.3

Mehta Committee:

Recognising the importance of the subject, it became, therefore, necessary to enquire into the causes of lack
of initiative, apathy and indifference on the part of
the rural population, the Planning Commission recomm-
ended that a special investigation into all its
aspects and to suggest remedies in the removal of
those causes. NDC meeting at Madras had in January
1957 appointed a study team under the Chairmanship of
Shri Balwantra G. Mehta to enquire, among other things,
this question also. This Committee has been officially
designated as the "Team for the study of Community Pro-
jects and National Extension Service." The same team
was entrusted with the proposed investigation into the
reorganisation of district administration.

This Committee visited selected blocks in all
the states, held discussions with the local public,
local officials, members of representative organi-
sations, district level officers, heads of Departments,
and secretaries to the Governments in the Development
Departments. The Committee submitted its historic
report on the 24th November, 1957. This report has
laid the foundation stone of the Panchayati Raj in
India.
The Mehta Committee examined the question as to whether the existing local bodies could take over and perform these functions and, if not, which new bodies should be created and with what jurisdiction, powers and resources. According to the Committee, the existing bodies of local government, have failed to evoke enthusiasm and to give any indication of durable strength or the leadership necessary to provide the motive force for continuing the improvement of economic and social conditions in rural areas. The Committee says, "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 boards were 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 compelled 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 states to take over many of the functions of the district boards; even so there was a sort of overlapping dyarchy pervading in certain aspects of administration.

The Mehta Committee, therefore observed that with that background the committee had to consider whether the time has not arrived to replace all these bodies i.e. District School Boards and Block Advisory Committees by a single representative and vigorous democratic institution to take charge of all aspects of development work in the rural areas. Such a body if created had to be statuary, elective, comprehensive in its duties and functions, equipped with necessary executive machinery and in possession of adequate resources. It must not be cramped by too much control by the Government or Government agencies. It must have the power to make mistakes and to learn by making mistakes, but it must also receive guidance which would help it to avoid making mistakes. In the ultimate analysis, it must be an instrument of expression of the total people’s will in regard to the local development.
The Mehta Committee, therefore, felt that such a body could function effectively only if it was the sole authority for all those development programmes which were of exclusive interest for the area. In such matters the State Government had to cease operating within the area and in special circumstances when it had to, it had to do so through the agency of this local body. The Committee had pointed out that democracy had to function through certain executive machinery but the democratic government operating over large areas through its executive machinery could not adequately appreciate local needs and circumstances. It was, therefore, necessary that there should be a devolution of power and decentralisation of machinery and that such power be exercised and such machinery controlled and directed by popular representatives of the local area.

The Balvantrai Mehta Committee Report was examined by the Central Government and then the same was kept in the meeting of National Development Council on 12th January, 1959. The recommendations were generally endorsed by the Council and the Central Government requested all the State Governments to consider their implementation. All the State Governments also accepted
the policy. There had been no instances on the states to follow a particular policy prescribed pattern. Every State was free to have its own legislation and to set up Panchayati Raj institutions of its own choice suited to the local genius, conditions, environment and requirements. However, certain fundamental and basic principles of Panchayati Raj as recommended by the Mehta Committee, had been emphasised.

The Development of Panchayati Raj, was the logical outcome of the Community Development Programme. A new phase in local government was started by democratic decentralization to make lower units of administration more popularly elected, more socially broad-based, and more engaged in a wider range of activities than hitherto.

The philosophy of decentralization claims that all powers and responsibilities regarding development matters intimately affecting, the rural people should belong to a viable socio-economic community. The exceptions would be those powers and responsibilities which could be better exercised by some other governmental organization at a higher level and far a larger area of operation and those technological improvements
which favoured larger units of administration. The unit of local government must be sufficiently small so that people could understand it. It must be sufficiently near so that people could live up to its expectations.

It provided an opportunity for the emergence of new local leadership. It was said that Panchayati Raj institutions would not be judged by the ideology they advanced, but by the operational efficiency of the administrative apparatus that they would bring.7

Various State Governments have evolved patterns of Panchayati Raj suitable to local conditions in the light of these principles. Panchayati Raj had revolutionized administration and called for new codes of administrative relationships and behaviour. Each State stood to benefit from the experience of the other and could add, alter or change its own system in order to improve its working. The entire approach was pragmatic as Panchayati Raj was a growing concept and there was no finality or rigidity about the pattern or system evolved at any time.
The blue-print as provided by the Balwantrai Mehta Study Team, gave motivation to the constituent unit of the Indian Union to enact necessary legislation to implement the Panchayati Raj System as a form of local self-government. In other words, it could be said that after independence a new era of the development of local government institutions in India was set in. A number of laws were passed by various states to reform the local government institutions. In the process, Rajasthan and Andhra Pradesh were first to adopt the Panchayati Raj in 1959. Panchayati Raj was inaugurated on October 2, 1959, by Pandit Jawahar Lal Nehru in Rajasthan. The purpose behind the creation of these institutions was to reach the rural populace with the development programmes in order to improve the social and economic conditions of the rural folk. Maddick opined that was the system was sound and the will to make it work was widespread. It should make for a great advance in Indian Government and administration. And, the judgement continues, there should be worldwide example of democratic decentralisation. The planning strategy and several programmes of planned
development have assigned an important role to the panchayat raj institutions in the implementation of several plan programmes specially in the field of agriculture and rural development.

Vasantrao Naik Committee:

Before 1960, there were three type of local governments in rural Maharashtra i.e. District Local Boards - for Western Maharashtra, District Councils - Janapada Sabhas for Vidarbha and District Boards for Marathwada region, and non-statutory village panchayat at village level.

Immediately after inauguration of the Maharashtra State on the 1st May, 1960, the Maharashtra Government adopted a resolution on June 27, 1960, for constitution of a Committee on Democratic Decentralisation under the Chairmanship of the then Revenue Minister, Shri V. P. Naik\textsuperscript{10} to suggest ways for its efficient implementation in the state. The Committee was requested to submit its report to the Government within a period of three months. The Committee considered the question in all its aspects. It organised seminars, visited various places, interviewed leaders and invited views of the people through a questionnaire. It submitted its report on 15th March, 1961.
Presenting the Panchayat Raj Bill in the Maharashtra Legislative Assembly on the 19th August 1961, Shri B. G. Gadhe, the then Minister said that he was happy to present a bill through which the responsibilities and power of the state had been decentralised and given to the Zilla Parishads. Taking account of the local Government institutions in the state, the Minister added that in the development work people should take initiative willingly and work co-operatively below the state level so that plans were executed and implemented properly. All this had to be done democratically.

The Government accepted all the major recommendations of the Naik Committee and promptly enacted the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961. After third general elections the new Government of Maharashtra was formed on 8th March, 1962 and the Maharashtra Zilla Parishads and Panchayat Samits Act, 1961 was implemented. The administrative machinery of the Zilla Parishads began to function with effect from 1st May 1962. The elections to the Zilla Parishads were held between 24th May, 1962 and 8th June 1962. Elections of Sarpanchas to Village Panchayats and Chairman of
Panchayat Samits and Presidents and Vice-Presidents of Zilla Parishads were completed within the next two months and the democratic organisations began to function with effect from 15th August 1962. In Maharashtra, Village Panchayats were already established under the Bombay Village Panchayats Act, 1958. This democratic set up was based on a three-tier system of Panchayati Raj.

**Structure of Panchayati Raj Institutions:**

The structure of the Panchayati Raj institutions in Maharashtra has been linked with the district body i.e. the Zilla Parishad, with the middle body i.e. Panchayat Samiti and they have been linked the latter which is the lowest unit of administration i.e. the Village Panchayat. Village Panchayats are treated as a caterpillar of development administration. All councillors elected to the Zilla Parishad from the Block and co-opted councillors, if any, residing in the Block are members of the Panchayat Samitis.

The Chairman of all Panchayat Samitis in the district are ex-officio Councillors of the Zilla Parishad. The elections to Panchayat Samitis are held directly.
Political structure of Panchayati Raj Bodies:

The structure of Panchayati Raj in Maharashtra is based on three tier system. At the district it is called Zilla Parishad at the block level, it is called Panchayat Samiti and at the village level, it is called Gram Panchayat. Zilla Parishad is at the apex and also an executive body of Panchayati Raj. It is a corporate body. The act says that "Every Zilla Parishad should be body corporate by the name of the ... Zilla Parishad, and shall have perpetual succession and a common seal and should be competent to contract acquire and hold property both movable and immovable whether within or without the limits of the area over which it has authority and may in its corporate name sue and be sued." The creation of Zilla Parishad was part of a programme for the development of local leadership, the strengthening of democracy at the grassroots and mobilization of resources for planned development and inspiring public interest in the development of the community. The Maharashtra Government has given unlimited powers of administrative sanction in relation to development schemes of loca
interest to Zilla Parishads. The administration of Zilla Parishads being independent and yet responsible to Government ensures that decisions are executed in consonance with the objects and framework of Government. Similarly, the local leadership ought to determine local priorities within the overall framework of Government rules and development policies.

Zilla Parishad at the district level is the main unit of decentralisation in the Panchayati Raj set up of Maharashtra. The Zilla Parishad has been strengthened by according many powers to it. Each Zilla Parishad consists of 40-60 councillors directly elected on the basis of adult franchise from single member constituencies. Each electorat division consists of not more than 35,000 population returning one candidate.

There is also a provision for co-option of women members not more than two; if the elected councillors do not include a woman, then two women, each residing in different blocks in the district, are co-opted. In case the elected councillors include one woman, then one more woman is co-opted from the block other than the Block in which the woman elected is resident. The Chairman
of the Social Welfare Committee should be a period belonging to Scheduled Castes or Scheduled Tribes. If the Vice-President of the Zilla Parishad already elected, is a person belong to S.C. or S.T. and if there is no other elected councillors belonging to such castes or Tribes, then he will automatically become the Chairman of the Social Welfare Committee. Also, if there no elected or co-opted Councillors belonging to Scheduled Castes/Scheduled Tribes, then the Zilla Parishad co-opts a person belonging to these communities as Councillors and he becomes the Chairman of the Social Welfare Committee.

This keeps the Parishad aware of its responsibilities in connection with the women and the Backward Class people so that social justice could be extended to them through the Parishad mechanism. The Chairman of all the Panchayat Samities in the district are its ex-officio members of Zilla Parishad. This establishes an organic link between a Panchayat Samiti and the Zilla Parishad. Panchayat Samitis acts as an agency of its Zilla Parishad for implementing development programmes. Therefore, such a link is of a vital importance. The Chairman of the Five federal Co-operative societies doing business or
activities in the district relating to credit, marketing, industrial co-operative, and co-operative training and education and land development are associate councillors without voting rights in meetings. This makes technical guidance available to the Parishad. Representation has also been given to the Directors of Maharashtra State Co-operative Land Development Bank or his nominee as associate councillor. There is a provision of reservation of seats for Scheduled Castes and Scheduled Tribes, depending upon their population for the direct election of Councillors to the Zilla Parishad. Thus membership of Z.P. comprises both of voting and non-voting members.

The direct election of the Zilla Parishad Councillors ensures responsibility to the rural population and would prevent corruption in elections on a wide scale. Besides, it was designed, as pointed out in the preceding paragraphs, to lend a political status to these bodies. The co-option of the Chairman of the Panchayat Samitis forged a link between them and the Zilla Parishad, the root organisation. This was necessary because it was expected that the development activities in each block would as far as possible be executed
through the block and that these Chairman would express the Samitis difficulties and felt needs to the Zilla Parishad. The representation of the co-operative organisations in the district was essential because the programmes relating to agricultural production and small scale industries were executed through the channels of the co-operatives. The need for a minimum representation of the Scheduled Castes and Tribes and the women in the Zilla Parishad was obvious. In brief the Z.P. consists of the following members:

1. Directly elected members, not less than 40 and not more than 60 members.
2. 30% seats are reserved for women from 1992 election.
4. The Chairman of Panchayat Samitis in the district as ex-officio members.
5. The Chairman of five federal co-operative societies in the district, relating to credit, marketing, industrial co-operatives, and co-operatives training and education are associate members.
6. Representative as Chairman of Director of Maharashtra State Co-operative Land Development Bank.

Zilla Parishad is presided over by a President who is elected by the Parishad from among its elected Councillors by secret ballot. There is a Vice-President to each Z.P. and who is elected by the elected Councillors of Z.P. The term of Zilla Parishad is for 5 years and it commences from the date of first meeting of Zilla Parishad. The meeting of Zilla Parishad is held within 25 days from the date on which the names of elected Councillors are published by the Collector. The term of Councillors elected at a general election commences on the date of first meeting of the Zilla Parishad.

The President may resign his office by submitting a resignation in writing addressed to the Commissioner. The Vice-President may resign his office by submitting a resignation to the President of the Zilla Parishad.

The President shall on the requisition of not less than one-fifth of the total number of Councillors, call a special meeting to consider a motion of no confidence against the President or Vice-President within the
specified period, the members can forward a copy of the requisition to the Commissioner with a request to call for a special meeting.

The meeting called on the purpose of considering a motion cannot be adjourned for any reason. The Commissioner appoints the President to preside over such meetings. If the motion is carried by a majority of the total number of Councillors, the President or Vice-President as the case may be ceases to hold office forthwith. The names of the Councillors voting for and against the motion of no confidence are read in the meeting and recorded in the minutes.

One remarkable difference between the vote of no confidence at Zilla Parishad and the Panchayat Samiti is that authorities at the Zilla Parishad are removed by a majority, whereas authorities at the Panchayat Samiti are removed only by a two-thirds majority. Therefore, passing of a non-confidence motion is easier in the Zilla Parishad than in the Panchayat Samiti.

The President or Vice-President may be removed from office by the State Government for negligence of duty or misconduct and the President or Vice-President
so removed shall not be eligible for re-election as President or Vice-President during the remaining period of the term of his office.

The President of the Zilla Parishad is paid Rs. 15,000/- and Vice-President and Chairman of Subject Committee of the Zilla Parishad is paid Rs. 1000/- each per month as honorarium. In addition of this these functionaries are provided with rent free furnished quarters. They are also provided a vehicle to tour and inspect villages in the block area.

The Zilla Parishad Act provides, by and large for a Committee form of governance. Each Zilla Parishad has a standing committee and eight subjects committees viz. (1) Finance, (2) Public Works, (3) Agriculture, (4) Social Welfare, (5) Education (6) Health (7) Animal Husbandry and Dairy (8) Women and Child Welfare. These subjects committees are clubed and four chairmen elected. They lookafter the administration of their committees. Each Chairman is assisted by one Deputy Chairman also. 7 to 9 members are the members of each committee.
Panchayat Samiti;

The three tiers of Panchayati Raj are organically inter-linked with each other. With the establishment of a strong body at the district level and the Panchayats functioning at the village level it is obvious that there is a need for an intermediary body to serve as a link between the village Panchayats and the district body. This intermediary body is known as the Panchayat Samiti. A Panchayat Samiti works as a sub-committee or as an area committee of the Zilla Parishad. It is a non-corporate body and cannot levy taxes. A very important function of this body is to enlist active local participation in the implementation of agricultural programmes and other developmental schemes. All the executive and supervising functions are performed by this body. It is an directly elected body. A Panchayat Samiti for every block is constituted in the following members.

1. Direct election of the members to Panchayat Samiti.

2. All the Councillors who are elected to the
Zilla Parishad are ex-officio members of the Panchayat Samiti of that block.

3. Chairman (one) of the taluka sales and purchase union in the block as may be specified by the Government (as associate member).

4. Chairman (one) of an Agricultural Co-operative Society in the block (as associate member).

5. 30% seats was reserved for women.

6. Two S.C. members.

The term of office of the members of the Panchayat Samiti is correlated with the term of office of the concillors of Zilla Parishad i.e. 5 years. The ex-officio members enjoy membership till they retain their original posts. The members of the Panchayat Samiti elect a Chairman and a Deputy Chairman from among its elected members and are the full time functionaries. The Chairman and Deputy Chairman are paid Rs. 1000/- and Rs. 800/- respectively as honorarium. Rent free residential quarters are provided to the Chairman. The Chairman and Deputy Chairman are given travelling and other allowances as prescribed by the State Government. At present a member can hold office of the Chairmanship any number of times. The Bongirwar Committee has
suggested that it should be restricted to two terms, as at present it is applicable to the President and Vice-President of the Zilla Parishad. This arrangement will stop the concentration of authority and power in the same hands for an unlimited period. It will also give an opportunity to the emerging leaders to shoulder the responsibility of the higher posts. The law does not allow them to be members of any Subject Committee of the Zilla Parishad nor occupy its chairmanship.

The Chairman of the Panchayat Samiti may resign his office of his own accord, by writing to the President of the Zilla Parishad. He may be removed by a vote of no-confidence against him. In such a case the requisition has to be signed by not less than one-fourth of the total members of the Panchayat Samiti. The Chairman has to call a meeting of the Samiti to discuss the motion of no-confidence. If he fails to do so, a meeting is called by the Commissioner on the request of the members. Such a meeting is presided over by the person nominated by the Commissioner. The Chairman is given the right
to defend himself at such a meeting. If the motion is
carried by a majority of not less than two-third of the
total members, the Chairman cease to hold office forth-
with. He may also be removed from his office by the
State Government on charges of misconduct of negligence
of duty.

The Chairman of the Panchayat Samiti is given
power to call for any information, returns, statement,
account or report from any officer or servant working
under the Panchayat Samiti. He is also given power
to inspect any movable property in the block or any
work on development schemes in progress in the block
undertaken by the Zilla Parishad or the Panchayat Samiti.
He presides over the meeting of the Panchayat Samiti and
controls the discussion in the meeting. Infact he is a
person on whose imagination and dynamism depends the
development of the block. The post provides him with
an opportunity to establish his leadership in his area.

Village Panchayat:

Village panchayats are primary and basic units of
Panchayati Raj institutions. The Village Panchayats in
Maharashtra are constitutionally independent of the Zilla Parishads, being governed by the Bombay Village Panchayat Act of 1958. But, functionally, they have close contacts with the Zilla Parishads, because they receive grants from them for various development works and schemes.

The members (Panchas) of Village Panchayat are directly elected through adult franchise. Every adult member who has attained the age of 18 years and whose name appears in the voters' list of the state is given the right to vote and contest elections for the Gram Panchayat. An opportunity has thus been provided for all who satisfy the minimum qualifications to show their merit and rise to positions of leadership.

The total membership of the Gram Panchayat is a minimum of 7 and a maximum of 15 as decided by the Collector on the basis of the population of the village. There is also a provision for reservation of seats for Scheduled Caste, Scheduled Tribes and for women. The Chairman of the Village Agricultural Co-Operative Society is an associate member. If an
election does not result in the return of the required number of qualified persons, the Zilla Parishad will appoint the required number of members.

After the election of the members from various wards, the Sarpanch (head of the Village Panchayat Council) is elected from among its members. The Sarpanch hold office for a period of five years which is the term of the Panchayat by law, but continues to hold office till a new Sarpanch takes charge from him.

All the executive power for carrying out the provisions of the Act and Resolutions passed by the Panchayat vests in the Sarpanch and he is made directly responsible for the fulfilment of the duties imposed upon the Panchayat. In his capacity as Sarpanch, he presides over the meetings of the Gram Panchayats and Gram Sabha. He keeps the records and registers in his custody and exercises supervision and control over the action taken by the officers and servants of Panchayats. He is authorised to operate the village fund and issue receipts under his signature for money received.
The Sarpanch may resign his office by giving notice in writing to the president of the Zilla Parishad, but he cannot relinquish office until his resignation is accepted by the President. The Sarpanch may be removed by a motion of no-confidence, which can be moved by 1/3 members of the Panchayat, and carried by a majority of not less than two-third of the total number of the members then present. The collector has been given powers to suspend a Sarpanch against whom criminal proceedings are instituted.

The Sarpanch is a link between the Gram Sabha and Gram Panchayat, between the Gram Panchayat and Panchayat Samiti. Though he performs many functions at the village level he has not been given honorarium as his counterparts at the Panchayat Samiti and the Zilla Parishad are given.

The Sarpanch plays an important role not only in the Gram Panchayat but also in the Panchayat Samiti. At present the number of representatives who are elected from the members of Gram Panchayat are double the number of the directly elected representatives of the Zilla Parishad. If a Sarpanch
affairs skilfully he can even became the Chairman of the Panchayat Samiti or President of the Zilla Parishad. There was an instance in the Beed District where a lady Sarpanch of a village got elected to Panchayat Samiti and then became the Chairman of the Panchayat Samiti.  

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References:


5. Ibid., p. 6.

6. Ibid., p. 7.

7. Dubashi, P.R., Rural Development Administration in India, Popular Prakashan, Bombay, 1979, p. 31.


11. Maharashtra Assembly Debates, pp. 873-76.


19. Generally for 150 to 200 voters one representative is given by the Collector, *Bombay Village Panchayat Act, 1958*.