CHAPTER - III

SALIENT FEATURES OF PANCHAYATI RAJ

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3.1 Since the introduction of Zilla Parishads and Panchayat Samitis scheme in Maharashtra State, a new stimulus is given to the rural masses, as the elected members of the Zilla Parishad, the highest tier of the Panchayati Raj structure, are the ex-officio members of the respective Panchayat Samitis.

Thus, interlocking of the Zilla Parishad and Panchayat Samitis and village Panchayats, has been carefully provided by Maharashtra Zilla Parishads and Panchayat Samitis Act 1961 which was framed on the recommendations of committee set up on 27th June 1960 by the Government of Maharashtra under the Chairmanship of V.P. Naik the then Minister of Revenue and Ex-Chief Minister of Maharashtra State.

3.2 While submitting its report on 15th March 1961, the Naik Committee in its concluding paragraph stated, "We cannot overemphasise the need for adopting healthy conventions in the working of local bodies. It is not the letter of the law or rules or orders, that ultimately ensures the successful working of human organisations wholly, but is the spirit in which these are followed from day to day, will really determine the success achieved in their allotted task. We are convinced that conventions and
traditions always play a vital role in the functioning of our local bodies. These have to be built on the acclaimed foundations of sincerity, spirit of service and sense of responsibility."

3.3 The peculiarity of this scheme is that a member of state legislature or parliament is prevented from being an ex-officio member of the Zilla Parishad or Panchayat Samiti with the object of avoiding concentration of democratic power in a few hands. This provision has enabled the local people to elect their representatives to solve their local problems through the local and rural leadership. The term of office of members of Zilla Parishad and Panchayat Samitis is five years.

The President of Zilla Parishad and Chairman of Panchayat Samitis are paid honourarium per month.

3.4 In order to ensure adequate de-facto disposal of the democratic authority of the Zilla Parishad, the committee system is evolved for its working and through the committees democratic functioning of Zilla Parishad is done. The heads of the concerned departments act as the ex-officio secretaries of the committees of Zilla Parishad and Block Development Officer of Panchayat Samiti, acts as ex-officio secretary of the Panchayat Samiti and thus this Act has tried to amalgamate the official and non official wings of the democratic administration together.
3.5 At district level, not more than sixty and not less than forty members are elected from the electoral divisions in the district and there is one member or councillor for every thirty five thousand of population. Thus all councillors of Zilla Parishad elected from the Panchayat Samiti area become the members of the Panchayat Samiti. Sarpanchas elected by the members of village panchayats in the block elect double the number of elected councillors of Zilla Parishad.

3.6 The women, the scheduled castes and scheduled tribes are given representation by the Act. The Chairman of the Co-operative Society conducting business in purchase and sale of agricultural products in the Panchayat Samitis are coopted on the Panchayat Samitis as associate members.

THE CONSTITUTION OF ZILLA PARISHAD:

3.7 The Zilla Parishad consists of:

(a) Councillors chosen by direct election from electoral divisions in the district being not more than sixty in number and not less than forty, as may, by notification in the official Gazette, be determined by the State Government, so however that there is one councillor, as far as is reasonably practicable, for not more than every thirty five thousand of the population;
(b) If the elected councillors do not include a woman, one woman is co-opted by the councillors elected under clause (a).

(c) The Chairman of all Panchayat Samitis in the district are ex-officio members of the Zilla Parishad, and

(d) The Chairman of such five federal Co-operative Societies (being Societies which, as far as practicable) conducting business or activities in the district in relation to :-

(i) Credit
(ii) Land development
(iii) Marketing
(iv) Industrial Co-operative
(v) Co-operative training or education, as the State Government may, by notification in the official Gazette, specify on this behalf (to be called associate councillors) are nominated.

ASSOCIATE COUNCILLORS:

He is entitled to attend and to take part in the deliberations of a Parishad and is not eligible to hold the office of Presiding authority of such a Parishad. He is not entitled to vote.
peculiarity of the Act:

The peculiarity of Maharashtra State Zilla Parishad and Panchayat Samiti Act 1961, is that a member of State Legislature or Parliament is prevented from being an ex-officio member of the Zilla Parishad or Panchayat Samiti with an object of avoiding concentration of democratic power in a few hands. This provision has enabled the local people to elect their representatives to solve their local problems by the local and rural leadership.

The tenure of the office of the councillors of Zilla Parishad and members of the Panchayat Samiti is five years.

Every Zilla Parishad is presided over by a President who is elected by the Parishad from amongst its elected councillors by ballot.

One of the elected councillors is also elected by ballot as the Vice President of the Zilla Parishad. No Councillor is eligible for being elected as President or Vice President if he has held any such office for two consecutive terms.

3.8 The President is paid an honorarium of Rs. 500/- per month. He is also provided rent free accommodation and is given travelling and other allowances as may be prescribed by the State Government. One ambassador car is also kept at his disposal and he is expected to devote sufficient time and attention to the duties of his office as assigned under the act.
3.9 The powers and functions of the President of Zilla Parishad.

The President shall -

(1) (a) "Convene, preside at and conduct meetings of Zilla Parishad;

(b) have access to the record of Zilla Parishad,

(c) discharge all duties imposed and exercise all the powers conferred on him by or under this Act.

(d) watch over the financial and executive administration of the Zilla Parishad, all the questions connected there with which shall appear to him to require his orders and

(e) exercise administrative supervision and control over the Chief Executive Officer for securing implementation of resolutions or decisions of the Zilla Parishad or of the Standing Committee or of any Subjects Committee or of any Panchayat Samiti.

(2) The President may in the cases of emergency direct the execution or suspension or stoppage of any work or the doing of any act which requires the sanction of the Zilla Parishad or any authority thereof and immediate execution or doing of which is, in his opinion necessary for the service or safety of the public and may direct that the expenses of executing such work or doing such act shall be paid from the district fund.
(3) If the execution or maintenance of any work or any development scheme is transferred or entrusted to any Zilla Parishad by the State Government or under this Act for the execution of which no provision exists in that behalf in the budget estimates of the Zilla Parishad, the President may, notwithstanding anything contained in this Act, direct the execution or maintenance of such scheme or work and may also direct that the expenses on this behalf shall be paid from the district fund.

(4) The President shall report forthwith the action taken under this section, and the full reasons therefor to the Zilla Parishad, the Standing Committee and the appropriate subject committee at their next meetings and the Zilla Parishad, or the Committee may amend or annul the direction made by the President.

The Vice President shall -

(a) in the absence of the President, preside at the meeting of the Zilla Parishad.

(b) Exercise such of the powers and perform such of the duties of the President as the President from time to time may, subject to the rules made by the State Government in this behalf, delegated power to him by an order in writing and

(c) pending the election of a President or during the absence of the President exercise the powers and perform the duties of the President.
3.10 In order to ensure an adequate defacto disposal of the democratic authority of the Zilla Parishad the committee system for its working is evolved and through these committees the democratic functioning of the Zilla Parishad is done.

There are seven committees.

(1) Standing Committee
(2) Finance Committee
(3) Works Committee
(4) Agriculture and Cooperation Committee
(5) Social Welfare Committee
(6) Education Committee
(7) Public Health Committee

3.11 Standing Committee consists of the President who is ex-officio Chairman, the Chairman of Subject Committees, Seven Councillors elected by the Zilla Parishad of whom not less than two should be the members of the SC or ST or Socially and educationally backward classes, not more than two persons co-opted by the Zilla Parishad who have special knowledge and experience in respect of any of the subjects allotted to the Standing Committee. The Deputy Chief Executive Officer who is ex-officio Secretary of the Zilla Parishad is also ex-officio, Secretary of the Standing Committee.
3.12 The Committee for Agriculture and Co-operation consists of five associate councillors and five other councillors elected by the Zilla Parishad.

3.13 Of the other Subject Committees, each consists of seven Councillors elected by the Zilla Parishad and not more than two persons co-opted who have special knowledge or experience of the subject.

3.14 The Vice President of the Zilla Parishad is ex-officio Chairman of two such subject committees as the Parishad might determine.

3.15 The heads of the respective departments of the Zilla Parishad are ex-officio, Secretaries of the corresponding Subject Committees. Further the Maharashtra Zilla Parishad and Panchayat Samitis Act 1961 has prevented the concentration of Political Power in a few hands and it has provided that no Councillor shall be elected on more than any two Committees (including the Standing Committee).

3.16 In order to ensure effective participation by almost all political parties and the representatives of all shades of opinion on the Zilla Parishad in its routine work. It is stated that the elections to all the above committees shall be by the system of proportional representation by means of single transferable vote.
3.17 Thus the political democratic power of the Zilla Parishad is distributed administratively between the Standing Committee and Subject Committees on the one hand and the Panchayat Samitis on the other at the Block level. The Panchayat Samitis at Block level are the executive committees of the Zilla Parishad.

**Constitution of Panchayat Samiti**

A Panchayat Samiti consists of -

1. All Councillors of Zilla Parishad elected from the Panchayat Samiti area.

2. Co-opted Councillors of the Zilla Parishad if any, residing in the Panchayat Samiti area.

3. The Chairman of the Co-operative Society conducting business in purchase and sale of Agricultural products in the Panchayat Samiti and Chairman of a Co-operative Society conducting business relating to Agriculture in the Block co-opted by the Panchayat Samiti to be an associate member. If the above do not include a woman or a person belonging to Schedule Caste residing in the Block one woman or a person is to be co-opted by the Panchayat Samiti.

4. Sarpanchas elected by the members of the village Panchayat in the Block and double in number of the elected councillors of Zilla Parishad from the Block are the members of Panchayat Samiti.
3.18 From the constitution of the Panchayat Samiti it will be seen that at Block Level Panchayat Samiti seems to be a Joint Committee of the Zilla Parishad and the village Panchayat, thus providing a continuous link between the village Panchayat and Panchayat Samiti at Block Level. Panchayat Samiti and Zilla Parishad at district level.

3.19 A Chairman and a Deputy Chairman of the Panchayat Samiti are elected by the elected councillors and the elected Sarpanchs in the Panchayat Samiti area. The Block Development Officer acts as the ex-officio Secretary of the Panchayat Samiti. The term of the office of the members of a Panchayat Samiti shall be co-extensive with the term of office of the Councillors of Zilla Parishad. The Chairman and Deputy Chairman of a Panchayat Samiti shall be paid honorarium of ₹ Three hundred and ₹ One hundred and fifty per month respectively. The Chairman may be provided without payment of rent the use of furnished residential accommodation subject to such rules as per the State Government. The Chairman and the Deputy Chairman shall be paid travelling and other allowances as prescribed by the State Government.

**POWERS AND FUNCTIONS OF CHAIRMAN OF PANCHAYAT SAMITI**

3.20 1. The Chairman of the Panchayat Samiti shall -

(a) Convene, preside at and conduct meetings of the Panchayat Samiti.
(b) Have access to the records of the Panchayat Samiti.

(c) Exercise supervision and control over the acts of officers and servants of the Zilla Parishad working in the Block in matters of execution or administration, including the carrying into effect the resolutions and the decisions of the Panchayat Samiti and the accounts and records of the Panchayat Samiti.

(d) In relation to works and development schemes to be undertaken from Block grants, exercise such powers of sanctioning acquisition to sale of property or transfer thereof as may be specified by the State Government.

2. The Chairman of the Panchayat Samiti may -

(a) Call for any information, return, statement, account or report from any officer or servant working under the Panchayat Samiti.

(b) Enter on and inspect any immovable property in the Block occupied by the Zilla Parishad or any institution in the Block under the control and management of the Zilla Parishad or the Panchayat Samiti or any work or development scheme in progress in the Block undertaken by the Zilla Parishad or the Panchayat Samiti or under its direction.

3.21 If the powers of the President of Zilla Parishad and those of the Chairman of the Panchayat Samiti are compared, it would seem that the President of Zilla Parishad is made a very powerful person so far as political and administrative powers vested in him as per the act, are concerned and he has all access to call for any information and power to question and execute the schemes of the Zilla Parishad whereas the Chairman of the Panchayat Samiti has limited powers in regard to development schemes and its execution.

3.22 Before touching the main subject of study, it is in the fitness of a thing to know the physical and geographical features of the area undertaken for the analytical study and hence a bird's-eye view of Amravati District, with special reference to Amravati Taluka is described in the next chapter.

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