CHAPTER III

THE STRUCTURAL AND FUNCTIONAL SYSTEM OF PANCHAYATI RAJ IN MANIPUR WITH REFERENCE TO THOUBHAL DISTRICT

Modern Panchayat system was introduced in Manipur in 1960 by adopting the United provinces Panchayati Raj Act, 1947. This Act provided Gram Sabha and Nyaya panchayats in the village of Manipur. The Gram Sabhas are given the powers to carry out general administrative works, such as, sanitation and health maintenance and improvement of schools and hospitals; establishment of hospitals and dispensaries, assistance to Government servants and co-operation. The Nyaya panchayats discharged adjudicatory functions. They could try petty cases, such as Civil, Criminal and revenue. The said borrowed Act could not serve the desired goal of the people of Manipur.

In 1978 the Manipur Panchayati Raj Act, 1975 replaced the United provinces Panchayati Raj Act, 1947. This Act envisaged a three-tier system, Gram Sabha at the village level, panchayat samiti at the Block level and Zilla Parishad at the District level. This followed All India pattern of Panchayati Raj introduced in 1959. But the Zilla Parishad was not constituted under this Act owing to lack of state resources.

In 1997 the Zilla parishad was constituted under the Manipur Panchayati Raj Act, 1994. This Act provided gram Sabha at the village level and Zilla parishad at the district level as a constitutional status. The panchayat samiti and Nyaya panchayat was closed under this Act because of having less population than 20 lakh according to 1991 census. It is very difficult to study the structural and functional system of panchayati Raj in Manipur under the one particular Act. In my convenience, Gram Panchayat and Panchayat Samiti along with Nyaya panchayat are associated with the Manipur Panchayati Raj Act, 1975 but Zilla parishad is associated with the Manipur Panchayati Raj Act, 1994. The following diagram shows clearly the structural organisation of the panchayati Raj bodies in the rural areas of Manipur.

![Diagram of Panchayati Raj System]

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In a district there is one Zilla Parishad and the Panchayat Samitis as the above diagram shows. But Panchayat Samiti was abolished under the Manipur Panchayati Raj Act, 1994. 3A, 3B, 3C, 3D, 3E etc. stands for the Gram Sabhas at the village level in a Panchayat Samiti consisting of 15 Gram Sabhas at least.

**GRAM SABHA:** It is established in a rural area having a population of at least 4000 but not exceeding 8000. But the maximum population may, sometimes, reach 10000 due to local conditions. The State Government specifies the name of a Gram Sabha and its local limits. A Gram Sabha is a body corporate having perpetual succession and a common seal. It can hold, acquire and dispose of property and enter into contracts. It can sue and be sued in its name. All persons within its local limits are its members if (a) they are citizens of India, (b) they are sound mind, (c) they are qualified for voting. A person is disqualified for being a member of Gram Sabha if (a) he ceases to be citizen of India, (d) he becomes unsound mind (c) he is disqualified for voting under law; (d) the area of his residence has been excluded from his Gram Sabha and (e) he ceases to be ordinary resident within his Gram Sabha area.

A Gram Sabha has its own Pradhan and Up-Pradhan who are elected by direct election by secret ballot from amongst its members. Their term of office is co-terminus with the term of the Gram Panchayat for five years. The State Government can appoint a member as Pradhan if the Gram Sabha fails to elect the Pradhan. A Gram Sabha shall hold meeting, at least, once every year. But the Pradhan can call a meeting on its own motion, or on requisition in writing of not less than one-fifth of the members of his Gram Sabha or if required by the Panchayat Samiti or the Deputy Commissioner or the Director of Panchayats within 30 days from the receipt of such requisition, or within the period directed by the Panchayat Samiti or the Deputy Commissioner, as the case may be. For any meeting 150 members shall form quorum. If there is no quorum, meeting is to be adjourned not later than 15 days from the date of its meeting. But no
quorum is necessary for such an adjourned meeting. Any officer authorized by the Deputy Commissioner or the Director of Panchayats has the right to participate in the meeting of Gram Sabha, but without right to vote. The Pradhan, in his absence, the Up-Pradhan shall preside over the meeting; in the absence of both of them, the members present shall choose from amongst themselves a member to preside over the meeting.7

A Gram Sabha exercise the following functions, namely:-

a.) Rendering assistance in the implementation of development schemes pertaining to the village;

b.) Identification of beneficiaries for the implementation of development schemes pertaining to the village;

c.) Mobilising voluntary labour and contribution in kind or cash or both for the community welfare programmes;

d.) To promote adult education and family welfare within the village;

e.) Promotion of unity and harmony among all sections in the village;

The Gram Sabha may also form one or more vigilance Committees consisting of persons, who are not members of the Gram panchayat to supervise the Gram panchayat works, schemes and activities and to put up reports concerning then its meeting.

GRAM PANCHAYAT:

Every Gram Sabha has an executive committee called the Gram Panchayat. The Gram Panchayat consists of the Pradhan and other elected members not exceeding 17. Seats are reserved for the Scheduled Castes and Scheduled Tribes and the reservations is made in such a way that the number of seats so reserved bears, as nearly as may be, the same proportion to the total number of their seats in the Gram Panchayat. The State Government may appoint any Government officer as ex–officio member of the Gram Panchayat.

For the purpose of election the Deputy Commissioner divides a Gram Sabha area into a number of wards. Each ward elects its own member. The Pradhan and other members are elected simultaneously by direct election and secret ballot, by the local people who are entitled to vote at the election to the Manipur Legislative Assembly. The term Gram Panchayat is five years from the date of its constitution, and the expiry of the said period of five years shall operate as dissolution of the Gram Panchayat. The State Government may extend the term for a total period of not more than one year in the aggregate.

The State Government has also the powers to supersede a Gram Panchayat for a period not exceeding one year on any of these grounds (a) in competency to perform its duty; (b) persistent default in the performance of its duty; (c) abuse of its powers. If a Gram Panchayat is superseded, the Pradhan, the Up–Pradhan and all members shall vacate forthwith their offices. Its powers and functions shall be exercised by a person appointed by the State Government. A Gram Panchayat shall meet for transaction of business at least once in every month at the office of the Gram Panchayat. The Pradhan may also call a meeting if he thinks that the meeting is necessary, in the public interest. He may also call a meeting upon a written requisition of not less than one half of the total membership of the Gram Panchayat or if he is directed to do so by the Panchayat Samiti or the Director of the Panchayats. The quorum for the meeting is one–half of the total members of the Gram Panchayat. If there is no such
quorum, the meeting shall stand adjourned. At such meeting the Pradhan, in his absence the Up-Pradhan shall preside; and in their absence, the members present shall choose from amongst themselves one to preside over the meeting.

A Gram Panchayat has also its own Secretary appointed by the Director of Panchayats. The Secretary is the ex-officio Secretary to the Gram Sabha. With the previous sanction of the Panchayat Samiti, Gram Panchayat can also appoint such member of officers and employees are necessary for due and efficient discharge of its duties. The State Government may put at the disposal of Gram Panchayat Government employees for the use of the latter.

The Gram Panchayat prepare the agenda for discussion of the Gram Sabha, such matters relate to the following namely,

a.) The annual statement of accounts of the Gram Panchayat, the report of administration of the preceding financial year and the last audit note and replies if any, made thereto;

b.) The budget of the Gram Panchayat for the next financial year;

c.) The report in respect of development programmes of the Gram Panchayat relating to the preceding year and development programmes proposed to be undertaken during the current year.

**GRAM PANCHAYAT AND ITS COMPOSITION:**

A Gram Panchayat consists of the Pradhan and such number of directly elected members as may be notified from time to time by the State Government and one member for every 350 population or part thereof the Panchayat area should be elected as a member of such panchayat.

**RESERVATION OF SEATS:**

Seats are reserved for Scheduled Caste and Scheduled Tribes in every Gram Panchayat and the number of seats so reserved bear, as nearly as may be, the same proportion to the total number of seats to be filled by direct election in that panchayat as the population of scheduled castes or the Scheduled Tribes in that panchayat area bears to the total population of that
area and such seats are allotted by rotation to different constituencies in the
Gram Panchayat. Not less than one-third of the total number of seats reserved
for women belonging to Scheduled Castes, or as the case may be, the Scheduled
Tribes. Not less than one-third (including the number of seats reserved for
women belonging to the Scheduled Castes and Scheduled Tribes) of the total
number of seats to be filled by direct election in every Gram Panchayat are
reserved for women and such seats may be allotted by rotation to different

POWERS AND FUNCTIONS OF GRAM PANCHAYAT: A Gram Panchayat has
the power to do works in respect of the following matters.

1. In the Sphere of Sanitation and Health.
   a) Cleaning and lighting of streets;
   b) Sanitation and conservancy of the Gram Panchayat area; prevention of
      public nuisance;
   c) Burial and cremation grounds; places for disposal of dead animals and
      other offensive matters;
   d) Supply of water for drinking and domestic use;
   e) Maintenance of Panchayat roads, drains, bunds, tanks, wells and other
      public places of works;
   f) Layout and maintenance of playgrounds for village children and public
      garden;
   g) Construction and maintenance of public latrines;
   h) Prevention of any infectious diseases;
   i) Removal of rubbish heaps, jungle growth, filling in discussed wells,
      unsanitary ponds, pools, ditches etc. prevention of water logging and
      water hyacinth in irrigated areas, and other improvement of sanitary
      condition;
II. IN THE SPHERE OF PUBLIC WORKS.

a) Regulation and development of grazing grounds, village common and other community vested in it;

b) Control and maintenance of buildings, institutions and property belonging to it;

c) Planting trees along roads, public places;

d) Establishment and maintenance of cattle pounds and performance of connected functions;

e) Destruction of stray and ownerless dog;

f) Maintenance and regulation of bus stands, carriage or cart stands;

g) Construction, maintenance and repair of buildings, water-ways, public roads, drains, embankments, bunds, bridges and culverts;

h) Excavation, cleaning and maintenance of tanks and ponds for pisciculture or supply of water to animals;

i) Maintenance and regulation of the use of public buildings, grazing lands, forests lands, tanks, wells and fisheries vested in it or under its control;

III. IN THE SPHERE OF EDUCATION, SPORTS AND CULTURE.

a) Maintenance of public radio sets for the benefit of its local people, running of community centers and reading rooms;

b) Establishment and maintenance of libraries and adult literacy centers;

c) Establishment and maintenance of theatres and other recreation centers for promotion of art and culture;

d) Popularisation of sports and games and establishment to clubs, Gymnasiums, play grounds, parks etc;

e) Observance of National weeks or days;

IV. IN THE SPHERE OF SELF DEFENCE AND VILLAGE DEFENSE

a) Assistance in the organisation of the village Volunteer force and Village Defence parties;
b) Assistance in extinguishing and protecting life and property when fire occurs;

**V. IN THE SPHERE OF ADMINISTRATION.**

a) Survey and maintenance of statistics, and doing census;
b) Distribution of reliefs;
c) Supplying local information when required by the Government or by any other statutory authority;
d) Execution of works assigned to it for execution by the Panchayat Samiti or by the Zilla Parishad;
e) Preparation organisation and implementation of production plans – both for agriculture and non agricultural produces;
f) Control or cattle stands, threshing grounds and community waste lands;
g) Establishment, maintenance and regulation of fairs, pilgrims and festivals;
h) Preparation of development plans for its areas and statement showing the required finance;
i) — Registering birth, deaths and marriages;

**VI. IN THE SPHERE OF WELFARE OF PEOPLE.**

a) Organisation of welfare activities for women, children, and backward classes;
b) Assistance in relief of distress caused by flood, drought, earthquakes, scarcity condition and other calamities;
c) Organisation of youth organisation, co-operative Societies, village volunteer's force, field management communities, village production communities etc.
d) Construction and maintenance of village markets, public place of worship;
VII. IN THE SPHERE OF AGRICULTURES, FORESTS AND ANIMAL HUSBANDRY.

a) Development of Agriculture, Horticulture and pisciculture;
b) Construction and maintenance of place for storage of cow-dung; proper use of it for agriculture purpose;
c) Arrangement of agricultural training to the cultivators with the assistance of government, Co-operative Societies and Banks;
d) Bringing under cultivation waste and fallow land vested in it;
e) Encouragement of improved methods of cultivation;
f) Conservation of manual resources; preparing of compost selling of manures;
g) Establishment and maintenance of nurseries for supply of improved seeds. And supply of improved tools and implements as signed by the Government;
h) Soil conservation, land reclamation, tree plantation, maintenance of village forests etc.
i) Crop protection and crop experiments;
j) Promotion of Co-operative farming, agricultural farming corporation, establishment of granaries etc.

VIII. IN THE SPHERE OF VILLAGE INDUSTRIES:

a) Promotion, improvement and arrangement of cottage and village industries;
b) Carrying out of any measure likely to promote the health, safety, education, comfort, convince social or economic, or cultural wellbeing of the local people;
c) Making of provision for any public reception ceremony, entertainment within its area if a resolution for the purpose is passed by a majority of the two – thirds of the total number of its members, or making
contribution towards an annual gathering of the Gram Panchayat in the District or the State.

A Gram Panchayat has also the power to carry out the duties and functions assigned to it by the Panchayat Samiti, the Zilla Parishad or by the State Government. It has also the power to receive, invest money or enter into contract with any person, on behalf of the Gram Sabha. But the aforesaid functions must not exceed the limit of the funds and resources at the disposal of the Gram Panchayat. Within the previous sanction of the Panchayat Samiti and subject to such conditions as may be prescribed, a Gram Panchayat may borrow money from the Government or any local authority to carry out the powers and functions assigned to it by this Act. It can also enter into a contract with the State Government or any local authority upon payment of collection charges; or to carry out any work on such items as may be agreed.

IX. FINANCIAL POWER.

For the purpose of this Act and with the previous sanction of the State Government, a Gram Panchayat may impose and levy within its local area, all or any of the following taxes, fees, rates, namely:

a) House tax:

b) Tax on daily, bi-weekly or weekly markets whether located on private land or otherwise;

c) Tax on carriage, carts, bicycles, rickshaws, boats and packs of animals;

d) Octroi or terminal tax;

e) Conservancy tax;

f) Water rate where drinking water is supplied by it;

g) Lighting rate where lighting arrangement is made by it;

h) Fee from cattle ponds maintained by it;
i) Fees to be charged for registration of animals of animals sold within its area;

j) Fees for use of Dharmasala or slaughter house; and

k) Fees for use of grazing ground vested in it.

Any arrear and other dues payable to the Gram Sabha under this Act shall be recovered as arrears of land revenue if the concerned Gram Panchayat at passes a resolution in that effect;

X. GRAM FUND:

A Gram Sabha has its own fund called the Gram Fund. The following shall form part of, and be paid into the Gram Fund namely.

a) The process of any tax, cues, fees, toll etc. imposed by the Gram Panchayat;

b) The amount allotted by the State Government;

c) All sums ordered by a court to be placed to the credit of the Gram Fund;

d) The sale proceeds of all dust, dirt dungs or refuse including the dead bodies of animals collected by Gram Panchayat;

e) Income from cattle ponds;

f) Such portion of the rent or other proceeds of the property of the State Government as may be placed at the credit of the Gram Fund;

g) Sums contributed to the Gram Fund by the Panchayat Samiti;

h) All sums received by way of loans from the State Government or the Panchayat Samiti or by way of gift;

i) The income from the sale proceeds of any property vesting in the Gram Sabha;

j) Such other sums as may be assigned to the Gram Fund by special or general orders of the State Government; and

k) All sums payable to the Gram Fund under this Act. The Gram Fund is vested in the Gram Sabha and held by the concerned Gram Panchayat. The administration of this fund shall, subject to the general control of the
Panchayat Samiti, be in the hands of the Gram Panchayat. Accounts of
receipt and expenditure of the Gram Panchayat are kept in the prescribed
forms. An officer appointed by the Director of Panchayats shall audit the
accounts at the end of the financial year. A Gram Panchayat shall also
prepare a budget statement of receipt and expenditure for the next
financial year and submit the same to the Panchayat Samiti for approval.
The Panchayat Samiti shall approve the budget within a period of one
month of its receipt. No expenditure, not provided for in the budget so
approved, shall be incurred without the previous sanction of the
Panchayat Samiti.

A Gram Panchayat shall prepare its annual administration report and place the
same for approval before the Gram Sabha at its meeting. The report thus
approved together with the audit, if any, shall be submitted to the Panchayat
Samiti.

POWERS AND DUTIES OF PRADHAN AND UP–PRADHAN:

The Pradhan is directly responsible for carrying out the resolution of the
Gram Panchayat, passed by it in accordance with the provisions of this Act (The
Manipur Panchayati Raj Act, 1975). He shall (a) regulate the meeting of the
Gram Sabha and the Gram Panchayat; (b) keep the records and registers of the
Gram Sabha and the Gram Panchayat in his custody; (c) exercise supervision
and control over the acts done and action taken by all the employees of the
Gram Panchayat; (d) operate jointly with the Gram Panchayat Secretary the fund
of the Gram Sabha including authorization of payment, issue of cheques and
refunds; (e) issue receipts under his signature for sums of money received by
him on behalf of the Gram Panchayat; (f) cause preparation of all statements
and reports required under this Act; (g) exercise all such other powers and
functions assigned to him by this Act or rules made thereunder.

The Up–Pradhan shall; in the absence of the Pradhan, regulate the
meeting of the Gram Sabha and the Gram Panchayat. He shall also exercise such
powers and functions as are delegated to him by the Pradhan. When the Pradhan is removed from his office under no confidence resolution by the Gram Sabha or when the Pradhan has been continuously absent from the area for more than 15 days or is incapacitated or elected as the Pramukh of the Panchayat Samiti, the Up–Pradhan shall exercise the powers and functions of the Pradhan.

**PANCHAYAT SAMITI AND ITS COMPOSITION:**

It is established for each Block area. It bears the name of the Block. It is a body corporate by the name of its Block, having perpetual succession and a common seal. It can sue and be sued in its name. A Panchayat Samiti consists of the following members. (a) All Pradhans of all the Gram Sabha in the Block. If the office of Pradhan of any Gram Sabha is vacant, The Up–Pradhan of the Gram Sabha, shall until the vacancy is filled in, be a member of the Panchayat Samiti. If the offices of both the Pradhan and the Up–Pradhan are vacant, any person elected by the members of the Gram Panchayat from amongst themselves shall until either of the tow vacancies is filled in, be member of the Panchayat Samiti (b) all members of the Legislative Assembly whose respective constituencies wholly or partly fall within the block. Such a member has right to attend the meeting of the Panchayat Samiti or of any standing Committee thereof. But he has no right to vote or to be elected as Pramukh or Up–Pramukh of such Panchayat Samiti or as member or Chairman of any standing Committee thereof.

The members stated in clauses (a) and (b) above, soon after the constitution or reconstitution of the Panchayat Samiti shall co-opt these additional members of the Panchayat Samiti, who shall have the right to vote:

a) Not more than two woman–members if there is no woman member or only one woman–member.

b) One from the scheduled caste if there is no member, from such caste.
c) One from the scheduled tribe if there is no member from such tribe and their population in the block exceeds five percent of the total population of the block.

d) One member to be nominated, as representative of the co-operative society with the Block, by the Register Co-operative Societies.

Every Panchayat Samiti has Pramukh and Up-Pramukh elected from amongst its members. The term of their office is co-terminus with that of the Panchayat Samiti. The Pramukh and the Up-Pramukh are in charge of the general administration of the Panchayat Samiti. The former, in his absence, the latter presides over the meetings of the Panchayat Samiti held for its general administrative works. For due and efficient discharge of its functions, a Panchayat Samiti constitutes, from amongst the members, Standing Committee, such as Standing Committee for production, Standing Committee for works; Standing Committee for finance; Standing Committee for Co-operation and industries; Standing Committee for Education and Social Welfare.

POWERS AND FUNCTIONS OF PANCHAYAT SAMITI:

A Panchayat Samiti has the power to do welfare in respect of the following matters.

1. **Regarding Sanitation and Health.**
   a) Sanitation and health; curative and preventive measures in respect of an Epidemic;
   b) Medical relief including establishment and maintenance of dispensaries;
   c) Establishment and maintenance of maternity and child welfare, family planning centers;
   d) Encouragement of humane and animal vaccination;
   e) Organisation and maintenance of School Health services;
   f) Facilities for Health Education;
g) Establishment and maintenance of Ayurvedic, Unani and homeopathic dispensaries and giving aids to such institutions;

h) Opening medical relief centers.

i) Water supply schemes;

II. Regarding Public Works:

a) Construction and maintenance of buildings, roads, bridges, embankments, drains, waterways or any other work or schemes;

b) Establishment, improvement and regulation of bazaars, meals; construction of stalls on the Bazaar lands of the Gram Panchayat or on lands of the Gram Panchayat and Panchayat Samiti;

c) Control and maintenance of buildings, institution, properties vested in it;

d) Establishment and maintenance of institutions, farms or industries; schemes for rural employment;

e) Establishment and maintenance of ware—house, implements and machineries;

f) Management of community lands;

III. Regarding Education And Culture:

a) Management and administrative control of primary schools;

b) Establishment and maintenance of theatres or centers for promotion of art and culture;

c) Construction and improvement of school building and play ground for schools;

d) School feeding programme and establishment of horticultural and vegetable gardens in the school compounds;

e) Observance of National weeks and days;

f) Other educational objects including exhibition, educational tours, seminars etc.
IV. **Regarding Administration:**
   a) Scrutinizing and approving budget of the Gram Panchayat; issuing instructions to the Gram Panchayat;
   b) To supervise, guide and co-ordinate the activities of the Gram Panchayat;
   c) To settle Bazaars and public ferries;
   d) To regulate, maintain and improve Bazaars and public ferries;
   e) To settle, control, improve and sell the fisheries vested in it;
   f) Administration of the employees of both Gram Panchayat and Panchayat Samiti;
   g) Preparation and implementation of plans entrusted to it by the State Government and the Zilla Parishad in respect of the Block and the Gram Panchayats;
   h) To distribute to the Gram Panchayat funds entrusted to it for distribution by the State Government and the Zilla Parishad;
   i) To scrutinize and approve the bye – laws prepared by the Gram Panchayats;
   j) To execute works of development scheme undertaken by it of transferred to it by the Zilla Parishad and the State Government;
   k) Control and supervision over the works of the officers placed at its disposal by the Government;

V. **Regarding Welfare of People:**
   a) Special measures for welfare of backward areas and classes;
   b) Mobilisation and utilization of local resources for rural development;
   c) Relief–works in case of such natural calamities as floods, drought, earthquake, scarcity conditions etc.
   d) Organisation of welfare activities among youths, women and children;
   e) Prevention of offensive and dangerous trades and practices;
f) Construction and maintenance of Dharmasalas, rest houses, camping grounds etc.

VI. Regarding Agriculture And Horticulture:
   a) Plans for development of Agriculture and Horticulture;
   b) Construction and maintenance of minor irrigation works;
   c) Agriculture extension programme.
   d) Crop protection;
   e) Crop campaigns, intensive paddy cultivation including Crop competition;
   f) Distribution of agricultural implements, fertilizers and other imputes;
   g) Agricultural finance for the cultivators with assistance from Government, Co-operative institution and banks;
   h) Establishment and maintenance of Agriculture and Horticulture farms;
   i) Measures for soil conservation and land reclamation;
   j) Measures for pisciculture;
   k) Establishment and maintenance of Godowns;

VII. Regarding Animal Husbandry And Veterinary:
   a) Establishment and maintenance of veterinary dispensaries and veterinary aids centres;
   b) Improvement of breeds of cattle including artificial insemination centres and key villages centres;
   c) Distribution of improved poultry and poultry feeds; improved breeds of cattle of sheep;
   d) Organisation of cattle shows and rallies;
   e) Establishment and maintenance of cattle, poultry, goat and piggery farms;
VIII. Regarding Small Scale And Village Industries:
   a) Promotion and development of small scale or cottage and village industries; grants or subsidy or loan for such production centres;
   b) Establishment and maintenance of small scale or cottage industries including training-cum production centres;
   c) Establishment and maintenance of Sericulture farms, production of Tasar, Eri, Muga, pat cocoons, popularisation of cultivation of cotton;
   d) To organize and assist industrial Co–operatives including Co–operative weaving societies;
   e) To provide marketing facilities for cottage industries and village industries products;

IX. Regarding Co–operatives:
   a) To organize and assist Co–operative Societies for credit consumers and marketing; to bring about an effective link between credit and marketing facilities;
   b) To organize Co–operative farming societies;

X. Regarding Revenue And Forest:
   a) Propagation of land reforms measures and undertaking of land management;
   b) Organisation and Supervision of Gramdan Village;
   c) Development of village forests and village grazing reserved and control thereof;
   d) Undertaking measures for a forestation and road side plantation;
   e) Grant of loans out of its funds to Gram Panchayats within its jurisdiction;

   But the above enumerated powers and functions must not exceed the limits of the fund and resources at the disposal of the Panchayat Samiti;
XI. **Financial Powers:**

Within the previous sanction of the State Government, a Panchayat Samiti may impose and levy within the limits of its jurisdiction, all or any of the following taxes, fees, rates and tolls, namely;

a) Tax on land not exceeding fifteen paise in a rupee payable as land revenue thereof.

b) Tax on professions, trades or callings;

c) Surcharge on duty on the transfer of immovable property;

d) Tax on tolls for market constructed by the Panchayat Samiti;

e) Fees for ferries maintained by the Panchayat Samiti;

f) Toll from periodical fairs, exhibition and market organized by the Panchayati Samiti;

g) Fees from slaughter houses;

h) Tax from the occupiers of the buildings where the conservancy service is rendered by the Panchayat Samiti;

i) Tax on entertainment including amusement;

j) Any other tax, toll, rates or fees;

But the Panchayat Samiti shall have no power to impose a tax or fee which a State Legislature has no power to impose under the Constitution of India;

XII. **Other Powers:**

A Panchayat Samiti can - (a) do all acts necessary for the due and efficient of its powers and functions, (b) exercise supervision over the Gram Panchayats within its jurisdiction, call for records from any one of its Standing Committee and revise any decision adopted by any such committee and also call for any record, return, statement of account of report from a Gram Panchayat for scrutiny. (c) direct the attendance of any officer at any of its meetings if his presence thereat is desirable for the purpose of obtaining his views or any information from him on any point in respect of the powers and functions of the
Panchayat Samiti. (d) execute those works entrusted to it by the State Government and (e) manage the property that belongs to it.

**PANCHAYAT SAMITI FUND:**

A Panchayat Samiti has its own funds called the Panchayat Samiti Fund. The fund is made up of the following sums.

a) All sums given for management of institutions and schemes transferred by the State Government to it;

b) All sums allotted by the State Government for implementation of the Community Development Programmes in the block;

c) All donations to it by the State Government, central government and public institutions or the public;

d) Such percentage of land revenue, other taxes or fees as may be payable by the State Government to the Panchayat Samiti;

e) The Proceeds of any tax fee, rate etc. which it may levy;

f) Surcharge on duty on transfer of immovable property;

g) Rents and profits from property vested in it.

h) Proceeds from periodical fairs and exhibitions organized by it with the block;

i) Share of motor vehicle tax;

j) All sums ordered by the court to be credited to the Panchayat Samiti Fund and

k) All sums payable to the Panchayat Samiti Fund;

A Panchayat Samiti shall apply its fund for the discharge of its powers and functions for execution of such schemes are entrusted to it by the State Government according to the Section 84 of the Manipur Panchayati Raj Act, 1975.
CONTROL OVER PANCHAYAT SAMITI:

Financially, a Panchayat Samiti is under the control of the Zilla Parishad, the Deputy Commissioner and the Director of Panchayats. Its budget for the next financial year is submitted to the above authorities for approval. An officer deputed by the Director of Panchayat shall audit the accounts of the Panchayat Samiti at the end of each financial year.

The State Government of the Deputy Commissioner has the power to suspend the execution of any resolution or order of a Panchayat Samiti, or prohibit the doing of any act by it if the resolution or order or the act is likely to cause a serious breach of peace or obstruction, annoyance or injury to the public, or danger to human life, health or safety. The State Government has also the power to supersede it in case of incompetence or default in respect of the discharge of its powers and functions or abuse of its powers. During the period of supersede a person appointed by the State Government shall discharge the powers and functions of the Panchayat Samiti and any of its Standing Committees. The State Government can also dissolve Panchayat Samiti if all of its members have failed to attend its meeting without reasonable cause or have tendered resignation or if some of them have tendered resignation while the rest fail to attend a meeting. If a Panchayat Samiti is so dissolved, the State Government shall appoint a person of its choice in this behalf to exercise the powers and functions of the Panchayat Samiti.

PRAMUKH AND UP-PRAMUKH:

A Panchayat Samiti has its Pramukh and Up-Pramukh. They are elected from amongst its members at the first meeting held for the purpose after the constitution or reconstitution of the Panchayat Samiti. If a Panchayat Samiti fails to elect them, the State Government shall appoint them from amongst its members. Their term of office is co-terminus with that of the Panchayat Samiti. But they may be removed earlier from office. For their removal a no-confidence
motion shall be moved by a member of the Panchayat Samiti after giving to the Deputy Commissioner at least 15 days notice as to the purpose, in writing and signed by not less than one-third of the total numbers of the Panchayat Samiti. On such a motion a meeting shall be held, and if, in such a meeting, a resolution for the removal of the Pramukh or the Up–Pramukh is passed by a majority of at least two-thirds of the total members present and voting and such majority is more than one half of total numbers of the Panchayat Samiti for the time being the Pramukh or the Up–Pramukh shall cease to hold office with effect from the date next after the date of such resolution. The Pramukh and Up–Pramukh may tender resignation in writing before the expiry of their term of office, the former by writing to the Deputy Commissioner, the latter by writing to the former.

**POWER OF PRAMUKH AND UP–PRAMUKH:**

The Pramukh of a Panchayat Samiti has the power:

a) To convene, preside over and conduct the meetings of the Panchayat Samiti except the meeting held on a no–confidence motion moved for his removal.

b) To exercise control over the financial and general administration of the Panchayat Samiti and general supervision and administrative control over the B.D.O. and other staff of his in relation to the implementation of the decision and observation of the Panchayat Samiti and the Standing Committee thereof.

c) To submit to the Panchayat Samiti all cases which require decision and sanction.

d) To perform all such functions and exercise all such powers as imposed on or delegated to him.

In case of emergency, the Pramukh may in consultation with the B.D.O.

a) Direct the execution of any work or act that required the sanction of the Panchayat Samiti or any Standing Committee thereof if such work or act is necessary for the maintenance of services and the safety of general public.
b) Stay the execution of any such work or act for reasons to be recorded in writing.

c) Subject to the approval of the Zilla Parishad change any programme of the Panchayat Samiti.

But the Pramukh shall not direct or stay the execution of the aforesaid work or act in violation of the orders of the State Government. He shall also report the action he has taken to the Panchayat Samiti or the Standing Committee, as the case may be, at its next meeting.

The Pramukh shall, at the end of every year, send a confidential report as to the working of the B.D.O. during the year to the Deputy Commissioner who shall send a copy of that report to the State Government along with his own confidential report.

The Up–Pramukh has the following power;

a) In the absence of the Pramukh, preside over the meeting of the Panchayat Samiti.

b) Exercise such powers and perform such duties of Pramukh and the Pramukh, as the Pramukh may, from time to time, delegate to him.

c) Exercise such powers and perform and perform such duties of the Pramukh pending the election of the Pramukh during the absence of the Zilla Parishad or otherwise.

The Up–Pramukh has to take over the charge and hold the office of the Pramukh when the Pramukh is elected, or appointed as a President of the Zilla Parishad.

STANDING COMMITTEE:

Every Panchayat Samiti shall constitute from amongst its members various committee. This committee has their own powers and functions. The Committee given in this Act (The Manipur Panchayati Raj Act, 1975) are:

a) Standing Committee for Production. b) Standing Committee for works; c) Standing Committee for finance d) Standing Committee for co–operation and industries e) Standing Committee for Education and Social Welfare. Each Standing Committee
consists of not less than three but not more than five members, who shall be nominated to more than one Committee. The members of each committee shall elect from amongst its members a Chairman. When the Pramukh is a member of such committee, he shall be the ex-officio chairman thereof. The term of such a Standing Committee, its meeting and selection shall be provided by the bye-laws framed by the Panchayat Samiti and approved by the State Government.

The Block Development officer will act as the responsible head of the officials and as a result all the Block Staff will come under he operative Control of the Block Development officers. In general the structure of block administration has decided into two parts i.e. the administrative element headed by the Block Development officers and political element headed by Pramukh. This two responsible men act together in developmental programme of the block and at the same time, carrying out other various projects at the Samiti level. Gerald C. Papachristpu writes: The administrative structure is essentially a Coalescence of the various government field departments of agriculture, animal husbandry, public works, education and Co-operation under the Block Development Officer as originally conceived for the Community development programme involved by Albert Mayer’s Pilot Projет6. He further says that the department representatives at the block level (called Extension officers) are responsible administratively to the Block Development Officer and technically to this departmental superior and they are on deputation to the Samiti and can only be transferred by their own department and at the same time, all are to be done under the supervision of the Block Development officer and the administrative standing Committee of the Samiti7. So, truly speaking, the overall development task at the Samiti level are to be executed under his supervision of the Block Development Officer. As we have the Block Development Officer as a head of its staff, supervises works of various departments of the Panchayat Samiti Secretariat and kept them in proper gear. The Block Development Officer watches the conduct of each and every official and at the same time, he also writes the annual reports pertaining to the
developmental tasks of his official staff. When the chairman of the Samiti who is the so-called Pramukh in our State, summons its meeting, he prepares the agenda, drafts resolutions and issue the notice of the meeting to its members. During the meeting, he takes notes of the proceedings. Being the head of the office and in charge of the community development programme, he supplied all sorts of information that required answers their questions, puts forward the administrative points of view on any problem. In addition to this, he as a development chief of Block, it is his primary responsibility to go out to villages, and meet the people and he also has extended his advice and assistance to meet the requirements of the various difficulties faced by the rural masses. He himself inspects the relevant projects taken up by the people. Over and above, it is boundful duties to bring the developmental programmes to the rural masses. There were two Panchayat Samitis in Thoubal District such as Thoubal Block Panchayat Samiti and Kakching Block Panchayat Samiti. The Thoubal Block Panchayat Samiti was set up in 1978 whereas Kakching Block Panchayat Samiti was set up in 1985. The two Block Development Officers were assisted by technical experts and male and female multi-purpose Gram Savaks to carry the message of National Extension Service and Community Development programmes to the doors of the rural people in Thoubal District. People’s support and participation formed an integral part of the programme. In fact, to ensure effective participation of the people, a condition was laid down that for any item of work taken up under the programme a certain percentage should be contributed by the people in terms of cash, kind or labour.

A sum of rupees 6,35,496 had been expended in the construction of block office buildings, quarters, purchase of jeeps, type writers, duplicating machines, irrigation channel, poultry, piggery and cow sheds, drinking water and fishery tanks, school building, supply of various agricultural and industrial tools and implements, sports goods etc. to the people of the Block areas in Thoubal District during the year 1980-85. Now the Panchayat Samitis is abolished
according to Manipur panchayati Raj Act 1994. The functions of the Panchayat Samiti was closed with effect from 1997. But all the powers and functions of the Panchayat Samiti is managed by the administrative Committee at present. According to 1991 Census, the population of Manipur is less than twenty lakhs, the intermediate tier of panchayat Samitis absent in Thoubal District, Manipur.

**ZILLA PARISHAD AND ITS COMPOSITION:**

The State Government constituted a Zilla Parishad for a district bearing the name of the District and having jurisdiction over it. A Zilla Parishad is a body corporate by the name of its districts, having perpetual succession and common seal. It can sue and be sued in its name. It can acquire, hold and transfer property. The Zilla Parishad consists of (a) the members directly from the territorial constituencies in the district under Section 50; (b) the members of the house of the people and the members of the State Legislative Assembly representing a past or whole of the district whose constituencies lie within the district; and (c) ten percent of the Pradhans of the Gram Panchayat in the district. It is provided that when the total number of members under clauses (b) and (c) exceed the total number under clause (a) only one-third of the members under clause (c) shall be selected on rotation for a period of one year by lot as the Government decided from time to time subject to the condition that a Pradhan who was a member under this clause for one year shall not be eligible to become member for a second time during the remainder of his term of office as Pradhan. It is further provided that all members of the Zilla Parishad whether elected or not from territorial constituencies in the Zilla Parishad area shall have the right to vote in the meeting of the Zilla Parishad except in the election of Adhyaksha and Up-Adhyaksha.

**ELECTED MEMBERS:**

(1) The Government may by notification in the Official Gazette determine the number of directly elected members from territorial constituencies keeping in view the overall population of the district as a rate of the one member for every 15,000 populations or part thereof. (2) From the conduct of the election, the
Directorate of Rural Development and Panchayati Raj shall, in accordance with such rules as may be Directorate of Rural Development and Panchayati Raj in this behalf by the Government, (a) divided the area of Zilla Parishad into territorial constituencies in such manner so that the ratio between the population of each constituency and the numbers of seats allotted to it shall, so far as may be practicable, be the same throughout the panchayat area and determine the number of seats allotted to each constituency; (b) in relation to each territorial constituency shall elect one or more members through direct election.

If the vacancy of a member in Zilla Parishad occurs because of resignation death, removal or otherwise, it will be filled by election. It is provided that no election for filling the casual vacancy shall be held if the vacancy is for a period of less than six months.

**RESERVATION:**

Seats shall be reserved for the Scheduled Castes and the Scheduled Tribes in the Zilla Parishad. In every Zilla Parishad and the number of seats shall bear, as nearly as maybe proportion to the total number of seats to be filled by direct election in the Zilla Parishad as the population of the Scheduled Castes in that Zilla parishad area bears to the total population of that area and such seats may be allotted by rotation to different constituencies in a Zilla Parishad. Not less than one-third of the total number of seats reserved for women belonging to the Scheduled Castes or the Scheduled Tribes. Not less than one-third (including the number of seats reserved for women belonging to Scheduled Castes and Scheduled Tribes) of the total number of seats filled by direct election in every Zilla Parishad shall be reserved for women and such seats may be allotted by rotation to different constituencies in a Zilla Parishad.

**ELECTION OF ADHYAKSHA AND UP- ADHYAKSHA:**

The elected members of the Zilla Parishad referred to in Section, 50 shall, as soon as may be, elect two members from amongst themselves to be respectively Adhyaksha and Up- Adhyaksha thereof and so often as there is a casual vacancy in the office of the Adhyaksha and Up- Adhyaksha, they elect
another member from among themselves to be Adhyaksha or Up-Adhyaksha. It is provided that no-election shall be held if the vacancy is for a period of less than one month.

MEETING OF ZILLA PARISHAD:

Every Zilla Parishad shall hold meetings at least once in every three months at such time and at such place within the local limits of the district concerned as the Zilla Parishad may fix at the immediately preceding meeting. It is provided that the first meeting of a newly constituted Zilla Parishad shall be held at such time and at such place within the local limits of the district concerned. It is provided further that Adhyaksha when required in writing by one-fifth of the members of the Zilla Parishad to call a meeting he shall do so within ten days, failing which the aforesaid members may call a meeting after giving intimation to the authority and seven clear days notice to the Adhyaksha and other members of the Zilla Parishad. One-third of the total number of members of the Zilla Parishad form a quorum for transacting the business at the meeting of the Zilla Parishad. All questions coming before the Zilla Parishad shall be decided by a majority of votes and in case equality of votes, the Adhyaksha or the member presiding shall have a casting vote.

Every meeting shall be presided over by the Adhyaksha or if he is absent by the Up-Adhyaksha and if both the Adhyaksha and the Up-Adhyaksha are absent or if the Adhyaksha is absent and there is no Up-Adhyaksha the members present shall elect one from among themselves to preside over the meeting. A copy of every resolution passed by the Zilla Parishad shall within ten days from the date of its passing in the meeting be forwarded by the Chief Executive Officer to the Government.

POWER, FUNCTIONS AND DUTIES OF THE ADHYAKSHA AND UP-ADHYAKSHA:

The Adhyaksha has the powers to:

a) Perform all the duties imposed and exercise all the powers conferred on the Adhyaksha;

b) Convene, preside over, and conduct meetings of the Zilla Parishad;
c) Exercise administrative supervision and control over the Chief Executive Officer and through him all officers and other employees of the Zilla Parishad and the officers and employees of the Zilla Parishad and the offices and employees whose services may be placed at the disposal of the Zilla Parishad by the State Government.

d) Exercise overall supervision over the financial and executive administration of the Zilla Parishad and place before the Zilla Parishad all questions connected herewith which shall appear to him.

e) Exercise the power to accord sanction up to a total sum of rupees one lakh in a year for the purpose of providing immediate relief to those who are affected by natural calamities in the district.

f) Exercise such other powers perform such other functions and discharge such other duties as the Zilla Parishad may, by general resolution direct or as the Government may by rules made in this behalf.

THE UP- ADHYAKSHA HAS THE POWER TO:

a) Preside over the meetings of the Zilla Parishad in the absence of the Adhyaksha.

b) Exercise such powers and perform such duties of the Adhyaksha as the Adhyaksha from time to time may subject to the rules as may be prescribed delegate to him by order in writing.

c) Exercise the powers and perform the duties of the Adhyaksha during the absence of the Adhyaksha from the district or pending the election of the Adhyaksha or by reason of leave for a period exceeding thirty days.

When the office of the Adhyaksha is vacant, the Up- Adhyaksha shall exercise the powers and functions of the Adhyaksha until a new Adhyaksha is elected. When both their offices are vacant, or both them are absent on leave or
otherwise a member elected from amongst the members of the Zilla Parishad shall exercise the powers and functions of the Adhyaksha.

**ZILLA PARISHAD FUND:**

1. For every Zilla Parishad there shall be constituted a Zilla Parishad Fund bearing the name of the Zilla Parishad and there shall be placed to the credit thereof:

   a) Contributions and grants if any, made by the Central or the State Government including such part of land revenue collected in the State as may be determined by the Government;

   b) Contributions and grants if any, made by a Gram Panchayat or any other local authority;

   c) Loans, if any, granted by the Central or State Government or raised by the Zilla Parishad on security of its assets;

   d) The proceeds of road-cess and public work-cess levied in the district;

   e) All receipts on account of tolls, rates and fees levied by the Zilla Parishad;

   f) All receipts in respect of any schools, hospitals, dispensaries, buildings, institutions or works, vested in constructed by or placed under the control and management of the Zilla Parishad;

   g) All sums received as gift or contribution and all income from any trust or endowment made in favour of Zilla Parishad;

   h) Such fines or penalties imposed and realised under the provision of this Act or of the bye-laws made thereunder, as may be prescribed; and

   i) All other sums received by or on behalf of the Zilla Parishad.

2) Every Zilla Parishad shall set apart and apply annually such sum as may be required to meet the cost of its own administration including the payment of salary, allowances, provident fund and gratuity to the officers and employees. The overall expenditure on establishment shall not exceed one-third of the total expenditure.

3) Every Zilla Parishad shall have the power to spend such sums as it thinks fit for carrying out the purpose of this Act.
4) The Zilla Parishad Fund shall be vested in the Zilla Parishad and the amount
standing to the credit of the fund shall be kept in such custody or invested in such
manner as the Government may, from time to time, direct.

**TERM OF A ZILLA PARISHAD:**

1) Every Zilla Parishad shall continue for five years from the date of its first
meeting;

Provided that a Zilla Parishad which is functioning immediately before the
commencement of this Act shall continue till the expiration of its duration.

2) An election to constitute a Zilla Parishad shall be completed:-
   a) before the expiry of its duration specified in sub-section (1) and
   b) in case of its dissolution, before the expiration of a period of six months
from the date of such dissolution:

Provided that where the remainder of the period for which the dissolved Zilla
Parishad would have continued, is less than six months, it shall be necessary to
hold any election under this clause for such period.

3) A Zilla Parishad constituted upon the dissolution of a Zilla Parishad before the
expiration of its duration shall continue only for the remainder of the period for
which the dissolved Zilla Parishad would have continued under sub-section (1)
had it not been so dissolved.

**RESIGNATION OR REMOVAL OF THEE ADHYAKSHA AND UP- ADHYAKSHA:**

The Adhyaksha may resign his office by writing under his hand addressed
to the Commissioner, and the Up- Adhyaksha may resign his office by writing
under his hand addressed to the Adhyaksha. Every resignation under the section,
57 shall take affect on the expiry of fifteen days from the date of its receipt by
the Directorate of Rural Development and Panchayati Raj, Government of
Manipur, unless within this period of fifteen days he withdraws such resignation
by writing under his hand addressed to the above Directorate. Every Adhyaksha
or Up-Adhyaksha shall be deemed to have vacated his office.
forthwith if a resolution expressing want to confidence in him is passed by a majority of the total number of elected members of the territorial constituencies of the Zilla Parishad at a meeting specially convened for the purpose. The requisition for such a special meeting shall be signed by not less than one-fifth of the total membership of the Zilla Parishad and shall be delivered of the Adhyaksha. The Adhyaksha shall within seven days from the date of receipt of the requisition, convene a special meeting of the Zilla Parishad. The meeting shall be held on a day not later than fifteen days from the date of issue of the notice of the meeting. The meeting shall be prescribed over by the Adhyaksha, if the motion is against the Up-Adhyaksha and in case of Adhyaksha, the Up-Adhyaksha shall preside over the meeting if it is against both, a member nominated from amongst themselves by the members present in such meeting shall preside over such meeting. In the initial two years of their term as Adhyaksha or Up-Adhyaksha, as the case may be of Zilla Parishad, no motion of no-confidence shall be brought against them. If the motion of no-confidence against the Adhyaksha or Up-Adhyaksha or both is once rejected, no fresh motion of no-confidence against the Adhyaksha or Up-Adhyaksha or both as the case may be, brought before the Zilla Parishad within a period of one year from the date of such rejection of the motion.

RESIGNATION OF MEMBER:

A member of a Zilla Parishad may resign his membership in writing under his hand addressed to the Adhyaksha of the Zilla Parishad and his seat shall become vacant on the expiry of fifteen clear days from the date of such resignation, unless within the said period of fifteen days; he withdraws such resignation by writing under his hand addressed to the Adhyaksha.

POWER AND FUNCTIONS OF ZILLA PARISHAD

1) AGRICULTURE AND AGRICULTURAL EXTENSION

a) Promotion of measures to increase agricultural production and to popularize the use of improved agricultural implements and the adoption of improved agricultural practices;

b) Establishment and maintenance of godowns;

c) Conducting agricultural fairs and exhibitions;
d. Training of framers;
e. Land improvement and soil conservation; and
f. Promotion of agricultural extension works;

2. IRRIGATION GROUND WATER RESOURCES AND WATERSHED DEVELOPMENT.
   a. Constitution renovation and maintenance of minor irrigation works and lift irrigation;
   b. Providing for the timely and equitable distribution and full use of water under irrigation schemes under the control of the Zilla Parishad;
   c. Development of ground water resources;
   d. Installation of community pump sets; and
   e. Watershed development programme;

3. HORTICULTURE:
   a. Promotion of rural parks and gardens;
   b. Promotion of cultivation of fruits and vegetables; and
   c. Promotion of farms;

4. STATISTICS:
   a. Publication of statistical and other information relating to activities of Gram Panchayat and Zilla Parishads;
   b. Co-ordination and use of statistics and other information required for the activities of the Gram Panchayats and Zilla Parishads;
   c. Periodical supervision and evaluation of project and programmes entrusted to the Gram Panchayat and Zilla Parishads;

5. SOIL CONSERVATION AND LAND REFORMS
   a. Soil conservation measures;
   b. Land reclamation and land development works; and
   c. Promote implementation of land reforms and land consolidation;

6. MARKETING:
   a. Development of regulated markets and marketing yards; and
b. Grading and quality control of agriculture products;

7. SOCIAL FORESTRY:
   a. Organise campaign for tree planting; and
   b. Planting and maintenance of trees;

8. ANIMAL HUSBANDRY AND DAIRYING:
   a. Improvement of breed of cows and pigs;
   b. Promotion of poultry farms, duck farms and goat farms;
   c. Promotion of fodder development programmes;
   d. Promotion of farming, poultry and piggery; and
   e. Prevention of epidemics and contagious diseases;

9. MINOR FOREST PRODUCE, FUEL AND FODDER:
   a. Promotion of social and farm forestry, fuel plantation and fodder development;
   b. Management of minor forest produce of the forests raised in community lands; and
   c. Development of wasteland;

10. FISHERIES:
   a. Promotion of fish seed production and distribution;
   b. Development of pisciculture in private and community tanks;
   c. Development of inland fisheries;
   d. Promotion of fish curing and drying;
   e. Assistance of traditional fishing;
   f. Organising fish marketing co-operatives; and
   g. Welfare schemes for the uplift and development of fisherman;

11. HOUSEHOLD INDUSTRIES:
    (Including food processing)
    a. Identification of traditional skills in the locality and promotion of household industries;
    b. Organising of training programme for craftsmen and artisan;
c. Liaison to tap bank credit for household industries;
d. Popularising and marketing of finished products; and
e. Organising khadi, handloom, handicraft and village and cottage industries;

12. **RURAL ROADS AND INLAND WATERWAYS:**
   a. Construction and maintenance of roads other than National, State Highways and other District road;
   b. Bridges and culverts coming under roads falling other than National, State Highways and other District road;
   c. Construction and maintenance of office buildings of the Zilla Parishad;
   d. Identification of major link roads connecting markets, educational institutions, health centres; and
   e. Organising voluntary surrender of lands for new roads and for widening of existing roads;

13. **HEALTH AND HYGIENE:**
   a. Implementation of immunization and vaccination programme;
   b. Health education activities in hospitals, primary health centres and dispensaries;
   c. Maternity and child health service activities;
   d. Family welfare activities;
   e. Organising health camps with Gram Panchayats; and
   f. Measures against environment pollution;

14. **RURAL HOUSING:**
   a. Identification of household families;
   b. Implementation of house building programmes in the district; and
   c. Popularising low cost housing;

15. **EDUCATION:**
   a. Promotion of educational activities including the establishment and maintenance of primary and secondary schools;
b. Planning of programmes for Adult Education and Library facilities;
c. Propagation of technical training and vocational education; and
d. Extension work for propagation of Science and Technology to rural areas;

16. SOCIAL WELFARE AND WELFARE OF WEAKER SECTIONS AND HANDICAPPED PERSONS:
   a. Promotion of social welfare programme and social welfare activities
      with emphasis on handicapped and mentally retarded persons;
b. Organising nursery schools, balwadies, night schools and libraries to
   eradicate illiteracy and impart general education; and
c. Organising co-operative societies of Scheduled Castes and Scheduled Tribes;

17. POVERTY ALLEVIATION PROGRAMMES:
   Planning, supervision, monitoring and implementation of poverty
   alleviation programmes;

18. DRINKING WATER:
   a. Construction, repair and maintenance of drinking water wells, tanks
      and ponds;
b. Prevention and control of water pollution;

19. RURAL ELECTRIFICATION:
   a. Promote extension of electricity to un electrified areas;
b. Help in the prevention of illegal tapping of electricity; and
c. Help in the recovery and collection of electricity dues;

20. NON CONVENTIONAL ENERGY SOURCES:
   a. Promotion and development of non-conventional energy scheme; and
   b. Propagation of efficient energy devices;

21. SOCIAL REFORM ACTIVITIES:
   a. Promotion of women’s organization and welfare;
b. Promotion of children’s organization and welfare;
c. Organise cultural and recreation activities;
d. Encouragement of sports and games and construction of rural stadia;
e. Promotion of thrift and saving through:-
   i.) Promotion of savings habits;
   ii.) Small savings campaign;
   iii.) Fight against spurious money, lending practices and rural indebtedness;

In addition, the Zilla Parishad may-
a. Manage or maintain any work of public utility or any institution vested in it or under its control and management;
b. Acquire and maintain village hats and markets;
c. Make grants to Gram Panchayat;
d. Adopt measures for the relief of people in distress;
e. Co-ordinate and integrate the development plans and schemes prepared by Gram Panchayats in the district;
f. Examine and sanction the budget estimates to the whole or part of the district; and

g. Take over the maintenance and control of any rural bridge, tank, ghat, well, channel or drain, belonging to a private owner or any other authority or such terms as may be agreed upon;
h. Undertake or execute any scheme extending to the whole or part of the district; and

i. Incur expenditure on education or medical relief outside its jurisdiction;
j. Provide for carrying out any work or measures likely to promote health, safety, education, comfort, convenience or social or economic or cultural well-being of the inhabitants of the district;
k. Contribute to association of All-India, State or Inter State level concerned with the promotion of local government and for holding
exhibition, seminar and conferences within the district, related the activities of Gram Panchayat and Zilla Parishad; and

1. Render financial or other assistance to any person for carrying in the district any activity which is related to any of its functions;

The Zilla Parishad has the following Standing Committees, namely:

a. General Standing Committees;
b. Finance, Audit and Planning Committee;
c. Social Justice Committee;
d. Education and Health Committee;
e. Agriculture and Industries Committee; and
f. Works Committee;

Each Standing Committee consists of such number or members not exceeding five including the Chairman elected by the members for Zilla Parishad from amongst the elected members. The Adhyaksha is the ex-officio member and Chairman of the General Standing Committee and Finance, Audit and Planning Committee. The Up-Adhyaksha is the ex-officio member and Chairman of the Social Justice Committee. The other standing Committee elects the Chairman from among their members. No member of the Zilla Parishad shall be eligible to serve not more than two Standing Committees. The Chief Executive officer is the ex-officio Secretary of the General Standing Committee and the Finance, Audit and Planning Committee and he nominates one of the Deputy Secretaries as ex-officio Secretary for each of the remaining Standing Committees. The Chief Executive Officer entitled to attend the meeting of all the Standing Committees.

The General Standing Committee performs functions relating to the establishment matters and functions to communication buildings, rural housing, village extension, relief against the natural calamities and allied matters and all other matters. The finance Audit and Planning Committee performs the functions relating to:
a. The finances of the Zilla Parishad framing of budgets, securitizing proposals for increase of revenue examination of receipts and expenditure statements consideration of all proposals affecting the finances and expenditure of the Zilla Parishad;

b. The plan priorities allocation of outlays to developments, horizontal and vertical linkages, implementation of guidelines issued by the Government regular review of planning programmes evaluation of important programmes and small savings schemes.

The Social Justice Committee performs functions relating to:-

a. Promotion of education, economic social cultural and other interest of the Scheduled Castes, Scheduled Tribes and Backward Classes;

b. Protecting them from social injustice and all other forms of exploitation;

c. Amelioration of the Scheduled Castes, the Scheduled tribes and Backward Classes;

d. Securing social justice to the Scheduled Castes the Scheduled Tribes, women and other weaker sections of the society;

The Education and Health Committee must:-

a. Be in charge of all educational activities of the Zilla Parishad.

b. Undertake the planning of education I the district within the framework of the national policy and the national and state plans;

c. Survey and evaluate the educational activities of the Zilla Parishad;

d. Perform such other duties pertaining to education adult literacy and cultural activities as the Zilla Parishad may assign to it;

e. Health services, hospitals, water supply, family welfare and other related matters;

The Agriculture and Industry Committee performs functions relating to:-

a. Agriculture production animal husbandry, co-operation, contour bonding and reclamation;

b. Village and cottage industries and
c. Promotion of industrial development of the district;
The works Committee performs functions relating to maintenance of:-

a. Road including district roads, bridges, culverts;

b. Maintenance of buildings under its control or transferred by the
   Government or any public authority; and

c. Maintenance of bridges, ferries, waterways;

There are 16 Zilla Parishad members including Adhyaksha and Up-
Adhyaksha in the Thoubal District. The name of the constituencies from which
elected are Tural Ahanbi Atoukhong, Leishangthem, Maibam Uchiwa,
Wangkhem, Charangpat, Khangabok, Heirok, Sangaiyumpham, Tentha,
Langathel, Pallel, Wabagai, Hiyanglam, Sekmaijin, Waikhong, Wangoo
respectively. The Zilla Parishad in the Thoubal District, this body is expected to
co-ordinate supervise; control the lower Panchayati Raj Institutions. This will be
able to give a most felt direction to the administrative committees and Gram
panchayats in the district. Adequate provisions for transfer of the department
schemes have been made in the Manipur Panchayati Raj Act and Rules made
there under. Scope for execution of development works would be wider with the
transfer of departmental schemes and with full involvement of Panchayati Raj
Institutions. The Manipur Government is taking steps for transferring of some
works like collection of Electric and water taxes etc. through Gram Panchayats or
village Authorities. At present in the Thoubal District, the Panchayati Raj
Institutions are not in a position to top local resources to augment their fund.
The Manipur Government cannot supplement their resources very much. The
Manipur Government is considering the ways and means for enabling the
Panchayati Raj Institutions to tap local resources. The Zilla Parishad has been
implemented in Thoubal District since 1997.

22. **NYAYA PANCHAYAT AND ITS CONSTITUTION:**

A Nyaya panchayat is established for a circle for administration of justice
therein. Such a circle consists of Gram Sabha area or areas. It is known by such
name as is specified in the notification of the State Government. A Nyaya Panchayat consists of such number of panchas as the State Government fixes but not exceeding five. Where a Nyaya Panchayat circle consists of more than one Gram Sabha each Gram Sabha within the circle shall have proportionate representation in the Nyaya Panchayat on the basis of the population. The panchas are elected from amongst its members by the Gram Panchayat within the circle. Their appointments are published in the official Gazette by the Deputy Commissioner. The term of the Nyaya Panchayat is co-terminus with that of the Gram Panchayat. It has also its own Sarpanch and Up-Sarpanch, who are appointed by the State Government in consultation with the District Judge from amongst the elected panchas. Their appointment also is published in the Official Gazette.

A Panch may tender resignation in writing to the Sarpanch; latter by writing to the Director of Panchayats. The Director of the Panchayats may also remove a Panch from office on ground of misconduct in the discharge of official duty, or negligence or refusal or incapacity to discharge his duty. The business of the Nyaya Panchayat is conducted in accordance with the rules made in this behalf. The Sarpanch in his absence, the Up-Sarpanch presides over the meetings of the Nyaya Panchayat; in the absence of both of them the purchase elect from amongst themselves one Panch to preside over the meeting. A Nyaya Panchayat also has a secretary and staff of its own to assist it in the performance of its Powers and functions. He is appointed by the Director of Panchayats.

23. **CIVIL AND CRIMINAL JURISDICTION OF NYAYA PANCHAYAT:**

A Nyaya Panchayat has the power of the following suits of the value upto Rs. 500/-

a. a money suit;

b. a suit for recovery of movable property or for the value thereof;

c. suit for compensation for wrongfully taking or injuring movable property;
d. a suit for damages caused by cattle trespass.

But it has no power to entertain the following suits:

a. a suit for a balance due to partnership account.
b. a suit in respect of testamentary and intestamentary successions;
c. a suit by or against the Government or a public servant in respect of the official acts;
d. a suit by or against a minor or a person of unsound mind;
e. a revenue case unless empowered to try the same;
f. a suit over which a civil court jurisdiction is barred.

A Nyaya Panchayat shall not entertain a suit, the institution of which is barred by limitation. It shall also not entertain a suit which is already decided by or subjudice of another Nyaya Panchayat or court of competent jurisdiction.

EXTENT OF CRIMINAL JURISDICTION:

A Nyaya Panchayat has jurisdiction to try the following criminal cases:


b) Offences under Nyaya Panchayat section 24 and 26 of the Cattle trespass Act 1871, and

c) Any other offence under above Acts or any other Acts if empowered to try the same.

But a Nyaya Panchayat has no power to inflict a substantive sentence of imprisonment. It has however, the power to pass a sentence of fine up to Rs. 100/- no imprisonment shall be awarded in default of payment of fine. A Nyaya Panchayat Court shall not take cognizance of any criminal case against the following persons within its local jurisdiction:
a) a public servant;
b) a convict in respect of theft and receiving stolen property;
c) a person under blood for good behaviour, under Section 109 or 110 of the Code of Criminal Procedure, 1973.
d) a convict under the public Gambling Act, 1867.

It has the power to release a youthful offender after due admonition or on bond of Rs. 100/- executed by his guardian for his good behaviour. All the offences triable by the Nyaya Panchayat are compoundable.

24. **PROCEDURE OF CASES:**

A proceeding either civil or criminal, before the Nyaya Panchayat shall be guided by the principles of natural justice—nemo judex in casual sua and audi alteram partem. A Nyaya Panchayat has the power to regulate its own proceeding. Legal practise cannot appear and plead for case before it. But the duly authorised agents of the parties to the case are allowed to appear and plead for cases of their parties. A Nyaya Panchayat in conducting trial cases must follow the spirit of the provisions of the Code of Criminal Procedure, 1973, the Indian Evidence Act, 1872 and the Code of Civil Procedure 1908. Difficult and important cases should be referred to the concerned Munsiff or the Judicial Magistrate 1st Class. A case, either or criminal, may be instituted orally or in writing in a Nyaya Panchayat. After hearing the parties and recording necessary evidence, the sentence in criminal case or the decree in a suit is given. If it cannot execute the sentence or the decree, it shall forward the same of the concerned judicial magistrate First Class or the Munsiff for execution thereof.

25. **CONTROL OF NYAYA PANCHAYAT:**

The concerned Munsiff exercises revisional jurisdiction over the civil cases before the Nyaya Panchayat. Likewise, the concerned Judicial Magistrate 1st Class exercises revisional jurisdiction over the criminal cases before it. The Munsiff or the Judicial Magistrate 1st Class can pass such order as he thinks fit and proper in the circumstances of the case. Such orders are final and
conclusive. No action shall lie for an act done by a panch of the Nyaya Panchayat in the due discharge of his judicial duties.

**POWER TO DISSOLVE NYAYA PANCHAYAT:**

1) If, in the opinion of the State Government, a Nyaya Panchayat has abused its powers or has made a persistent default in the performance of its duties or is for any other reason unable to discharge its functions, the Government may, after giving the Nyaya Panchayat an opportunity of furnishing an explanation, by order notified in the official Gazette, dissolve the Nyaya Panchayat.

2) Where a Nyaya Panchayat is dissolved, every member thereof shall, from the date of the order, be deemed to have vacated his office.

3) Where a Nyaya Panchayat is dissolved under this section, 216 a new Nyaya Panchayat shall be established as soon as possible.

**REMOVAL OF PANCHAS IN CERTAIN CASES:**

1) If, in the opinion of the Director of Panchayats, a Panch :-

   a) has been guilty of misconduct in the discharge of his duties or of any disgraceful conduct; or

   b) has absented himself without sufficient cause from meetings of a Nyaya Panchayat so as to render his continuance in office undesirable or has otherwise neglected or refused to perform, or has become incapable of performing any of the duties as a Panch; or

   c) has rendered himself unfit to perform the duties of his office by reason of his active association with any political party or with any religious, racial, language or caste; or

   d) should be removed from office for any other reason in the public interest; he may, after giving the panch or opportunity of being heard and after such enquiry as he thinks fit to make, remove him from panchship.
2) Pending such enquiry, the panch be suspended from office for such period as the District Judge thinks fit.

3) A panch removed from office under Section 216 shall be disqualified from being chosen as a panch of any Nyaya Panchayat for such period as the Director of Panchayats may, in the order of removal or in any subsequent order passed in this behalf, specify.

The Expert Committee\(^9\) examine and work out the functional modalities of the Panchayati Raj Institutions in Manipur indicating a clear cut demarcation of various functions to be carried out by the Zilla Parishad and Gram Panchayat separately and to examine and prescribe the functional modalities for implementation of the report of the Manipur State Finance Commission by the State Government Department to the Panchayati Raj Institutions as grant in aid was constituted vide Government's order No. 9/13/95-Dev(P)/Pt-III dt.29-06-'99. The Panchayat maintains the bus stands or terminus along the village, collection of parking fees, identification of beneficiaries with the approval of the Gram Sabha and identification of location of works through Gram Sabha.

At present, the Zilla Parishad of Thoubal District is directly related to the Gram Panchayat for providing the rural development schemes under the Manipur Panchayati Raj Act 1994. All the powers and functions of the Panchayat Samiti are managed by executive Committee. The Adhyaksha of the Zilla Parishad is the chairman of the executive Committee.
NOTES and REFERENCES

1 M. Ibohal Singh, A Study of Local Self-Government in Manipur. Page 58

2 Ibid  Page 58

3 The Manipur Panchayati Raj Act, 1975 Section 3

4 The Manipur Panchayati Raj Act, 1975 Section 4

5 The Manipur Panchayati Raj Act, 1975 Sections 5 and 6

6 The Manipur Panchayati Raj Act, 1975 Sections 10 and 11

7 The Manipur Panchayati Raj Act, 1975 Section 12

8 Personal interview with Md. Tomba Village level worker of Thoubal C.D. Block.

9 Expert Committee consisting of Chief Secretary as Chairman, Commissioner (Finance) as member Secretary (DP) as member and Secretary (RD & PR) as Convenor.