CHAPTER FOUR

Structural Arrangement of Panchayati Raj in Kerala
After the integration of Travancore and Cochin in July, 1949, the Travancore-Cochin Panchayat Act, 1950 was enacted. The elections were held in April-June 1953 under the provisions of this Act. This election was held on partylines and the new panchayats began functioning on August 15, 1953. The president and other members of the panchayats found it difficult to carry out all the functions of the panchayats along with their political work. The best democratic remedy would have been permitting the panchayat to appoint necessary administrative staff to help the elected head of the panchayat in the efficient discharge of his executive functions.
But logically enough from the point of view of the historical evolution of the rural local bodies in the state and in the context of emerging political power structure especially in the rural society of the state, the state government incorporated a provision in the Act for the appointment of a full time government employee for each panchayat to attend the day to day activities of it. Thus panchayats with executive authority were appointed in 1955, first in the panchayats of former Travancore-Cochin states and in Malabar district panchayat officers were appointed under the provisions of the Madras village panchayat Act, 1950. Panchayat officers were appointed in almost all panchayats. The executive authority resided in the presidents as before. This was an inevitable development in the light of the democratic decentralisation process combined with increasing financial dependence of the panchayats on the state of government. The introduction of planning and community development have contributed to this. This process was accompanied by increasing control of the rural local bodies by the bureaucracy at the state and the district levels. No government would like to see their schemes and programmes implemented by any institution with their money without their control and supervision.
Under the Kerala panchayat Act, 1960 the Executive officer is purely an official appointed by the government without consulting the panchayat committee. The Act, has specifically empowers the executive power of the panchayats in the executive officer. The elected head of the panchayat came to be devoid of formal executive authority.

The office of the president

There shall be a president for every village panchayat and he is elected by the members from among themselves. The president is elected in a specially convened meeting for the purpose by the Tahsildar/Block Development Officer, on intimation by the district panchayat officer. In the meeting convened for it at least one half of the sanctioned strength of the panchayat should be present. The presiding officer has no right to vote. The candidate proposed by one member and seconded by another, who gets the larger number of votes is declared elected. In case of equality of votes the election result is decided by lots drawn by the presiding officer. Any dispute on the validity of the president's election is referred to the Munsiff, whose decision is final. The term of office of the president and members is five years.

Oath of office

Every member of the panchayat shall before taking his seat make and subscribe before the tahsildar or other officer
appointed by him to preside over the meeting an oath or affirmation according to the form set out for the purpose. After the president has been elected, such oath or affirmation may be made and subscribed by any member before the president. "No member, who has not taken such an oath or affirmation shall vote or take part in the proceedings of any meeting or shall be included as a member of any committee constituted by the panchayat". The president and members of the administrative committee appointed before, assuming office as president or member of the committee make and subscribe an oath of office in the form set out in the schedule II of the Kerala Panchayat Act.

Powers

The president discharges mainly the following three functions "(i) convene the meeting of the panchayat (ii) forward half-yearly reports to the deputy director about the work and conduct of the executive office (iii) discharge all duties and exercise all powers specifically imposed or conferred on the president". He has full access to and can deal with all records of the panchayat and the deputy director and authorities above him may be conducted except through the president. It is expected of the president to pursue all the papers received in the panchayat every day, pass orders or issue directions wherever necessary and go through all letters issued from the panchayat to see
that the executive officers and their assistants are carrying out their work properly. Moreover in case of emergency the president can order the work of the panchayat to be executed and also grant money for the purpose, from the panchayat funds, without the previous sanction of the panchayat, though such action has to be reported to the panchayat for its ratification at its next meeting. The president has to make a report to the director of panchayats within three days after each meeting of the panchayat about its proceedings. Proper administration and working the panchayat depends on the advice and guidance that president may give to the panchayat and the control and supervision that they are expected to exercise over the staff of the panchayat including the executive officer.

It has been, specifically provided in the panchayat Act that, "if it appears to the president that the executive authority of the panchayat has failed to carry out any resolution of the panchayat except under circumstances mentioned in section 34(iii) or to perform any duty imposed upon him by the provisions of this Act or any other law, the president may issue a direction to the executive authority to carry out the resolution or perform the duty as the case may be, within a time to be specified in such direction". If the executive authority fails to carry out the resolution or perform the duty within the time specified, the president may take such action as may be necessary for the implementation of the
resolution and the performance of the duty. The president may also after giving the executive authority a reasonable opportunity for explanation send a report to such failware together with the explanation, if any to the deputy director. "It is however clearly discernible from the experience of the working of panchayats in Kerala that many a panchayat president has been finding it difficult to discharge his onerous duties and responsibilities in the absence of any real executive authority which has been vested in the panchayat executive officer by the panchayat Act 1960"^6.

**Motion of non-confidence**

Atleast one half of the members of the panchayat committee should sign the written notice of intention to make a motion expressing the need of confidence in the president. This notice along with a copy of the motion should be sent to the deputy director, by any two members signing the notice in person. Within thirty days of the delivery of the notice an officer not below the rank of a district panchayat officer authorised by the deputy director convenes a meeting for the consideration of the motion, giving to the members notice of 15 days, clear the meeting with date, time and place. If one half of the members are not present the meeting cannot be held. Debate on the motion is allowed for two hours and then the motion is put to the vote of the meeting. If the motion is
carried out with the support of not less than three fifths of the total strength of the panchayat and of the president does not resign his office within two days the director is empowered to remove him from office.

**Power of the president to resign**

The president can resign by giving notice to the deputy director, who intimates the same to the panchayat. The resignation takes effect from the date on which it is received by the deputy director. The members of the panchayat and the vice president may resign by giving notice to the president.

Thus the panchayat president in Kerala, is the responsible political head of the panchayat. He occupies a position of dignity and prestige. He plays an important role in the council. He has potentially significant role as the symbol of unity and integrity of the panchayat. He is the principal coordinator of the panchayat functions and thus provides, the stabilising element in the local government structure. As the chairman of the panchayat committee he is responsible for the formulation of policy. He has to supervise control and coordinate the entire activities of the panchayat.

**The Vice President**

The vice president exercises the functions of the president, "when the office of the president is vacant, until a new
president is elected and assumes office or if the president has been continuously absent from jurisdiction for more than fifteen days or is in incapacitated, his functions during such absence or incapacity, shall except in such circumstances as may be prescribed devolve in the vice president. Besides the president may be an order in writing delegate any of his functions with such restrictions and conditions as may be specified in the order to the vice president. But there is no specific functions attached to the office of the vice president unlike that of the president or the executive officer.

**Members of the panchayat**

Members also have certain rights and duties. Every member shall have the right to more resolutions and to interpellate the president on the matters related with administration of the panchayat, subject to such rules as may be prescribed. Every member shall have access during office hours to the records of the panchayat after giving the due notice to the executive authority, provided that the executive authority may, for reasons given in writing and with the approval of the president, refuse such access. But the executive authority may either grant or refuse to concede this right of a member by giving reasons for his refusal in writing with the approval of the president. The members of the panchayat may also convene the meetings of the panchayat,
if the president fails to do so required for by the members. Notice of such meetings should be given to the president since he is also a member of the panchayat committee besides being its president.

Remuneration

The president, the vice president and the members are not entitled to any remuneration for their services to the panchayat. But under section 32 of the Kerala panchayat Act, the president, vice president and the members are eligible to get allowance or sitting fee which shall not exceed the maximum specified by the government by special or general orders. The government issued the first notification in this regard was on 09 November 1962 fixing the amount that may be sanctioned to the president, the vice president and the members of the panchayat as their sitting fee.

The panchayat functions through functional committee and is assisted in its routine administrative functions by a small staff headed by an executive officer, with whom, the executive authority of the panchayat is vested. A detailed account of it is given in the following pages.

Panchayat meeting

Every meeting of a panchayat shall be presided over by the president, in his absence by the vice president and in
the absence of both, by a member chosen by the meeting to
preside for the occasion.

Minutes of the proceedings of the meeting

A copy of the minutes of the proceedings at every meeting of a panchayat as well as of all minutes of dissent in respect of such proceedings received from any member present at the meeting, within forty eight hours of the close thereof, shall be forwarded by the president within seven days of the date of meeting to the inspector of panchayats 10.

A panchayat may require the executive authority to produce any document which is in his custody and he shall subject to such rules as may be prescribed, comply with every such requisition. The proceedings of every panchayat and of all committees thereof shall be governed by such rules as may be prescribed.

The panchayat shall constitute functional committees for different subjects like agriculture, sanitation, communication, public health, and education consisting of both panchayat members and others who are interested in the public welfare and who are nominated by the panchayat. The panchayat may also constitute ward committees with the ward members and local inhabitants nominated by the panchayat, to study and report on the needs of the wards. The nature and scope of
the work of these committees shall be laid down in its bye-laws by each panchayat from time to time.

The panchayat may, and if so required by the deputy director shall join with one or more other local authorities in constituting a joint committee for any purpose for which they are jointly responsible. The constitution, powers and procedure of joint committees and the method of settling differences of opinion arising authorities concerned shall be in accordance with such rules as may be prescribed.

Adjudication of disputes between panchayats

When a dispute exists between a panchayat and one or more other local authorities in regard to any matter and the deputy director is of opinion that the panchayat and the other local authorities concerned are unable to settle it amicably among themselves, he may take notice of the dispute and decide it himself or refer it for inquiry and report to an arbitrator or a board of arbitrators or by constituting a joint committee.

Administration report

Every panchayat shall forward to the director a report on its administration for each year as soon as may be after the close of such year and not later than the prescribed date, in such form with such details and through such authority as may be prescribed. The report shall be prepared by the executive
authority and the panchayat shall consider it and forward the same to the director. The director shall submit to the government a general report on the administration of panchayats in the state during the concerned year.

B. PERMANENT EXECUTIVE OF THE PANCHAYATS

The executive officer

The 'executive authority' of every panchayat has been vested in the executive officer by the Kerala panchayat Act, 1960 which has entrusted him with some duties and responsibilities. Such executive officer shall be a government servant. The panchayat shall pay the executive officer such salary and allowances as may from time to time, be fixed by the government and shall also make such contributions towards his leave allowance, pension and provident fund as may be required by the conditions of his service under the government to be made by him or on his behalf.

The government shall regulate the classification methods of recruitment, conditions of service, pay and allowances and discipline and conduct of the executive officers appointed under section 33 of the Kerala panchayat Act, and such regulations may also provide for the constitution of the executive officers into a separate service or cadre either for the whole state or each revenue district.
The government may at any time transfer an executive officer from a panchayat and shall do so if such transfer is recommended by the resolution of the panchayat at a special meeting called for the purpose and supported by the votes of not less than two thirds of the sanctioned strength of the panchayat.

Four grades of executive officers.

There are four classes of executive officers corresponding to the four grades into which panchayats have been grouped on the basis of their annual income. Special grade panchayats having an annual income of Rs.1.75 lakh and above, grade I panchayats having an annual income ranges between Rs.1 lakh and Rs.1.75 lakh, grade II panchayats, the annual income of which is more than Rs.50,000 and upto Rs.1.lakh and grade III panchayats with an income up to Rs.50,000/-11. An indepth analysis of it were discussed in the previous chapter (Chapter three). Differing pay scales are attached to the office of the executive officers working the above four separately graded groups of panchayats. Similar differences are found in the matter of recruitment too.

Appointment

As per government rules, appointment to the post of panchayat executive officers in the special grade shall be
made from among extension officers for panchayats-cum-panchayat inspectors. So also, post in the first grade shall be filled up by promotion of the second grade executive officers on the basis of seniority subject to suitability and such other conditions as the government may from time to time, prescribe. Posts in the second grade shall be filled up by the promotion of the third grade panchayat executive officers on the basis of seniority subject to the same conditions as in the case of the first grade officers, whereas those in the third grade shall be filled up by direct recruitment by the Kerala public service commission. But 50% of the total number of posts in the third grade shall be filled by recruitment of panchayat assistants, panchayat clerks and bill collectors possessing the qualifications specified in rule 5 and having at least 2 years service in the panchayats as assistants, clerks or bill collectors and the remaining 50% shall be filled up from the open market. Appointment to the posts in all the four grades is to be made by the director of panchayats.

Training

There is the recruitment that every person recruited by the state PSC for appointment shall undergo necessary training and be posted as executive officer only after the completion of
his training. Three training centres had been established at Trivandrum, Trichur and Calicut, to impart training to all executive officers newly appointed in the various panchayats in the state. After the passing of Kerala panchayat Act, 1960 the executive officers were trained in batches. Panchayat assistants were also given training in the above institutes.

On getting the appointment order, as an executive officer every candidate is required to execute a bond in favour of the governor in the form prescribed by the government to the effect that he shall serve the department for a minimum period of three years failing which a sum of Rs. 500/- shall be realised from his as loss sustained by the government.

Qualifications

The qualifications, essential and desirable prescribed for the post of executive officer including the following:

(a) Indian Nationality, (b) Minimum general educational qualifications of the SSLC besides.

(1) Graduation
(2) Account Test (Lower)
(3) Panchayat test and municipal test
(4) Degree or diploma in social services
(5) Diploma in local self government.
(6) Panchayat executive officers' training certificate; and
(7) Kerala secretariat manual test etc. are provided as 'desirable' qualifications, in the relevant rules.

As regards age qualification, no person shall be eligible for appointment to the post of executive officer, unless he is about the age of 18 and below 25 years of age except in the case of candidates belonging to backward classes as well as scheduled castes and scheduled tribes. In the case of recruitment from panchayat assistants, panchayat clerks and bill collectors by the PSC, the upper age limit shall be 35 years.

For every executive officer, a service book is to be maintained by the concerned district panchayat officer as per government rules. Rules have been issued from time to time by the government for the purpose of determining pay and allowances, seniority, promotions etc. of the executive officers.

Powers, duties and responsibilities

The executive officer has been entrusted with a wide variety of duties and responsibilities as well as powers. He has "the right to attend the meetings of the panchayat or any committee, and take part in the discussions there at purely in an advisory capacity but shall have no right to move any resolution or to vote." He can attend any meetings
of the panchayats or of any committee required to do so by presiding officer. He can carry into effect the resolutions of the panchayat failing which disciplinary action can be taken against the executive authority. He is the authority who considers a resolution has not been legally passed or is in excess of the powers conferred by the Act. He who control the officers and servants of the panchayat, subject to rules as may be prescribed and discharge all the duties and exercise all the powers specifically imposed or conferred on the executive authority. He exercises the executive power for the purpose of carrying out the provisions of the panchayat Act, and is directly responsible for the fulfilment of the purposes.

Kerala panchayat rules, 1962 places the responsibility for keeping in custody all panchayat proceedings and records in the executive officer, who is also declared competent to give extracts from such proceedings or records, on application, to any member or persons as well as to refuse to give the same if he considers such issue objectionable, by recording the reasons for his refusal.

The executive officer is required to maintain a well bound register and note therein the details of the work done by him both in the office and in the field. The diary should be open for inspection by the inspecting officers who are expected to note their observations after inspecting the diary.
When the panchayat meets the diary should be placed before the president and members of the panchayat for scrutiny, if they so desire. The executive officer is also required to keep a reference register in the panchayat office, in which important problems facing the panchayats can be noted.

Delegation of functions of the executive authority is permissible under section 37 of the panchayat Act, 1960. Section 37 says that subject to such restrictions and controls as may be prescribed, the executive authority may be an order in writing, delegate any of his functions as such to any other official as the president may direct, declares the panchayat Act, which further lays down that the exercise or discharge of any functions so delegated shall be subject to such restrictions and conditions as may be laid down by the executive authority and shall also be subject to his control and revision.

Thus, the executive officer has a vital role to play in the administration of the panchayat. Though he is not an employee of the panchayat in the strict sense of term, still he is expected to serve the panchayat to which he belongs with unstinted loyalty and sincerely. Being the executive authority he is looked upon by the villagers for doing and getting many things done at the panchayat levels. They expect him to be a friend, philosopher and guide.
Other panchayat officials

The Kerala panchayat Act, 1960 empowers the government to make rules regarding the authorities who may appoint the officers and servants of panchayats, other than the executive officers, and the classification, methods of recruitment, pay and allowances discipline and conduct and other conditions of service of such officers and servants. Such rules may also provide for the constitution of any class of officers or servants of panchayats other than the executive officers, into a separate service either for the whole state or for each revenue district. The appointment of any member of the establishment other than the executive officer shall be made only with the approval of the panchayat. Subject to such rules as may be made by the government, the director of panchayats has the power to determine, the number designations and grades of and the salaries, fees and allowances payable to the officers and servants of every panchayat other than the executive officer. But in an emergency, the president in charge or in his absence the executive authority may subject to such rules as may be prescribed employ temporarily additional officers and servants, according to section 39 of the Kerala panchayat Act.
Organisational Chart of the Department

DIRECTOR

Joint Director

Election Spl. Officer

Joint Director

Deputy Directors

District panchayat Officers (14)

Taluk Panchayat Officers (61)

Extension Officer for Panchayats (151)

A common officer or staff can be appointed for two or more panchayats, subject to such rules as may be prescribed, to exercise or discharge any powers or duties of a similar nature for both or for all of them. The provision in the panchayat act, is applicable especially to the public health and engineering staff coming under the purview of panchayat establishment.

Appointment to the posts in the educational establishment of panchayats, which shall have the same designation, qualifications pay and allowances as fixed for the aided educational establishment of similar category, shall be made subject to the provisions in the rules governing aided school teachers in the Kerala Education Act, 1959 and rules issued under it.

A minimum educational qualification is essential for each category of posts under it. Head clerk (SSLC passed) Panchayat Assistant (SSLC passed), Bill collector (SSLC) Sanitary Inspectors (5th standard), midwife (SSLC and Mid Wifery Certificates) Librarian (SSLC) mere literacy is the minimum qualification fixed for the categories of posts - peon, sweeper, watchman, field assistant, clerical attender, sanitary maistry and ayah.

Every persons appointed to the superior service\textsuperscript{14} is to undergo a period of probation of one year on duty as a condition for confirmation in the service. At the end of the
probationary period, after the probationer passes the special tests, the appointing authority shall issue an order declaring the probationer to have satisfactory, completed his probation and subsequently confirm him in service.

Eligibility for promotion will be considered in the case of every candidate, only if he satisfactorily completes the period of probation. Promotion to a post in the panchayat establishment declared as selection category by the director shall be made on grounds of merit and ability and seniority.

The emolument which the panchayat employees were entitled to receive for their services are found to some extent satisfactory, the unions are struggling and striking for a greater salary and other benefits. The panchayat employees naturally had been voicing their grievances through their organizations.

The chart given in the following page clearly illustrates the scale of pay of the panchayat staff.

The permanent employees of panchayats are eligible for pensions. Government had issued orders which stipulate that the average cost plus dearness pay in respect of all permanent employees of panchayats has to be realised from the concerned panchayats.
Source: Govt. of Kerala, Administration Report of the Panchayat Department, Govt. Press, Trivandrum, 1986, p.19
Total number of panchayats officials as per 1986-87 (districtwise)

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<th>No. of Head Clerk</th>
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Source: Govt. of Kerala, Administration Report of the Panchayat Directorate, Office of the Panchayat Director (Official File) 1987
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Staff strength of the panchayat department as on 31st March 1986

'A' Directorate:

Director of panchayats I.A.S. Ex-cadre post.

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'F' Training Institute for Local Administration
Number of Recruitments in different categories through Public Service Commission (1985-86):

1. L.D. Clerks • • 146
2. L.D. Typists • • 10
3. Peons • • 12
4. Executive Officer • • Nil

Total number of recruitments in different categories under special recruitment.

1. L.D. Clerks • • Nil
2. Peons • • Nil
3. Executive Officers • • Nil
4. Senior Superintendents • • Nil

Recruitments under Dying-in-Harness Scheme

1. L.D. Clerk • • 5
2. Peons • • 2
3. Executive Officer • • Nil
C. FUNCTIONS OF PANCHAYATS

The nature of functions to be entrusted to local bodies will vary according to the class of the local body — urban or rural — its administrative competence and the financial resources at its command. In determining the functions of panchayats the requirements essential for the development of rural areas will no doubt be a guiding factor. However, the other important points which set a limit to this guiding factor are the amount of political initiative and talent available in the villages in general and their financial conditions.

Village panchayats everywhere are found discharging a wide variety of functions which have, however been broadly divided into two categories viz. obligatory and discretionary as can be seen in the concerned laws of different states. The scope of functions assigned to the village panchayat now-a-days, is no longer confined to what may be called 'civil functions' but is extended to developmental works and other activities relating to social welfare of local significance.

The panchayats in Kerala have been performing, since early times, manifold activities which it is true have, in no way, been adequate to meet the requirements of the villagers. The functions entrusted to the new panchayats are based on the Kerala Panchayat Act, 1960.
Administrative reforms committee (1958) on the functions of panchayats

Kerala administrative reforms committee (1958) enumerates the following as mandatory and discretionary functions of the panchayats.

Mandatory functions

(a) Construction, repair and maintenance of public roads within the panchayat area
(b) Lighting of public roads and public places
(c) The construction of drains and the disposal of drainage water and sullage
(d) The cleaning of streets, removal of rubbish heaps, jungle growth, and prickly pear, the filling in of dis-used wells, ponds etc.
(e) The providing of public latrines and arrangements to cleanse latrines whether public or private
(f) The opening and maintenance of burial and burning grounds.
(g) The construction and repairing of wells, ponds, tanks etc. and the maintenance of water works for the supply of water for washing and bathing purposes.
(h) Preventive and remedial measures connected with any epidemic or with malaria
(i) Control of offensive and dangerous trades
(j) Construction and maintenance of petty irrigation works
(k) Control of cattle ponds.
Discretionary functions

(a) the planting and preservation of trees on the sides of public roads in the panchayat area not being roads classified as national highways, state PWD and district roads.

(b) the opening and maintenance of public markets other than those classified as district markets

(c) the control of fares and festivals other than those classified as district markets

(d) the opening and maintenance of public halting places

(e) the opening and maintenance of public slaughter houses

(f) the establishment and maintenance of choultries other than those classified as district choultries

(g) the extension of village sites and regulation of building

(h) the registration of deaths and births

(i) improvement of agriculture

(j) the promotion and encouragement of cottage industries

(k) primary education

(l) the opening and maintenance of reading rooms and of libraries, which are not classified as district libraries.

(m) the establishment and maintenance of wireless receiving sets, play grounds, sports club and centres of physical culture

(n) establishment and maintenance of dispensaries and payment of subsidies to rural medical practitioners
(o) the establishment and maintenance of maternity and child welfare centres

(p) veterinary relief

(q) other measures of public utility calculated to promote the safety, health and comfort or convenience of the inhabitants of the village; and

(r) increased food production.

Kerala Panchayat Act, 1960 and the functions of Panchayats

Regarding the functions of panchayats as mentioned in the Kerala Panchayat Act, 1960 are concerned, it is heavily drawn on the draft of Kerala Panchayati Raj bill, 1958 as well as the recommendations of the Kerala Administrative Reforms committee Report, 1958 which discussed in detail earlier.

Kerala Panchayat Act, 1960 enlists the following powers to the panchayat.

(a) the construction, repair and maintenance of all public roads in the panchayat area other than roads classified as national highways and state highways.

(b) the lighting of public roads and public places

(c) the construction of drains and the disposal of drainage water and sullage

(d) the cleansing of streets, the removal of rubbish heaps,
jungle growth and pickly-pear, the fitting in of disused wells, insanitary ponds, pools, ditches, pits or hollows and other improvements of sanitary condition of the panchayat area.

(e) the provision of public latrines and arrangements to cleanse latrines whether public or private

(f) the opening and maintenance of burial and burning grounds

(g) the sinking and repairing of wells, the excavation, repair and maintenance of ponds or tanks and the construction and maintenance of water works for the supply of water for washing and bathing and drinking purposes.

(h) preventive and remedial measures connected with any epidermic or with malaria

(i) control of offensive and dangerous trades

(j) construction and maintenance of petty irrigation works

(k) control of cattle ponds

(l) registration of births and deaths.

Subject to the provisions of this Act and rules made thereunder a panchayat may also within the limits of its funds and wherever possible with government aid, make reasonable provision for carrying out the requirements of the panchayats area in respect of the following matters namely:

(a) the construction, repair and maintenance of all public
roads in the panchayat area other than roads classified as National Highways, State Highways, *(or district roads) and of all bridges, culverts, road-dams and cause-ways on such roads;

(b) the lighting of public roads and public places

(c) the construction of drains and the disposal of drainage water and sullage

(d) the cleansing of streets, the removal of rubbish heaps, jungle growth and pickly-pear, the filling in of disused wells, insanitary ponds, pools, ditches, pits or hollows, and other improvements of the sanitary condition of the panchayat area

(e) the provision of public latrines and arrangements to cleanse latrines whether public or private

(f) the opening and maintenance of burial and burning grounds

(g) the sinking and repairing of wells, the excavation, repair and maintenance of ponds or tanks and the construction and maintenance of water-works for the supply of water for washing and bathing and drinking purposes;

(h) preventive and remedial measures connected with any epidemic or with malaria

(i) control of offensive and dangerous trades
(j) construction and maintenance of petty irrigation works
(k) control of cattle pounds
(l) registration of births and deaths
*(m) maintenance of the village court, established for the panchayat area, by providing accommodation, necessary staff and funds for meeting contingent expenditure

Subject to the provisions of this Act and the rules made thereunder a panchayat may also, within the limit of its funds and wherever possible with government aid, make reasonable provision for carrying out the requirements of the panchayat area in respect of the following matters, namely:–

1. Agriculture

(a) the improvement of agriculture and establishment of model agricultural farms
(b) the establishment of granaries
(c) bringing under cultivation waste and fallow lands belonging to or vested in the panchayat
(d) ensuring conservation of manurial resources, cultivation of green manure, preparing compost and sale of manure
(e) the establishment and maintenance of nurseries of improved seeds and seedlings

(f) provision of implements, stores, insecticides etc
(g) the promotion of cooperative farming
(h) the conducting of crop experiments, launching of crop protection schemes and crop competitions
(i) the construction, repair and maintenance of irrigation works, field channels and distribution of water
(j) encouraging farmers' clubs and other association of agriculturists
(k) assistance in the implementation of land reform scheme
(l) execution of soil conservation schemes.

2. Animal husbandary

(a) improvement of cattle and cattle breeding and the general care of livestock
(b) the promotion of dairy farming
(c) the maintenance of stud bulls and stud goats
(d) the promotion of poultry farming and beekeeping
(e) conducting cattle and poultry shows

3. Education and culture

(a) the spread, supervision and improvement of education
(b) the establishment and maintenance of children's parks, clubs and other places of recreation for the welfare of women and youth
(c) the promotion of art and culture including the establishment and maintenance of theatres
(d) the establishment, maintenance and encouragement of reading rooms and libraries
(e) noon-feeding of school children
(f) the establishment and maintenance of community listening sets, recreations centres and centres for physical culture, sports and games
(g) the erection of memorials for celebrities and historical personages

4. Social welfare

(a) maternity and child welfare including the establishment and maintenance of orphanages and foundlings' home
(b) the relief of the old and the infirm and the physically handicapped and the sick
(c) assistance to the residents when any natural calamity occurs
(d) family planning
(e) organising voluntary labour for community works for the development of the village
(f) destitute homes and beggar homes

5. Public health and sanitation

(a) preservation and improvement of public health
(b) supply of water
(c) sanitation, conservancy and the prevention and abatement of nuisance and disposal of carcasses of animals
(d) the disposal of unclaimed corpse
(e) the disposal of unclaimed cattle
(f) the taking of measures to prevent the outbreak, spread and recurrence of any infectious disease and vaccination
(g) the reclaiming of unhealthy localities
(h) providing medical relief
(i) the inoculation of animals and birds
(j) the disposal of stray and ownerless dogs
(k) the establishment and maintenance of dispensaries and the payment of subsidies to rural medical practitioners
(l) control of fairs and festivals
(m) maintenance of the purity of fish, meat and other food stuffs.

6. Public works

(a) the planting of trees along roads, in market places and other public places and their maintenance and preservation
(b) the construction, maintenance and control of bathing and washing ghats
(c) the construction and maintenance of buildings for warehouses, stores, shops, purchasing centres, etc.
(d) construction and maintenance of house under colonisation and settlement schemes
(e) construction and maintenance of choultries and rest-houses
(f) construction and maintenance of house for panchayat staff and other village functionaries
(g) the establishment and maintenance of works for the provision of employment, particularly in times of scarcity
(h) the extension of village sites and the regulation of buildings and housing schemes
(i) the opening of and maintenance of public markets, slaughter houses, bus-stands, cart-stands, landing places, halting places and ferries and also the licensing of such places opened and maintained by private individuals and institutions; and

7. **General**

(a) preparation of plans for the development of the panchayat area
(b) the promotion, improvement and encouragement of cottage and village industries
(c) promotion of pisciculture
(d) preservation of objects of archaeological interest
(e) the promotion of social and moral welfare of the inhabitants of the panchayat area including the promotion of prohibition, promotion of social equality, amelioration of the condition of the backward classes, the eradication of corruption and the discouragement of gambling, litigation and other anti social activities
(f) the encouragement of any of the services and activities mentioned in the foregoing clauses of this section by the grant-in-aid or otherwise;
(g) any other measure of work which is likely to promote the health, safety—education, comfort, convenience or social or economic or cultural well being of the inhabitants of the panchayat area.

In addition to the above functions and also over and above the encouragement that is given to social and cultural activities through voluntary organizations as sports clubs, athletic clubs, and physical educational centres, etc. which are being financially assisted with grants-in-aid, licensing of cinema theatres has become not insignificant activity of, as well as an important source of income for a good number of panchayats.

Recreation clubs, parks, gardens etc. are being provided for the benefit of the public by several panchayats. Another noteworthy activity in which many panchayats have shown active interest is the operation of ferry service. In recent years particularly after 1985, the panchayats have also been taking keen interest in agricultural programmes of the agricultural department, which includes mainly file to field programmes, joint farming programme etc.

In the welfare plans and programmes formulated by social welfare department, family planning programmes of the health service department, adult education programmes of the welfare department, the panchayats have been able to create a proper atmosphere for spreading its basic needs and significance among
the common mass, through the assistance of voluntary and cultural organizations, in the concerned panchayats.

**Administrative reorganisation and economy committee, 1967 on the functions of panchayats**

In October 1965, the Government of Kerala constituted an administrative reorganization and economy committee, to study the question of reduction in administrative expenditure and to formulate steps necessary for achieving maximum economy compatible with security efficiency and the paramount needs of the planned development of the state. The committee was headed by Shri M.K. Vellodi.

Regarding the functions enlisted in the Kerala Panchayat Act 1960, the committee made its point clear by saying that 'by and large no action has been taken under section 57(3) of the Act to declare discretionary functions as mandatory and agency functions have not been entrusted to panchayats. Thus at present panchayats are left only with the responsibility of performing their mandatory functions under section 57(1).

The committee pointed out that all mandatory functions under section 57(1) of the Act should be undertaken by the panchayats. The committee again said, Panchayat Union Councils and Zilla Parishad Bill, 1964 was intended to delete items (a) and (h) of Section 57(1) from the Kerala Panchayat Act (main-
tenance of village roads and preventive measures in the context of epidemics respectively) and prescribe them as the functions of the panchayat union councils. It will be unwise to take away these two functions out of the purview of panchayats. Village roads will receive better attention at the panchayat level, and panchayats are best fitted to ensure maximum coverage in the context of preventive and remedial measures connected with epidemics. The committee further strongly recommended that, any legislation on PR the mandatory functions of the panchayats under section 57(1) of the Act should not be abridged.

The committee said section 57(2) of the Act catalogues under seven heads, a number of discretionary functions. Some of these have been described in a vague manner. So the committee said, even if funds are forthcoming these can't be effectively undertaken by panchayats. Some examples are the improvement of agriculture and the establishment of model agricultural farms, improvement of cattle and cattle breeding and general care of livestock, and improvement of education etc. Regarding the discretionary functions the committee remarked, those which may be undertaken by panchayats with a reasonable measure of efficiency. The committee recommended that items in Appendix 111 should be notified as mandatory. Necessary funds should be notified as mandatory. Necessary funds shall be made over to panchayats and the concerned offices of the
Departments made functionally responsible to the panchayats. It further recommended to transfer all primary schools to the control of the panchayats. But the committee was not in favour of any large scale entrustment of agency functions to the panchayats. It recommended efficient discharge of mandatory functions and discretionary functions recommended for conversion as mandatory. The committee expressed its hope that with the provision of sufficient resources, panchayats will give a good account of themselves in the field of obligatory functions and the time will soon come when most agency functions can be entrusted to them.

Lastly regarding section 44 of the Kerala Panchayat Act, 1960 the committee said effective functional committees should be constituted in all panchayats and that the services of retired officials, technical men etc. should be utilized for the purpose.

D. POWER OF PANCHAYATS

The panchayats require wide powers to discharge the innumerable duties and responsibilities which mentioned earlier. But powers vested in the panchayats today are not commensurate with the duties and responsibilities assigned to them.

Though the panchayat Act has provided for a considerable degree of devolution of authority on the panchayats even after three decades, the state government has for some reason or
other, been very slow and cautious. So far in framing necessary rules for enforcing the various provisions in the Act. The Kerala state under different governments formed by different parties has been trying since 1959 to enact a comprehensive law on rural government. All efforts were in vain.

The panchayati raj and its introduction in the state has been for the last three decades a problem of power politics among the ruling party and the opposition or conflict between political parties and bureaucracy or conflict between the ruling parties (coalition); or opposition or lastly bureaucracy.

It is a truism that the village panchayats of Kerala are in no sense independent self governing institutions. They have no legislative power of any kind except that of making routine bye-laws within the ambit of the law under which they function. Moreover, the state government has power not only to revise or veto the deliberative system of the panchayats, but also to control the financial actions of the latter through audit and other devices.

Judicial powers of panchayats

In Kerala, a village court Act was passed in 1960\textsuperscript{18} provides for the establishment of a village court for a village or a group of villages with five members appointed by government in consultation with the panchayat or panchayat concerned.
There is a provision for reservation of a seat for scheduled castes and scheduled tribes and another seat for women. The village court has the power to try civil suits up to the value of Rs.200/- and award an imprisonment for a period not exceeding one month and also fine up to Rs.100/- as per provisions in the Act legal representatives are allowed to appear before village courts on behalf of a party or parties to a dispute. There is a registrar of village courts, who exercises administrative control over the village courts. He has the power to inspect village courts at least once a year to conduct enquiry as well as to call for annual accounts of the village courts, besides sitting as a revision court.

The slogan 'more power to the panchayats' should become a reality. The panchayats should have power to spend substantial sums providing all village amenities. Public health, education, banking, culture and entertainment etc. In all fields panchayats can play an effective role. A tremendous decentralisation alone can give confidence and a disciplined mentality for the people in the charge of our panchayats. We should accept and implement planning concept from below as early as possible. We cannot have democracy for India as a whole without democracy at the base. Our leaders and planners should whole heartedly accept the importance and imperativeness of full power to the panchayats. Our legis-
lators should realise that the laws they make for conferring autonomous administrative powers on panchayats should not result in bureaucratic grip, resulting in inhibition of local initiative and bureaucratisation of local leadership.

Panchayats must gain experience in the art of government in its many facets or almost all departments of administration must have a miniature aspect at the base unit. Village life must be intimately and comprehensively bound up with the village unit of administration.
REFERENCES


3. Ibid, Section 26

4. Under section (111) of the Panchayat Act, it has been provided that where the President or the executive authority considers that a resolution has not been legally passed or is in excess of the powers conferred by this act or that if carried out, it is likely to endanger human life or health or public safety, the executive authority shall refer the matter to the Deputy Director for orders and an appeal shall lie from his decision to government.


   S.R.O. No.245/65 in Gazette No.2 of June 8, 1965,
   Trivandrum, 1965.

8. In case of the vice-president himself is continuously absent from jurisdiction for more than fifteen days or is incapacitated, the powers of the president may be delegated to any member of the panchayat,
   (Section 28, item 3 of Kerala Panchayat Act).


10. Government of Kerala, Kerala Panchayat Act, op. cit. section 41


    op. cit. section 34, item 1.
14. Superior Service Consists of all categories of full
time regular panchayat employees other than those
in the last grade service according to the Kerala

Reforms Committee, (Chairman E.M.S. Namboodiripad)

op. cit. pp. 39-42.

Reorganisation and Economy Committee (Chairman: