CHAPTER IV

PANCHAYAT RAJ IN KARNATAKA: A HISTORICAL PERSPECTIVE

Before proceeding to analyse the finances of PRIs in the state, it would be relevant for the study to sketch the evolution of panchayats in Karnataka. The tracing of it throws light on the status and situation of local governments earlier, the changes that have taken place over the years, the comparative advantage of 73rd Constitutional Amendment Act etc. Keeping these imperatives in the background, this chapter makes an attempt to study the attempts made earlier to evolve the local governance system in the state, the structure adopted, functions, powers, resources devolved etc.

It is a well-known fact that the village panchayat system had been in vogue in ancient India - administering justice, looking after other village affairs and promoting community life among villagers. In the erstwhile Mysore which is now part of larger Karnataka, the emergence of local self-governance dates back to 1862. During this year a "Local
"Fund" was established mainly to execute roads and other public infrastructure. To strengthen these bodies, 'Local Fund Committees' were established in each district in the year 1874. The District Collectors (DCs) were made to head these committees. This arrangement had naturally discouraged the non-official members and the public to participate in these committees. The Government of Mysore had passed an Act, namely, 'The Mysore Local Boards Act, 1902', envisaging a three-tier system of local self-governments. The structure created then was Village Panchayat (VP) at the village level, Taluk Board (TB) at the taluk/middle level and District Board (DB) at the district level. The officials at the respective levels were made chairmen of these bodies. The working of these bodies, however, did not come up to the expectation level. Instead of becoming instrumental for the development of rural areas, they became only consultative bodies.

The reforms in the local self-governments which were taking place at that time especially in Madras Presidency influenced the then Mysore government to enact 'Mysore Local Boards and Village Panchayats Act, 1918'. There was some improvement in the local
governance during this period because, non-officials were made Vice Presidents at each level of government, and powers and functions and finances were devolved to execute infrastructure works and to provide basic amenities.

The reform process further continued and by the end of 1927, the elected representatives were made presidents of these local bodies. With all these, the local governments were not without problems. There were financial constraints especially at the District Board level (Manor, 1978). The reluctance on the part of princely rulers to provide required impetus was mainly due to the threat perceived to their leadership from these institutions. Thus, there was no encouragement and support for the growth of these local bodies during 1930s and 1940s.

In the process of panchayat reforms, the period between 1949-54 was of great importance since the government constituted two expert committees during this period to look into the problems of local bodies and to suggest ways and means to strengthen them. The first committee headed by Venkatappa suggested a two-tier system with Group
Panchayat at the lower level and District Board at the district level. It also recommended indirect election of members to the District Boards, i.e., these members to be elected from among the members of the Group Panchayats (Government of Mysore, 1950). Following these recommendations, the government passed The Mysore Village Panchayats and District Boards Act, 1952'. Before implementing this Act, the other Committee (Chairman D. Chandrashekaraiiah) set up to examine the working of the local bodies submitted its report in the year 1954 (Government of Mysore, 1954). It recommended, among others, a three-tier panchayat system with Village Panchayat at the lower level, Taluk Board at the block level and District Board at the district level. The other important recommendations of this Committee were to treat the District and Taluk Boards as "Executive Bodies" and these bodies were to be assisted by a special agency to implement public works. The recommendations of these Committees could not be put into practice as the state reorganisation was keeping everybody busy.
Panchayats under 1959 Act

The experience gained from the past experiment in the local self-governance and the timely report of the Balwantray Mehta Committee at the national level (Government of India, 1957) provided a broad base to enact a new law for constituting a three-tier system of local self-governments by the reorganised Mysore state. The state, to put into action the Mehta's recommendations, passed a new legislation, namely, 'The Mysore Village Panchayats and Local Boards Act, 1959'. On the basis of this Act, a three-tier system, namely, Village Panchayat at the village level, Taluk Development Board (TDB) at the taluk level and District Development Council (DDC) at the district level were established. Of the three tiers, the village panchayats and the TDBs were given executive powers whereas the DDCs, were made only advisory and coordination body.

The membership of village panchayats and TDBs consisted of directly elected representatives from the people. On the other hand, the membership of DDCs consisted of all presidents of the TDBs, MPs,
MLAs, MLCs and Officials of the district concerned. There was a provision for reservation of seats for Scheduled Castes and Scheduled Tribes (SCs/STs) and women at the lower two level institutions. The functions of village panchayats included, among others, civic, development and regulatory functions. The functions entrusted to TDBs were maintenance of primary school buildings, minor irrigation, drinking water works, industry, agriculture and some regulatory functions. The village panchayats, apart from a share in the land revenue, enjoyed certain tax powers such as tax on property, tax on land, entertainment tax, vehicle tax other than motor vehicles, fee on bus stands etc. In contrast to this, the tax powers given to TDBs were limited and they mainly depended on the state grant and in particular on the 50 per cent of the land revenue collected in the taluk. The main functions of DDCs comprised of approval of the budgets, review and coordination of the works of TDBs.

Thus, the post 1959 system had a marked change compared to the system that existed prior to 1959. The conspicuous changes introduced were reservation to the vulnerable sections of population in the local
bodies, and devolution of civic and developmental functions. However, in spite of these, the functioning of these bodies was not satisfactory. The factors responsible for their unsatisfactory performance were, the absence of active involvement of SCs/STs and other backward caste members in the decision-making process, insufficient finances to carry out the diverse panchayat functions and lack of planning expertise. It was pointed out that the members belonging to other backward classes, scheduled castes and scheduled tribes and women did not make any impact on the power structure and their presence and participation, notably in the meetings, was not to the desired extent (Sivanna, 1990). Further, it may be noted that a majority of panchayat members as also those in authority positions hailed from two dominant communities, namely, lingayats and vokkaligas. Their share in the total membership in the TDBs was 27.72 and 23.18 per cent respectively (Government of Karnataka, 1986). These developments in the working of panchayat raj institutions not only in the state but also in other states paved the way for constituting an Expert Committee by the Central government in the year 1978 under the chairmanship of Asok Mehta (Ministry of Rural Development, 1978). The Committee recommended, among others, a
two-tier of Panchayat Raj system with Zilla Parishad at the district level and Mandal Panchayat at the lower level for a group of villages. A change of government at the Centre in the late 1970s led to this report being kept in abeyance. However, a few states, including Karnataka, initiated action in the early 1980s to open up a new era in the realm of democratic decentralisation based on this report.

Panchayats in the 1980s

When PRIs were on the decline, the report of Asok Mehta came in handy for those leaders who were inclined to revive the system. Karnataka state was one among a few states which had shown interest in, and initiated action towards, establishing decentralised local bodies in the early 1980s. The then leaders committed to the system enacted 'The Karnataka Zilla Parishads, Taluk Panchayat Samithis, Mandal Panchayats and Nyaya Panchayats Act, 1983' (Government of Karnataka, 1983). This Act got the President’s assent on 10th July, 1985. Based on this Act, a three-tier panchayat system, namely, Zilla Parishad (ZP) at the district level, Taluk Panchayat Samithi (TPS) at the taluk
level and Mandal Panchayat (MP) at the lower level were established in the entire state in the year 1987. Though, a three-tier system was established, actually executive powers were given only to Zilla Parishad and Mandal Panchayat, and the Taluk Panchayat was made an advisory and coordination body. This system was basically a replica of the Asok Mehta Committee recommendations with elected bodies at village and district levels and an ex-officio body at the taluk/middle level.

The unique features of the system were reservation of seats for the Scheduled Castes and Tribes and for women; delegation of a large number of development functions and responsibilities to Zilla Parishad and Mandal Panchayat; merging of District Rural Development Agency (DRDA) with Zilla Parishad. Further, the state government transferred as many as 350 plan schemes to panchayats for implementation. Equally important was the devolution of substantial plan and non-plan grants to these bodies to perform their functions effectively and efficiently. To facilitate the rural youth to participate in district governance, the voting age was reduced from 21 to 18 years.
Structure and Powers Entrusted

_Grama Sabha_

Grama Sabha was the basic tier of the system and is a college comprising all eligible voters under the panchayat raj system, i.e., all persons above the age of 18 years of that village. Grama Sabha was constituted for each of the revenue village. It is required by law to meet not less than twice a year. The functions of this forum was to discuss and review all developmental issues of the village, to select beneficiaries under beneficiary oriented programme, to review the accounts and audit reports etc. The Pradhan (President) of the MP was to preside over the Grama Sabha meeting and in his absence the Upapradhan (Vice President) was to take charge. The Secretary of the Mandal Panchayat was to make all arrangements for the Grama Sabha and has to prepare agenda also.

_Mandal Panchayat_

The Mandal Panchayat was the first elected tier of the system. It was entrusted with all the civic functions, powers and responsibility for
development and welfare programmes. The functions entrusted to Mandal Panchayat as envisaged under Schedule-1 of the Act is provided in Table A4.1 in the Appendix. The number of seats was one for every 400 population. There were 2,536 Mandals with 55,188 elected members. 25 per cent of the members was reserved for women and 18 per cent for SCs/STs. The Mandal covered a group of villages with a population between 8,000 and 12,000, suitably reduced for the malnad i.e. hilly areas. The Pradhan and Upapradhan were elected indirectly, i.e., from among the elected members. The Mandal Panchayat was entrusted with some tax and non-tax powers. The important tax sources were property tax, vehicle tax, entertainment tax, site tax etc. The state government provided Rs. 10 per capita grant per annum. Besides, The Mandal Panchayats used to get JRY grant from the centre.

Taluk Panchayat Samithi

The Taluk Panchayat Samithi (TPS) was a middle level tier constituted at the Taluk level. It was purely a nominated body comprising of ex-officio members, i.e., all Pradhans of Mandals in the taluk, all MLAs/ MLCs representing any part of the taluk, members of
Zilla Parishad representing any part of the taluk, Presidents of the Taluk Agricultural Producers Co-operative Marketing Society (TAPCMS) and Primary Land Development Bank (PLDB), five members belonging to SCs/STs, backward classes and women. The MLA representing the major part of the taluk was the Chairman of the Taluk Panchayat Samithi. Its functions mainly consisted of advisory, supervisory, review and co-ordination of MP’s budgets, plans and works.

Zilla Parishad

The Zilla Parishad (ZP) was the second directly elected tier among the panchayat structure. Its functions, responsibilities and powers were to formulate plans and to act as head of the district’s development and welfare administration. Zilla Parishad comprised of directly elected members, members of parliament and members of the state legislature whose constituency covered the district or a part thereof. Reservations for women and SCs/STs were provided similar to the reservations in the Mandals. Zilla Parishad had one seat for every 28,000 population except the Kodagu Zilla Parishad, which had one seat for every 12,000 population. The Adhyaksha and Upadhyaksha of Zilla Parishad were
elected indirectly, i.e., from among the elected members. The Adhyaksha and Upadhyaksha were made equivalent to Minister of state and Deputy Minister rank respectively. The Adhyaksha was the executive head of the Zilla Parishad. A large number of functions in about 30 development sectors were entrusted to Zilla Parishad (Table A4.2 in the Appendix). The DRDA (District Rural Development Agency) which was implementing a large number of anti-poverty programmes at the district was merged with the Zilla Parishad.

In deciding the devolution of schemes to the panchayats, the principle observed was that all schemes with a mandal orientation, were transferred to the Mandal Panchayat; all schemes with an inter-mandal, inter-taluk or district orientation have been transferred to the Zilla Parishad; the schemes remaining in the state sector being strictly those with a pronounced inter-district orientation or World Bank and other externally assisted programmes. The entire special component plan and the tribal sub-plan were handed over to the Zilla Parishads for implementation.
The official machinery of the Zilla Parishad was headed by a senior IAS officer designated as 'Chief Secretary'. The Chief Secretary of the Zilla Parishad was invariably senior in rank to the Deputy Commissioner of the district. Each Zilla Parishad had a strong accounting and internal audit set up under a Chief Accounts Officer (CAO). The Zilla Parishad had a planning cell of experts headed by a Chief Planning Officer (CPO). The district level officers with their supporting staff of all development departments were brought under the control of Zilla Parishad.

Each Mandal Panchayat had a Secretary and the Village Extension Worker/Agricultural Assistant on deputation from government. Mandals were entrusted with powers to locally appoint other subordinate category staff (Bill Collector, Attender, Sweepers, Watermen etc.) with the prior approval of the Chief Secretary of the Zilla Parishad.
Finances of Zilla Parishads and Mandal Panchayats

The Zilla Parishad had no taxation powers. Its resources constituted only State and Central government grants. However, they had freedom to mobilise non-tax sources of different kinds such as rent from the buildings, income from trees, fisheries etc. Contrary to this, Mandal Panchayats were endowed with both independent tax and non-tax sources and government grants. The important tax powers entrusted to Mandal Panchayats included tax on houses, sites, shops etc., tax on mines, water tax, tax on factories etc. Besides, the Mandal Panchayats were assigned a share in the stamp duty. The grants comprised of Rs.7.5 per capita grant from the State and Jawahar Rozgar Yojana (JRY) grant from the Centre. The plan grants were distributed to Zilla Parishads on the basis of 12 criteria with different weightages and a more simple formula (based on the modified ‘Gadgil Formula’) was used to distribute grants to Mandal Panchayats.

As a result of all these facilities, planning was done from the village level upwards and its impact was felt because of effective
implementation of rural development programmes. A testimony for this was the report given by the committee headed by K. S. Krishnaswamy appointed by the state government in the year 1989. The committee gave a good account of the working of the PRIs in the State (Government of Karnataka, 1989a). Further, the state government had appointed a ‘State Finance Commission’ (SFC), under the chairmanship of R.M. Honnavar in the year 1987 to look into the resource needs of the state and the PRIs and also to suggest the distribution of fiscal powers and sharing of taxes/ grants between the state and panchayats and between the panchayats within the tier (Government of Karnataka, 1989b). The constitution of the SFC at the state level was perhaps first of its kind in the entire country.

Post 73rd Constitutional Amendment Period

After the 73rd Constitutional Amendment in the year 1992, establishment of three-tier PRIs in the states (two-tier in the case of small states) became mandatory. Consequently, Karnataka government enacted ‘The Karnataka Panchayat Raj Act, 1993’, replacing the earlier
1983 Act. According to the new Act, a three-tier structure of Panchayat Raj, namely, Grama Panchayat (GP) at the lower level, Taluk Panchayat (TP) at the middle level and Zilla Panchayat (ZP) at the district level were established throughout the state in the years 1994 and 1995. The Act also provided for the constitution of Grama Sabha for every village which has to meet twice a year. The President of the Grama Panchayat and in his absence the Vice President had to preside over the Grama Sabha meetings. The purpose of a Grama Sabha was to involve local people in decision-making relating to their village needs and problems. If we compare the present functions of Grama Sabha with those of 1983 Act, everything appears to be common.

**Structure, Powers and Functions**

*Grama Panchayat*

A Grama Panchayat is constituted for a population of 5,000 to 7,000 and four to seven villages. One Grama Panchayat member represents around 400 people. The President and Vice President are elected indirectly from among the elected members. The President is the
'executive head' of the Grama Panchayat. The term of the President and Vice President is five years (now reduced to 20 months). There will be one full time government official called 'Secretary' to carry out the orders of the Grama panchayat and functions entrusted to it. Apart from this, the Grama Panchayats have appointed certain personnel such as bill collectors, watermen, sweepers etc. on *ad hoc* basis and they are paid only nominal salary.

*Taluk Panchayat*

A Taluk Panchayat is constituted for each of the taluk in the State. Elections were held for this institution in the early 1995. Each elected member represents a population of ten thousand. The President and Vice President are elected indirectly from among the members. The MPs, MLAs, MLCs and Adhyakshas of Grama Panchayats (one-fifth by annual rotation) under the jurisdiction of Taluk Panchayat are also members of the Taluk Panchayat. The term of office of the President and Vice President as per the original Act was for five years. However, through an amendment, their term of office has been reduced to 20 months. The President is the 'executive head' of the Taluk Panchayat.
The administrative wing of the Taluk Panchayat is headed by a class I officer namely ‘Executive Officer’ and he is assisted by a Block Development Officer (now withdrawn) and other extension officers.

Zilla Panchayat

The Zilla Panchayat is established in each of the districts in the State. Originally, there were 20 Zilla Panchayats but as a result of bifurcation of certain districts their number has gone up to 27. The Zilla Panchayat is composed of the members elected directly from among the voters. The MPs, MLAs, MLCs and Presidents of Taluk Panchayats (one-fifth by rotation) in the district are also members of the Zilla Panchayat. Each elected member represents a population of 40,000. This criterion is relaxed in the Malnad districts. The election of President and Vice President, their term of office and powers are the same as that in the Taluk Panchayat. The administrative wing is headed by the ‘Chief Executive Officer’ (CEO) of a rank of IAS. However, a recent government policy makes the State cadre (KAS) officials to be
appointed as CEOs. The CEO is assisted by a host of other specialised personnel. He is accountable to the President of the Zilla Panchayat. The organizational structure of PRIs in the state is depicted in Chart 4.1.

Functions of Panchayats

In the devolution of functions across the tiers, the principle followed was that all schemes with a village orientation had been transferred to Grama Panchayats; the schemes with an inter-village were transferred to the Taluk Panchayats and all schemes with an inter-taluk or district orientation were transferred to Zilla Panchayats. Keeping this principle, the State has assigned a large number of important functions to the panchayats. Under the Karnataka Panchayat Raj Act 1993, Schedule - I assigns 30 subjects to the Grama Panchayats, Schedule - II assigns 29 functions to Taluk Panchayats and Schedule - III assigns 30 functions to Zilla Panchayats (Table A4.3 in the Appendix). These functions relate to provision of basic amenities, infrastructure, and functions in development sectors like agriculture, horticulture, fisheries, health, education, etc. In fact, the functions delegated to the PRIs include almost
Chart - 4.1: Organisational Structure of Three-Tier Panchayats in Karnataka

Zilla Panchayat

People's Government
- President
- Vice President
- Elected Members and Ex-officio Members

Development Administration
- Chief Executive Officer - (IAS & non-IAS)

Deputy Secretary (Administration)
- Assistant Secretary

Deputy Secretary (Development)
- Assistant Secretary

Chief Accounts Officer
- Accounts Officers (2)

Chief Planning Officer
- Project Appraisal & Evaluation Officer

Chief Council Secretary
- Engineering Wing

District Level Departmental Heads
- Agriculture
- Horticulture
- Fisheries
- Forest
- Health
- Education
- Sericulture
- Animal Husbandry
- Cooperation

Taluk Panchayat

People's Government
- Executive Officer -(KAS)
- President
- Vice President
- Elected Members & Ex-Officio Members

Junior Engineer
- Accounts Superintendent
- two Accounts Assistants
- two Planning Assistants (Not yet posted)

Planning Officer (not yet posted)

Extension Officers

Gram Panchayat

People's Government
- President
- Vice President
- Elected Members

Secretary
- Bill Collector
- Clerk
- Sweepers
- Waterman/men

Temporary on a nominal salary

Gram Pancha Sabha

Eligible voters of the village
all the functions enumerated under 243 (G) of the Eleventh Schedule of the Constitution. The state government has transferred more than 600 state and Centrally sponsored schemes (plan and non-plan) to panchayats for implementation. Further, the government has through a series of notifications (No. RDP.472.ZPS.93 [1 and 11]) dated 16-7-94 and 23-7-94 (enclosed) allocated different plan schemes to the Zilla Panchayats, Taluk Panchayats and Grama Panchayats to correspond to the functions assigned to them in Schedules I, II and III of the Panchayat Raj Act 1993. Again, certain functions have been reallocated between the Zilla Panchayats, Taluk Panchayats and Grama Panchayats on the basis of the recommendations of a ‘High Power Committee’ vide Government notification No. RDP.121.ZPS-98 dated 16-9-98 enclosed. To an extent this has solved the problem of overlapping of certain functions across the tiers.

Staff Position in PRIs

The administrative set up that existed before the establishment of panchayats, i.e., the departments at the district and taluk levels have been
merged with the respective levels of the panchayats. Presently, a total of 3.43 lakh personnel are working in all the three-tier panchayats. Further, the total emoluments of these personnel accounted for Rs. 261,687 lakh in the year 1999-2000 (Table 4.1).

Finances of PRIs

In Karnataka, the Grama Panchayats have been given some independent powers of taxation and a fixed statutory grant of Rs.1 lakh per annum to each Grama Panchayat. This grant has been increased to 3.5 lakhs in the year 2001-02. They also receive JGSY (Jawahar Grama Samrudhi Yojana) grant from the Central government. The 10th and 11th Finance Commissions have also provided grants. Their main tax powers consist of house and site tax, water tax, factory tax, entertainment and vehicles tax, cess on land revenue etc. On the other hand, the Taluk and Zilla Panchayats have no independent powers of taxation. The Taluk Panchayats, however, get a 3 per cent (surcharge) share in the stamp duty. The Zilla Panchayats and Taluk Panchayats largely depend upon the grants from the state for plan and non-plan purposes. A lumpsum
### Table 4.1: Strength and Emoluments of Panchayat Staff in Karnataka during 1999-2000

<table>
<thead>
<tr>
<th>Staff Strength of PRIs in Karnataka</th>
<th>Sector-wise Emoluments (Rs in lakhs)</th>
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<tr>
<td>Scale (Rs.)</td>
<td>Plan (No.)</td>
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<td>--------------</td>
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Annexure - B (Staff) (in Kannada), Government of Karnataka, Bangalore
allocation is indicated in advance to each Zilla Panchayat as its plan outlay. The Zilla Panchayat in turn makes the allocation to the Taluk Panchayats and Grama Panchayats under its jurisdiction. In respect of non-plan schemes the state government meets fully the requirements of salary, maintenance of assets and other essential services transferred to PRIs. On an average 25 per cent of the state plan outlay (state and Central share) is being transferred to the panchayats since 1994-95. The non-plan grants being transferred to panchayats amount to a larger sum than that of plan grants. The state government allocates grants to Zilla Panchayats on the basis of certain criteria adopted during 1987. Further, for allocation of grants from Zilla Panchayat to Taluk Panchayats within the district a new set of criteria have been adopted since 1998.

As far as Grama Panchayats are concerned, the state government is making Rs.3.5 lakhs grant per annum to every Grama Panchayat uniformly. JGSY grant is distributed among the Grama panchayats on the basis of SC/ST population of the respective Grama panchayats.
State Finance Commission

As per the 73rd Constitution Amendment, every state has to constitute a ‘State Finance Commission’ (SFC) to look into the financial needs of the state and the PRIs, and to distribute tax resources and grants between the state and PRIs and between the panchayats. The state government had appointed an SFC in the year 1994 which, in turn, submitted its report in the year 1996. Among others, the SFC recommendations include: no tax powers for middle and the district level tiers; transfer of 36 per cent of the state’s total non-loan gross own revenues (NLGOR) to PRIs and Urban Local Bodies (ULBs) every year and out of this, the share of rural local bodies was 85 per cent; the shares of the three-tiers in the total PRIs plan grants are 40, 35, and 25 per cent respectively for Zilla Panchayats, Taluk Panchayats and Grama Panchayats. The SFC has suggested five criteria with varying weightages for distribution of grant from the state to the panchayats. These are a) proportion of rural population (23.03 per cent), proportion of rural area (32.59 per cent), road length per sq. kms. (8.34 per cent), and illiteracy rate and number of persons per hospital bed (20.34 per
The state government has accepted a few of the recommendations, a few are in consideration and yet a few have not been considered for implementation (Babu, 2002).

State Panchayat Council

A State Panchayat Council has been constituted to act as a forum for elected representatives to voice their aspirations and offer their suggestions to improve the Panchayat Raj system and make it more responsive to the peoples’ needs.

The State Panchayat Council consists of the Chief Minister as Chairman, the Minister for Rural Development and Panchayat Raj as Vice-Chairman, five other Ministers, namely, Minister for Finance, the Minister for Primary Education, the Minister for Large and Medium Scale Industries, the Minister for Revenue and the Minister for Law and Parliamentary Affairs, and all the Adhyakshas of the Zilla Panchayats as members. The Secretary, Rural Development and Panchayat Raj Department is the Member Secretary.
The foregoing note on the evolution of PRIs in the state brings out that drastic changes have occurred in the PRIs in Karnataka over a period of time. The present system has elected bodies at all the three levels; large number of functions have been delegated; reservations for the vulnerable sections have been provided at all the three level both for ordinary seats and for authority positions; large volume of grants have also been devolved. The administration of these bodies was strengthened by deputing state personnel to these bodies and made them accountable to the elected body. A Finance Commission was set up to look into the finances of both state and the PRIs. Some innovative programmes such as ‘Panchayat Jamabandi’ (social audit) was introduced to make these institutions more effective, transparent and accountable.

References


