CHAPTER – IV

STRUCTURE AND ORGANISATIONAL ASPECTS OF PANCHAYATI RAJ INSTITUTIONS IN KARNATAKA AND GULBARGA DISTRICT

Introduction:

Before 73rd amendment of the constitution of India, Article 40 was the only article, which directed the states to take steps to organize village Panchayats. But there was no mention about the other tiers of Panchayati Raj institutions. The idea of other tiers of Panchayati Raj Institutions of free India are the results of Balavantara Mehta Commission report.\(^1\) The 73rd amendment of the constitution made the Panchayati Raj System as an all India phenomenon working under the same constitutional and conceptual framework with some politico-institutional diversities. Part IX from Article 243 to 243-0 and Eleventh Scheduled deals with the organization and the working of Panchayati Raj institutions.\(^2\)

In Karnataka state, the Karnataka Panchayati Raj Act 1993 was passed in conformity with 73rd Amendment of the constitution which has replaced the Karnataka Zilla Parishads, Taluk Panchayat Samitis, Mandal Panchayats and Nyaya Panchayats Act of 1983, consisting of 321 sections and four schedules explaining the organizational structure, powers and functions of Panchayati Raj institutions in detail.\(^3\) Though both Mysore village Panchayats and Local Board Act 1959 and Panchayati Raj Act 1993 provides for the three tiers system of Panchayati Raj institutions there are many differences between the two Acts with regard to the organizational structure and nomenclature, including the powers and functions of different tiers.
The Structure enunciated for the present Panchayati Raj Institutions in Karnataka, by the 1993 Panchayati Raj Act is discussed below:

**Organizational Structure of Grama Sabha:**

Grama Sabha is supposed to be the hub of all activities at the grass root level. The Grama Sabha has been regarded as the soul of Panchayati Raj. Grama Sabha literally means “Village Assembly” – ‘a meeting of the villagers to discuss common problem which they face in their village’. In many ways, this institution resembles the ‘citizen’s forum of Direct Democracy in the ancient Greek city-states. The idea of Grama Sabha is not new to the genius of India. Vedas, Smrutis, Ramayana, Mahabharat, Kautilya’s Arthashastra and so many other literature lend support to the claim that the village was the pivot of administration and the village assemblies were variously known as ‘the Sabha’ ‘the Samiti and ‘the Gana’. The historical literature supports that in the post-Mahabharat period and till the advent of Mughal rule in India. Grama Sabha survived in the Mughal and British period. But it had become very weak as the most of its functions were taken up by the Government officials.

Though Karnataka Zilla Parishad, Taluk Panchayat Samitis, Mandal Panchayats and Nyaya Panchayats Act 1983 provided for the Grama Sabha as a statutory organization, there were no specific rules and regulations with regard to the conducting of Grama Sabha meetings. Under the auspicious of the Karnataka Panchayati Raj Act 1993, the Government of Karnataka has issued detailed guidelines for strengthening the working of Grama Sabha. After 73rd Amendment, the Article 243 sub section (b) and Article 243A of the Indian constitution narrates the meaning and position of Grama Sabha.
The Karnataka Panchayat Raj Act 1993 in its chapter 1 Section 2 and in its sub section (16) explains the meaning of Grama Sabha which is at the lowest level of the pyramid of the Panchayati Raj Institutional structure and is composed of all the registered voters of a village comprised within the area Grama Panchayat.\textsuperscript{7}

Grama Sabha meets from time to time but six months shall not intervene between two meetings. It is the bounden duty of the Grama Panchayat to convene the Grama Sabha’s meetings of its concerned villages, if the respective Grama Panchayat fails to convene the Grama Sabhas the executive officer shall convene the meetings.\textsuperscript{8} According to the Guidelines of the Karnataka Government, the Grama Sabha should be convened in the month of April / May and Oct. / Nov., and the executive officer must delegate a moderator to participate and guide the Grama Sabha meeting.\textsuperscript{9} The Grama Sabha meetings should be presided over by the Adhyaksha of the concerned Grama Panchayat and in his absence by the Upadhyaksha. In the absence of both Adhyaksha and Upadhyaksha by any member of the Grama Panchayat.\textsuperscript{10} The Grama Sabha shall consider the following matters and may make recommendations and suggestions to the Grama Panchayat:

a. Mobilizing voluntary labour and contributions in cash and kind for the community welfare programme.

b. Identification of beneficiary for the implementation of development schemes pertaining to the village, in case the Grama Sabha fails to identify the beneficiary within the reasonable time, the Executive Officer shall in consultation with the Grama Panchayat identify the beneficiary.
c. Rendering assistance in the implementation of development schemes to the villages.

d. The annual statements of accounts of the Grama Panchayat, the report of the administration of the preceding financial year and the last audit note and replies if any made there to.

e. The reports of the development programmes of the Grama Panchayat relating to the preceding year and the development programmes exposed to be undertaken during the current year.

f. The promotion of unity and harmony among all sections of society in the villages.

g. The programme of adult education in the village.

h. Such other matters as may be prescribed.  

To make Grama Sabha as an active institution and to encourage fruitful discussions. Karnataka Government issued the guidelines to invite compulsorily the following officers to the Grama Sabha meeting;

a. The headmasters and school development committee chairman and members of all schools of the village.

b. Doctors of primary health centers and veterinary officer concerned to the village.

c. Managers of Grameena Bank and the concerned commercial lead bank.

d. Concerned Agriculture Officer / Agriculture Assistants.

e. Concerned Revenue Inspector / Talatis.
Grama Panchayat:

In the 73rd Amendment of the Indian constitutions and in the Karnataka Panchayati Raj Act 1993, Grama Panchayat stands next to the Grama Sabha. At present there are 5673 Gram Panchayat in Karnataka State.

Population and contiguity are the main criteria’s for the formation of Grama Panchayats in the Karnataka Panchayati Raj Act 1993. In respect of the population, the Act envisages two categories. The first category is of maidan regions; where in a Grama Panchayat is constituted of 5,000 to 7,000 population. The second category is for the regions of Malanad and hill areas such as districts of Belgaum, Chikkamanglore, Dakshina Kannada, Dharwad, Hassan, Kodagu, Shimoga and Uttara Kannada a Grama Panchayat can be formed for the population of not less than 2500. Irrespective of population, the principle of contiguity is another criteria to form the Grama Panchayat. A Grama Panchayat can be formed for the area within a radius of 5 kms. (diameter of 10 kms). The Act also provided the power to the Deputy Commissioner with the previous permission of the state government to form Grama Panchayat for a village or for the group of villages irrespective of the area covered or the population of less than 5000 or more than 7000.13

The act provides the power to the concerned Deputy Commissioner to increase or to decrease the area of Grama Panchayat and to alter the head quarter or the name of the Grama Panchayat with a request of the concerned Grama Panchayat or otherwise.14
Constitution of Grama Panchayat:

Under the present Act i.e., Karnataka Panchayati Raj Act 1993, Grama Panchayat shall consist only elected members at the rate of one member for every 400 population or part there of the Panchayat area.\(^{15}\)

Reservation of Seats:

The system of reservation is adopted not only for the members but also for the chairpersons of the Panchayat. Out of the total seats of the Grama Panchayat, seats shall be reserved for the:

a. Scheduled Caste not less than 15%

b. Scheduled Tribes not less than 3%

c. Other Backward classes 1/3

The Act also provided for the reservation of 1/3 of the seats in each categories both reserved and unreserved for the women of the respective category. The seats for the reserved categories shall be allotted by rotation to different constituencies on every general election. And there is no bar to the reserved category people to contest for the unreserved constituencies.\(^{16}\) Every Grama Panchayat should be a body corporate by the name of Grama Panchayat.\(^{17}\)

Qualification for Membership:

To contest for the Grama Panchayat election.

a. His or her name should be in the voters list of the concerned Grama Panchayat.
b. Should attain the age of 21 years. To contest for the reserved category of posts, he or she should belong to the respective reserved category.\textsuperscript{18}

**Disqualification for members:**

A person shall be disqualified for being choosen and for being a member of Grama Panchayat:

a. If he is disqualified for the purpose of election to the state legislatures or  
b. If he has been sentenced by a criminal court to imprisonment for a term exceeding 3 months or  
c. If he has been dismissed from service under any local authority or  
d. If he has been removed from membership of any local authority or  
e. If he holds an office of profit under any local or central government or  
f. If he is legal adviser to the Grama Panchayat or to the case against the Grama Panchayat.  
g. If he is defaulter.\textsuperscript{19}

**Vacating of Seat by Members:**

If a member of Grama Panchayat:

a. Is or becomes subject to any of the disqualifications mentioned in section 12 of the Act or  
b. Votes or takes part in discussion in contravention of the provisions of sub-section (4) of section 53, or  
c. Absent himself for more than three consecutive ordinary meetings of the Grama Panchayat or is absent from the Grama Panchat area for more
than four consecutive months without the leave of the Grama Panchayat his seat shall be deemed to be or to have become as the case may be vacant.

The disputes regarding the disqualification of membership will be decided by the concerned Assistant Commissioner either by Suo Moto or on the report made to him.\textsuperscript{20}

**Term of Office:**

a. The member of Grama Panchayat elected in the general election holds office of a term of five years.\textsuperscript{21}

b. The member elected to the casual vacancy will be of the remaining term of vacant seat.

c. The Grama Panchayat is the body subjected to the dissolution by the commissioner provided to make election within six months.\textsuperscript{22}

**Adhyaksha and Upadhyaksha:**

Every Grama Panchayat shall as soon as its formation may choose two members of the Grama Panchayat to be respectively Adhyaksha and Upadhyaksha. In case of vacancy, due to the death, resignation, removal or otherwise, the Grama Panchayat shall choose another member to be the Adhyaksha or Upadhyaksha as the case may be.\textsuperscript{23}

To give opportunities to head the Panchayat body provision is made to reserve the Chairperson seats not less than 15% to SC, 3% to ST, 1/3 of the posts for other backward classes in the state and 1/3 of the posts in all
categories even including the unreserved category for the women of the respective category. It is also provided to re-allot reservation on rotation to different Grama Panchayat.  

Term of Office: Adhyaksha and Upadhyaksha of Grama Panchayat will remain in office up to their membership in Grama Panchayat or up to the passing of no confidence motion against them whichever is earlier.  

The section 49 of the Act explains the manner and method of no confidence motion against Adhyaksha and Upadhyaksha. A notice signed by 1/3 of the members of panchayat with intention to move the no-confidence motion should be given before 10 days. And that motion should be passed by the majority of not less than 2/3 in a meeting specially held for the purpose.

**Powers and functions of Adhyaksha and Upadhyaksha:**

The Adhyaksha has the following powers:


b. Have access to the records of the Grama Panchayat.

c. Exercise supervision and control over the acts of the officers and employees of the Grama Panchayat.

d. Convene urgent meetings of Grama Panchayat and its committees.

Upadhyaksha shall exercise the powers and performs the duties of the adhyaksha when the Adhyaksha is absent on leave or he is incapacitated from the functioning.
Standing Committee:

Grama Panchayat works under the mechanism of committee system. The following are the standing committees, which are to be constituted by the election among its members.

1. **Production Committee**: Concerned with agriculture production, animal husbandry, rural industry and poverty alleviation programmes.

2. **Social Justice Committee**: Concerned with the promotion of economic, social, cultural and other interests of Scheduled Castes, Scheduled Tribe and Backward classes. And protection of such caste and classes from social injustice or any form of exploitation and safeguarding the welfare of women and children.

3. **Amenities Committee**: Concerned to education, public health, public works and other functions of Grama Panchayat.²⁹

Each committee consists of not less than three and not more than five members. Adhyaksha shall be the ex-officio member and the chairman of the production committee and amenities committee. And Upadhyaksha shall be the ex-officio member and chairman of the social justice committee which shall have one woman member, one SC or ST member. In addition to the usual members, each committee shall be competent to co-opt the members from Farmers' Clubs, Mahila Mandals, Yuvak Mandals, and the representatives of the co-operative societies.³⁰
**Meeting of the Grama Panchayat:**

Grama Panchayat shall meet at least once in two months and special meetings shall be convened with the written request of the members not less than 1/3 of its members or by the Adhyaksha himself.\(^3\)\(^1\)

The quorum for the meeting shall be 1/3 of the total members. Adhyaksha or in his absence Upadhyaksha or in the absence of both one member chosen for that purpose shall preside over the meeting. The matters will be decided on the basis of majority of votes of the members present and voting. Presiding officer costs his vote only in case of tie.\(^3\)\(^2\)

**Allowances:**

A sitting fee of Rs. 20 per day will be paid to each member for attending the meetings.\(^3\)\(^3\)

**The powers and functions of Grama Panchayat:**

Section 60 of the Act provides the power to do all acts necessary to perform its functioning.

The functions of the Grama Pachayat are of the following kinds.\(^3\)\(^4\)

a. Entrusted Functions.

b. Assigned Functions.

c. Delegated Functions.

The above kinds of powers are of Civic, Regulatory and Development in nature.\(^3\)\(^5\)
Staffing pattern of Grama Panchayat:

Every Grama Panchayat shall have a whole time secretary who shall be an officer of the Government and shall have salary and allowances from Zilla Panchayat Fund.\(^{36}\)

With the prior approval of the Chief Executive Officer, Grama Panchayat may appoint some other employees for the Grama Panchayat and pay their salary from the Grama Panchayat fund.\(^{37}\)

The Organisational Structure of Taluk Panchayat:

The Karnataka Panchayati Raj Act 1993 provides for the Taluk Panchayat for each Taluk as the middle tier of the Panchayati Raj Institutions. There are 175 Taluk Panchayats in Karnataka State. This intermediate body existed with different nomenclature and position since 1960. In 1959 Act, it was called as Taluk Development Board with elected members and having indirectly elected President and Vice – President. And it was made as the center of the Development with so many supervisory powers over the Grama Panchayats. In 1983 Act it was renamed as Taluk Panchayat Samiti with co-ordinatory and advisory functions consists of members of State Legislature and members of Parliament representing a part or whole of the Taluk, the Pradhans of all Mandal Panchayats of the Taluk, President of all Taluka Agricultural Produce Co-operative marketing society, President of Land development Produce Co-operative marketing society, President of Land Development bank, 18% SC and ST members and women co-opted members, the sitting member of the Legislative Assembly representing the major part of the Taluk as the Chairman.
The Taluka Panchayat of the present Act consists of elected members and ex-officio members.

A) Elected members shall be not less than 11 for the Taluk having a population of not exceeding one lakh or one member for every ten thousand populations or part thereof of the Taluk.

a. The members of house of people and State Legislative Assembly representing a part or whole of the Taluk.

b. The members of the council of states and the legislative council who are registered as electors within the Taluk.

c. 1/5th of the Adhyaksha of the Grama Panchayats in the Taluk by rotation for a period of one year as the Assistant Commissioner may determine by lot.  

Reservation of seats like other Panchayat bodies the Act provides for the reservation of seats to the elected members at the rate of –

a. Not less than 15% for SC.

b. Not less than 3% for ST.

c. 1/3 of the seats for the other backward classes and not less than 1/3 of the seats in each reservation category and even in unreserved category should be reserved for the women’s of the respective categories. Reservations shall be allotted by rotation to different constituencies in each general election in Taluk. And there is no bar for the reserved category people to contest in the unreserved category.
Qualification of a candidate:

To contest for the Taluk Panchayat membership his name should be included in the list of voters of the Taluk Panchayat for the time being in force in the Taluk. And to contest for the reservation category, he or she should belong to the respective category.

Disqualifications for members:

To keep the criminals, political defectors, defaulters, away from the Panchayat bodies and to make the members regular and active participates, the Act provides for the provisions of disqualifications. The section 131 prohibits the simultaneous membership.

Term of the office – Like other panchayat bodies, the Taluk Panchayat member elected in the general election holds office for 5 years. But the member elected for the casual vacancy will be for the remaining term of the vacant position.

But the government is empowered to dissolve the Taluk Panchayat provided to make election within 6 months.

Adhyaksha and Upadhyaksha:

The elected member of the Taluk panchayat shall choose two members amongst them one as Adhyaksha and the other one as Upadhyaksha. The Adhyaksha and Upadhyaksha posts are also subject to the reservation at the rate of:

a. Not less than 15% for SC.
b. Not less than 3% for ST.
c. Not less than 1/3 of the posts for the other backward classes and 1/3 of the posts in each category are reserved even including unreserved category are reserved for the women of the respective categories.

The reservation shall be allotted by rotation to different Taluk Panchayat.\textsuperscript{44}

The Term of office: The Adhyaksha and Upadhyaksha shall hold office for the term of 20 months or up to their membership, whichever is earlier. They can be also removed by no confidence motion passed by the majority of the total elected members.\textsuperscript{45}

**Salary and Allowances:**

Every Taluk Panchayat members will get Rs. 500/- per month and Rs. 25/- for each meeting as allowances. And the Adhyaksha and Upadhyaksha will get Rs. 1000/- per month as salary and Rs. 500/- as housing allowances, Rs. 500/- salary and Rs. 300/- as housing allowances respectively.

**Powers and functions of Adhyaksha and Upadhyaksha:**

The Adhyaksha of the Taluk Panchayat shall :

a. Convene, preside at and conduct meetings of the Taluk Panchayat.

b. Exercise supervision and control over the Executive Officer for securing implementation of resolutions or decisions of the Taluk Panchayat or of the standing committees which are not in consistent with the provisions of this Act or any general and specific directions issued under this Act.
c. Exercise over all supervisions over the Financial and Executive Administration of the Taluk Panchayat and to place the subjects before the Taluk Panchayat.

d. Have the power to accord sanction up to a total sum of Rs. 25,000/- in a year to meet the expenses of natural calamities in the Taluk.

e. Discharge all duties imposed and exercise all the powers on him under this Act and functions entrusted to him by the Government from time to time.\textsuperscript{46}

Upadhyaksha exercises all the powers and perform the duties of the Adhyaksha when the Adhyaksha is absent on leave or he is incapacitated from the functioning.\textsuperscript{47}

Committees: The Taluk Panchayat shall have the following Standing Committees.

a. \textbf{General Standing Committee}: Concerned with establishment matters, communications, building rural housing, village extensions, relief against natural calamities, water supply and all miscellaneous residuary matters.

b. \textbf{The Finance, Audit and Planning Committee}: Concerned to the finance of the Taluk Panchayat, framing of budgets, scrutinizing proposals for the increase of revenue, examinations of receipts and expenditure statement, considerations of all proposals attracting the Finance of the Taluk Panchayat and General Supervision of the Revenue and Expenditure of the Taluk Panchayat and Co-operation,
small savings scheme and any other function relating to the development plan of the Taluk.

c. **Social Justice Committee – Concerned to:**
   
a. Promotion of education, economic, social, cultural and other interest of the SC and ST and Back ward classes.

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

c. Amelioration of SC, ST and other Backward Classes.

d. Securing social justice to the SC, ST, women and other weaker sections of the society.\(^{48}\)

Each standing Committee shall consist of not more than six members including the chairman. They shall be elected by the members of the Taluk Panchayat from among the elected members. The Adhyaksha shall be the Ex-officio member and also chairman of the General Standing Committee and the Finance, Audit and Planning Committees. The Upadhyaksha shall be the Ex-officio member and also chairman of the Social Justice Committee. The Executive Officer shall be the Ex-officio secretary of every Standing Committee.\(^ {49}\)

**Meeting of the Taluk Panchayat:**

A Taluk Panchayat shall hold a meeting for the transaction of the business at least once in two months, which are known as ordinary meetings. Special meetings shall be held either with the written request of 1/3 members or by the Adyaksha himself. The date of first meeting, after the first constitution or reconstitution shall be fixed and preside over by the Assistant Commissioner.
and the subsequent meetings shall be fixed and presided over by the Adhyaksha or in his absence, by the Upadhyaksha or in the absence of both, by a member appointed by the Taluk Panchayat for the purpose.\textsuperscript{50}

**Quorum:**

1/3 of the total number of members of the Taluk Panchayat forms a quorum. All the matters shall be decided usually by the majority of votes of the members present and voting. The presiding member shall cost his vote only in case of tie.\textsuperscript{51}

A member of a Taluk Panchayat may move resolutions and interpellate the Adhyaksha of the Taluka Panchayat on matter connected with the administration of the Taluk Panchayat and may also call the attention of the Adhyaksha to any neglect of execution of work or to any waste of prophet belonging to the respective Taluk Panchayat and may suggest any desirable improvements.\textsuperscript{52}

The Taluk Panchayat is empowered to require the presence of any government officer having jurisdiction over an area of a district or less than a district and not working under the Taluk Panchayat for the meetings to get the information about the administration.\textsuperscript{53}

The Taluk Panchayat shall perform:

1. Specified functions in the II Scheduled of the act.
2. Assigned functions by the Central and State Governments. The functions of the Taluk Panchayat are of Civic, Regulatory, Financial and Developmental in Nature.\textsuperscript{54}
Staff of the Taluk Panchayat:

Every Taluk Panchayat shall have a body of officials. The official head of the Taluk Panchayat is the Executive Officer who shall be equal to the rank of Assistant Commissioner. The Executive Officer and all other Official Staff shall be appointed by the Government. Government may make transfer of the staff either within the Taluk or outside the Taluk and may take disciplinary actions for their misconduct.

The Executive Officer shall perform the following functions:

1. Exercise all the powers specifically imposed or conferred upon him by or under the Karnataka Panchayati Raj Act 1993 or under any law for the time being in force.

2. Lay down the duties of and supervise and control officers and officials of or holding office under the Taluk Panchayat in accordance with the rules made by the government.

3. Supervise and Control the execution of all works of the Taluk Panchayat.

4. Take necessary measures for the speedy execution of all works and developmental schemes of the Taluk Panchayat.

5. Have custody of all papers and documents connected with the proceedings of the meetings of the Taluk Panchayat and its committees.

6. Draw and disburse money out of the Taluk Panchayat fund and other powers and functions as may be prescribed.
The Executive Officer shall attend every meeting of the Taluk Panchayat and its sub committees ad have the right to take part in the discussion but shall not have the power to vote or to move the resolutions. He shall advice the rules, regulations and legality of any actions of the Taluk Panchayat. The Executive Officer shall every proceeding of the Taluk Panchayat and its sub committees to the Chief Executive Officer and Commissioner with his observations.\textsuperscript{55}

The Executive Officer shall have the right to call money’s accounts records or other property pertaining to Grama Panchayat or Taluk Panchayat. And he shall exercise some magisterial powers with regard to the recovery of accounts records or the property to Gram Panchayat or Taluk Panchayat and may issue search warrant or any other lawful actions.\textsuperscript{56}

The Organisational Structure of Zilla Panchayat:

Zilla – Panchayat is at the apex of the panchayat structure. This was called as District Development Council under 1959 Act with having District Commissioner as the Chairman and indirectly elected and the officials as members. In 1983 Act, it was not only renamed as Zilla-Parishad with directly elected members and an elected Chairperson but also empowered with vast powers. In the 1993 Act, Zilla Panchayat shall be a corporate body by the name of its District and having the jurisdiction of the whole district excluding Municipal areas.

Constitution of Zilla Panchayat:

Every Zilla Panchayat shall consist of:
1. **Elected Members:**

   Elected directly by the people from each taluka at the rate of one member for every 50,000 or part there are the population except for Kodagu, Uttar Kannada and Chikka Mangalur Districts where it shall be one member for 30,000 or part there of the population.\(^57\)

2. **Ex-Officio-Members:**

   a. The members of the Lokasabha and the members of the legislative assembly representing a part or whole of the district.

   b. The members of Rajyasabha and the members of Legislative Council who are registered as electors within the district.

   c. All the Adhyakshas of Taluka Panchayats in the District.\(^58\)

   The ex-officio members are entitled to take part in the proceedings and voting at the meetings of the Zilla Panchayat. But are not eligible to contest for the Chairpersons post of Zilla-Panchayat and its sub committees. They are not eligible to take part and to vote at the Chairpersons appointment and removal.\(^59\)

   The elected members of the Zilla Panchayat should be not less than 2/3 of the total number.\(^60\)

3. **Reservation of Seats:**

   Seats shall be reserved in the Zilla Panchayat

   1. Not less than 15% for SC
   2. Not less than 3% for ST
3. Not less than 1/3 of the seats for the other backward classes and 1/3 of the seats in every category are reserved for the women of the respective categories. There is no bar to contest for the reserved category people.\textsuperscript{61}

4. **Qualification of a Candidate:**

1. His or her name should be included in the electoral roll of the Zilla-Panchayat for the time being in force in the district.

2. He or she must belong to the respective category to contest for the reserved category.\textsuperscript{62}

   To keep the criminals, debachular employees of the government and local boards panchayat contractors away from the panchayat body, the Act provides for disqualification provisions in its section 167.

   If a member remains absent for more than three consecutive ordinary meetings of the Zilla Panchayat or absent from the District for more than four consecutive months without taking leave from the Zilla Panchayat his seat shall be deemed to vacant.\textsuperscript{63} The motto behind these provisions is to make the Panchayat members active, regular and responsible. Section 179 of the Act prohibits the simultaneous membership.

5. **Term of Office:**

1. For the members elected in the general election is five years.

2. For the members elected to fill the casual vacancy is for the remaining period.\textsuperscript{64}
The Zilla Panchayat can be dissolved by the government for its abuse of power, default to perform duties or if it exceeds its limits in the exercise of power subject to conduct the election within 6 month.\textsuperscript{65}

6. \textbf{Adhyaksha and Upadhyaksha:}

The elected members of the Zilla Panchayat shall choose two members from amongst them one as Adhyaksha and the other as Upadhyaksha.\textsuperscript{66}

\textbf{Reservation:}

The offices of Adhyaksha and Upadhyaksha of Zilla Panchayat in the state shall be reserved by the Government in the following manner.

1. Not less than 15\% for SC.
2. Not less than 3\% for ST
3. Not less than 1/3 of the posts for the other backward classes. And not less than 1/3 of the posts in each category even in case of unreserved category shall be reserved for the women members of the respective categories.\textsuperscript{67} The reservation of posts shall be allotted by rotation to different Zilla Panchayat.

\textbf{Term of Office:}

The term of office of Adhyaksha and Upadhyaksha is fixed for 20 months to facilitate rotation of reservation facilities to different categories. They can be removed by the vote of no-confidence passed by the elected members of Zilla Panchayat and are also removed by the government for misconduct in the discharge of their duties.\textsuperscript{68}
Salaries and Allowances:

Every Zilla Panchayat member shall get monthly salary of Rs. 1000/- as honorarium and Rs. 30/- allowance for every meeting and travelling allowance which is applicable to the ‘B’ group employees of the government. Adhyaksha shall have monthly Rs. 2250/- as salary and Rs. 5000/- in ‘A’ grade cities Rs. 4000/- in ‘B’ grade cities, Rs. 3000/- in ‘C; grade cities as housing allowances monthly, Upadhyaksha shall have the monthly Rs. 1750/- as salary and Rs. 4500/- in ‘A’ grade cities Rs. 3500/- in ‘B’ grade cities, Rs. 2500/- in ‘C’ grade cities as housing allowances monthly. In addition to the salary and housing allowances both Adhyaksha and Upadhyaksha shall have motorcar facilities, telephone facilities and traveling allowance applicable to the ‘A’ group employees of the government.69

Powers and functions of the Adhyaksha and Upadhyaksha

The Adhyaksha of the Zilla Panchayat shall;

a. Convene, preside at and conduct the meetings of the Zilla Panchayat.

b. Discharge all duties and exercise all the powers conferred on him by or under this Act or Perform such functions entrusted to him by the Government from time to time.

c. Exercise such administrative supervision and control over the Chief Executive Officer for securing implementation of resolutions or decisions of the Zilla Panchayat or of the standing Committees.

d. Exercise over all supervision over the Financial and Executive Administration of the Zilla Panchayat and place the connected questions before the Zilla Panchayat for its decisions.
e. Shall call for any records connected with Zilla Panchayat Administration.

f. Have the power to accord sanction up to a total sum of Rs. 1,25,000/- in a year for the purpose of providing immediate relief to those who are affected by the natural calamities in the district subject to the rectification by the coming Zilla Panchayat meeting.\textsuperscript{70}

The Upadhyakasha of the Zilla Panchayat shall exercise the powers and perform the functions of the Adhyaksha when his is absent on leave or incapacitated from functioning and in the absence of Adhyaksha presides over the meetings of Zilla Panchayat.\textsuperscript{71}

7. **Standing Committees:**

The work of the Zilla Panchayat is mainly carried with the help of the following standing committees.

i) **General Standing Committee:** Concerned with establishment matters, communication, matters, buildings, rural housing, village extensions, relief against the natural calamities and allied matters and all miscellaneous residuary matters.

ii) **The Finance and Planning Committee:** Perform the functions relating to financés of the Zilla Panchayat, framing of budgets, scrutinizing proposals affecting the finance of the Zilla Panchayat and general supervision of the revenue and expenditure of the Zilla Panchayat, the plan priorities, allocation of outlays to develop horizontal and vertical linkages, implementation of guidelines issued by the Government,
regular review of planned programmes, evaluation of important
programmes and small savings schemes.

iii) **The Social Justice Committee**: Perform the functions relating to
promotion of educational, economic, social, cultural and other interests
of the SC, ST, and other Backward Classes, protecting them from social
injustice and all other forms of exploitation, amelioration of the SC and
ST and Backward Classes, securing social justice to the SC and ST,
women and other weaker sections of the society.

iv) **Education and Health Committee**: It is in charge of all educational
activities of the Zilla Panchayat, undertake the planning of education in
the district within the frame work of the state and national educational
policy. Survey and evaluate the educational activities, adult literacy and
cultural activities of the Zilla Panchayat, Health Services, Hospitals,
Water Supply, Family welfare and other allied matters are also
concerned with education and health committee.

v) **The Agriculture and Industry Committee**: Perform functions relating
to agriculture production, animal husbandry, co-operation, contour
bunding and reclamation, village and cottage industries and concerned
with the overall industrial development of the district.

The powers and functions of the Standing Committees are delegated by
the Zilla Panchayat. Each Standing Committee shall consist of members not
exceeding five including the Chairman. The Adhyaksha of the Zilla Panchayat
shall be the ex-officio member and Chairman of the General Standing
Committee, the Finance, Audit and Planning Committee. The Upadhyaksha
shall be the Ex-Officio member and Chairman of the Social justice committee. The other Standing Committee shall elect the Chairman among their members. The Chief Executive Officer shall be the ex-officio-secretary of the General Standing Committee and the Finance Audit and Planning Committee and shall nominate one of the Deputy Secretaries as ex-officio Secretary for each of the remaining standing committees. The Chief Executive Officer shall be entitled to attend the meetings of all standing committees.\textsuperscript{72}

8. **Meetings of Zilla Panchayat:**

Zilla Panchayat holds a meeting for the transaction of business atleast once in two months. Adhyaksha can call special meeting by his own or with the written request of not less than 1/3 of the members. After the constitution of new Zilla Panchayat the first meeting shall be fixed and preside over by the commissioner and the subsequent meetings shall be fixed and preside over by the Adhyaksha. In the absence of Adhyaksha, Upadhyaksha shall preside over the meeting. In the absence of both Adhyaksha and Upadhyaksha, a member shall be selected for the purpose, by the Zilla Panchayat.\textsuperscript{73}

**Quorum:**

1/3 of the total number of members of the Zilla Panchayat shall form a quorum for transacting the business at a meeting of Zilla Panchayat.\textsuperscript{74} Usually all questions will be decided by a majority of votes of the members present and voting. The presiding member shall cast his vote in case of tie. A member of Zilla Panchayat may move resolutions and interpellate the Adhyaksha of Zilla Panchayat on matter connected with the administration of the Zilla Panchayat and may call the attention of the Adhyaksha to any negligence in the execution
of the work of the Zilla Panchayat or to any waste of property belonging to the Zilla Panchayat and may suggest improvements.\textsuperscript{75} Zilla Panchayat may require the presence of Government officers at meetings.\textsuperscript{76}

9. **Functions of Zilla Panchayat**

Zilla Panchayat shall perform the;

a. Specified functions in Schedule III of the Karnataka Panchayat Raj Act 1993 and

b. Assigned functions of the state and central governments. The functions of Zilla Panchayat are of civic functions, regulatory functions, financial and developmental functions.\textsuperscript{77}

10. **Staff of Zilla Panchayat:**

The Chief Executive Officer is the head of the official structure of the Zilla Panchayat. He shall be not below the rank of Deputy Commissioner of a District and shall be appointed by the Government. Below the Chief Executive Officer, there shall be one or more Deputy Secretaries and a Chief Accounts Officer, a Chief Planning Officer and other necessary officers and officials posted by the government. The government empowered to transfer the staff and take disciplinary actions.\textsuperscript{78}

**Powers and functions of the Chief Executive Officer:**

The Chief Executive Officer shall

1. Lay down the duties, supervise and control the officers and officials of Zilla Panchayat in accordance with the rules made by the Government.

2. Supervise and control the execution of all works of the Zilla Panchayat.
3. Take necessary measures for the speedy execution of all works and developmental schemes of the Zilla Panchayat.

4. Have custody of all papers and documents connected with the proceedings of the meetings of Zilla Panchayat and its committees.

5. Draw and disburse fund of the Zilla Panchayat and exercise such other powers and discharge such other functions as may be prescribed. The Chief Executive Officer shall attend every meeting of Zilla Panchayat and its committees and take part in the discussion but shall not have the right to move the resolutions or to vote. It is his duty to bring to notice of the Zilla Panchayat about the legality and consistency of the proposals of the Zilla Panchayat. Further, it is the duty of the Chief Executive Officer to submit the resolutions of the Zilla Panchayat and its committees to the Government within fifteen days from the date of meeting with his remarks.79

The Chief Executive Officer is empowered to call any records concerned to money or property pertaining to any Grama Panchayat or Taluk Panchayat or Zilla Panchayat of the district. The Chief Executive Officer shall exercise magisterial powers to recover the arrears from the defaulters and issue search warrants for the purpose of recovering Panchayat or Taluka Panchayat or Zilla Panchayat of the District.80

The Chief Accounts Officer:

He shall advice the Zilla Panchayat in matters of financial policy and shall be responsible for all matters relating to the accounts of the Zilla Panchayat including the preparation of the annual accounts and budget. He is
empowered to disallow the expenditure, if it is against to the rules and regulations of the provisions of the Act.  

**Deputy Secretary:**

He shall assist the Chief Executive Officer in the performance of his duties.  

**Working of Zilla Panchayat in Gulbarga District:**

Gulbarga Zilla Parishad started functioning from 1st April 1987 under the Karnataka Zilla Parishad Taluk Panchayat Samiti Mandal Panchayat and Nyaya Panchayat Act 1983. The first election to the Zilla Parishad was held on 02.01.1987. When the Zilla Parishad was constituted in 1987 its jurisdiction extended to an area of 16,224 Sq. km with a population of 16, 34, 226 (1971 census). There were a total of 73 members of whom 55 were elected. Among the other 18 members, 12 were Members of Legislative Assembly, three members of Loka Sabha, two Legislative council members, one President of the District Co-operative Bank was nominated member. Among the 55 elected members 14 were women, 11 belonged to Scheduled Castes and Scheduled Tribes and 30 to general category. 130 Mandal Panchayats were working under the jurisdictional of the Zilla Parishad. There are 1395 village in the district. Nine Standing Committees were constituted to facilitate efficient functioning of the Zilla Panchayat. After five years the Zilla Parishad and the subordinate institutions were abolished in January 1992. An Administrator was appointed on 14.01.1992 in the place of elected representatives. In May 1993 the Gulbarga Zilla Panchayat was constituted under the Karnataka Panchayat Raj Act, 1993. The First Election was held in March 1995. The Zilla Panchayat with 55 elected members started functioning on 08.05.1995.
<table>
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Source: District Gazetteer, Gulbarga District, Gulbarga 2004-05.

The number of elected members of Zilla Panchayat is 55, Among them 14 members belong to Scheduled Castes, three to Scheduled Tribes, 18 to Backward Classes – A category 14, B category four and 20 general category. Among them 19 were women members belonging to different categories. The taluk wise distribution of seats are Afzalpur – Four, Aland – Six, Gulbarga – Six, Jewargi – Five, Sedam – Four, Chittapur – Six, Chincholi – Five, Yadgir – Six, Shahapur – Six and Surpur – Seven.

**Conclusion:**

The basic local institutions for participatory planning in India have been set up. However, these institutions ought to have adequate autonomy as units of self – government so as to decide on the local needs and priorities and design and implement the necessary action. The challenge of making this new phase of democratic decentralization successful depends on the commitment of the political leadership, bureaucracy and the people themselves. The state governments have the responsibility of transferring schemes as provided in the 11th Schedule of the Constitution and also of transferring corresponding funds to the Panchayats. Similarly, the staff available for the implementation of schemes related to these subjects should also be placed under the control of the Panchayats. Sufficiently clear and workable regulations have to be framed to streamline the inter-tier relationships and functions of each tier.


5. Guidelines in conducting Gram Sabha’s meeting (Karnataka Government Rural Development and Panchayati Raj Department, 1999, the Directorate of Press and Publication Department Government Press Bangalore – 1).

6. The Constitution of India Article 243 (b) and 243 A.

7. The Karnataka Panchayat Raj Act 1993 Chapter I Section 2 (16).

8. Ibid., Section3, Chapter II


10. The Karnataka Panchayat Raj Act 1993 Section 3 (5) Chapter II.

11. Ibid., Section 3 (2) Section 3 (6) a.b.c., Chapter II.
12. Guideliness of Karnataka Government to conduct the Grama Sabhas

13. *The Karnataka Panchayati Raj Act 1993 Section 4 (1), Chapter III.*

14. *Ibid.*, Section 49 (2) a.b.c.d.e., Chapter III.

15. *Ibid.*, Section 5 (1) Chapter III.


17. *Ibid.*, Section 6 Chapter III.

18. *Ibid.*, Section 11 Chapter III.

19. *Ibid.*, Section 12 Chapter III.

20. *Ibid.*, Section 13 (1) a.b.c. Section 12 and Section 53 (4) Chapter III.


22. *Ibid.*, Section 41 Chapter III.

23. *Ibid.*, Section 268 Chapter XVIII.

24. *Ibid.*, Section 44 Chapter III.

25. *Ibid.*, Section 44 (1) (2) Chapter III.

26. *Ibid.*, Section 46 Chapter III.

27. *Ibid.*, Section 49 Chapter III.

29. *Ibid.*, Section 62 (3) Chapter IV.

30. *Ibid.*, Section 62 (3) Chapter IV.

31. *Ibid.*, Section 61 (2) a.b., Chapter IV.

32. *Ibid.*, Section 52 (2) Chapter III.

33. *Ibid.*, Section 53, Chapter III.

34. *Ibid.*, Section 53 (6) Chapter III.


36. *Ibid.*, Section 58, 59, 60, 63 to 110 Chapter IV.

37. *Ibid.*, Section 111 Chapter V.

38. *Ibid.*, Section 113 (1) Chapter V.

39. *Ibid.*, Section 120 and 131 Chapter VII.

40. *Ibid.*, Section 123 Chapter VII.

41. *Ibid.*, Section 127, Chapter VII.

42. *The Constitution of India 243 F (1), (2)* and the *Karnatak Panchayati Raj Act 1993 Section 128 and 129, Chapter VII.*

43. *The Karnataka Panchayati Raj Act 1993 Sections 134, 135, 136, 137, Chapter VII.*

44. *Ibid.*, Section 268 (2) Chapter XVIII and *The Constitution of India Arti. 243 E.*
45. *The Karnatak Panchayati Raj Act 193*, Section 138, Chapter VII.

46. *Ibid.*, Section 139, 140 Chapter VII.

47. *Ibid.*, Section 152, Chapter VIII.

48. *Ibid.*, Section 153, Chapter VIII.

49. *Ibid.*, Section 149 (1) (2) (3), Chapter VIII.

50. *Ibid.*, Section 148 (2) (3) (5) (4), Chapter VIII.

51. *Ibid.*, Section 141, Chapter VIII.

52. *Ibid.*, Section 141, Chapter VII.

53. *Ibid.*, Section 142, Chapter VII.

54. *Ibid.*, Section 143, Chapter VII.

55. *Ibid.*, Section 145, 146, Chapter VIII and Schedule II.

56. *Ibid.*, Section 155, 156, Chapter IX.

57. *Ibid.*, Section 159 (1), & 160 Chapter X.

58. *Ibid.*, Section 159 (1), ii, iii Chapter X.

59. *Ibid.*, Section 159 (2), Chapter X.

60. *Ibid.*, Section 159 (3), Chapter X.

61. *Ibid.*, Section 162, Chapter X and the Constitution of India Article 243D.
62. The Karnataka Panchayti Raj Act 1993, Section 166, Chapter X.

63. Ibid., Section 168, Chapter X.

64. Ibid., Section 173 to 176, Chapter X and The Constitution of India Article, 243E.

65. The Karnataka Panchayati Raj Act 1993 Section 268 Chapter XVIII.

66. Ibid., Section 177, Chapter X.

67. Ibid., Section 177 (2), Chapter X.

68. Ibid., Section 179, Chapter X.


70. The Karnataka Panchayti Raj Act 1993 Section 193 Chapter XI.

71. Ibid., Section 194, Chapter XI.

72. Ibid., Section 186, 187 and 188 Chapter XI.

73. Ibid., Section 180, Chapter X.

74. Ibid., Section 180 (2) (c), Chapter X.

75. Ibid., Section 181, Chapter X.

76. Ibid., Section 182, Chapter X.

77. Ibid., Section 184, 185, Chapter XI.
78. Ibid., Section 196, Chapter XII.

79. Ibid., Section 197, Chapter XII.

80. Ibid., Section 198, Chapter XII.

81. Ibid., Section 197, (4), (5), Chapter XII.

82. Ibid., Section 197, (6) Chapter XII.