

CHAPTER - IV

FUNCTIONS AND POWERS OF ZILLA PARISHADS

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CHAPTER - IV

FUNCTIONS AND POWERS OF ZILLA PARISHADS

4.1 Introduction.

The functions and powers of the Zilla Parishads are not uniform in all the States of Union. In some States, the Zilla Parishads are more powerful and have a large number of functions to perform, while in other States, they are not so powerful and have a very few functions to perform.

The Zilla Parishad is an advisory, supervisory and co-ordinating body in Rajasthan, Karnataka, Tamil Nadu, Assam and Orissa States. In these States, the Zilla Parishads also advise the Government on development schemes and distribution of funds amongst the Samitis. But these Parishads have no executive functions to perform in these States.

In Bihar, Andhra Pradesh, Gujarat and West Bengal, besides the advisory, supervisory and co-ordinating functions, the Zilla Parishads have many executive functions to discharge, such as running of schools, hospitals, construction of roads and irrigation works, etc. In these States, executive and administrative functions have also been assigned to Panchayat Samitis. In Punjab, Haryana and Uttar Pradesh also, a number of executive functions in the field of health, education, social welfare, etc., are performed by the Zilla Parishads.

In Maharashtra, Zilla Parishad is the strongest

body of Panchayati Raj and is vested with executive functions in various fields and the Panchayat Samitis function as its regional committees. Zilla Parishad is, more or less, in charge of the entire district administration, except law and order and the administration of justice.

A record of the activities of the Zilla Parishads in the first category of States is not satisfactory and encouraging. In these States, the Zilla Parishads have not made any impact on the development programmes. If this institution has not served any useful purpose in the scheme of Panchayati Raj, it has to be made active and effective.

"Our broad conclusion is that the Zilla Parishads cannot be made effective with their present status and power and functions and that some executive functions will have to be given to enthuse and vitalise these institutions. We are of the considered opinion, therefore, that a significant change is necessary in the functions and the powers of the Zilla Parishads in order to activate and vitalise them. They should be allotted certain original executive functions".¹

Similar views have been expressed by Study Teams in other States.

The trend is towards an executive type of Zilla Parishad. In some States, necessary amendments are being made in their Acts to devolve executive functions upon the Zilla Parishads as the most powerful institution in Panchayati Raj. But this gives

ground for the enquiry whether the purpose of decentralization is served or not.

There is a need for decentralization of authority in some measure right down to the village level.

"All powers and responsibilities should inherently belong to the primary socio-economic community and any powers and functions it is not called upon to exercise will be only for the reasons that these can be better exercised by some other formation of government at a high level or for a larger territorial area".²

This will give real content to the fundamental principle of democracy that sovereignty resides in the people. If the people of the primary socio-economic community - villages - are not entrusted the powers and responsibilities, which should inherently belong to them, sovereignty will not reside in the people. The sovereignty will have meaning for the rural people only when they are able to plan and execute their own plans of development, through democratic institutions elected by them, responsive to their needs and wishes and answerable to them.

4.2 Functions and Powers of Zilla Parishads.

The functions of the local bodies should be distributed between the three-tiers of the systems in such a manner that there is a decentralization of power to the lowest point. It is good and necessary that Panchayati Raj institutions

at lower levels, viz. Panchayat Samitis and Panchayats, have an opportunity of looking at the local problems from their own standpoint; but their capacity and resources are essentially limited. There are problems which can be tackled more effectively and efficiently at the district level. Similarly, there are services which can be rendered from the district level in a better way than at the levels down below.

There can be certain functions which should be entrusted to the Panchayats. Similarly, there should be certain functions which should be entrusted to the Samitis and there can be certain functions which can be entrusted to the Parishad. What is important is that the local authority at each level should have enough functions of a tangible nature and adequate importance to keep leadership of good quality in its work. The Sadiq Ali Team was aware of the decentralization principles while it recommended the schemes and works which can be entrusted to the Zilla Parishad should come from the State sector primarily. From Panchayat Samitis, only those schemes should be withdrawn which would be implemented more efficiently at the Zilla Parishad level or which have district-wide significance.

The functions of the three bodies need not be rigid. The functions entrusted to a higher body can be entrusted at a latter stage to the lower body. The demarcation and distribution of functions between the three tiers is necessary if Panchayat Raj is to be a success.

The functions of the Zilla Parishad can be classified under the following categories:-

(a) Executive:

The more controversial point in relation to the Zilla Parishads has been their executive functions. In certain States, viz. Andhra Pradesh, Gujarat, Maharashtra and Uttar Pradesh, the Zilla Parishad has to discharge certain executive functions. These functions are such as were being performed by the district local boards, district school boards and district development committees of the pre-decentralized era, and as in their very nature, they cannot be properly performed by a lower body. In Andhra Pradesh, secondary schools, industrial and vocational schools, which formerly were managed by the district boards, are managed by the Zilla Parishads. In Punjab, the Zilla Parishads have been entrusted with agricultural credit, agricultural promotion, animal husbandry development, inter-village roads and communications. In Uttar Pradesh, Zilla Parishads look after the development of animal husbandry, village and cottage industries, medical and public health, educational and cultural activities, public works, relief work, planning statistics and administration.

In Gujarat, the district Panchayats manage primary education, dispensaries and primary health centres, district roads and buildings, irrigation, agriculture, animal husbandry, cottage crafts, village industries and social welfare, either through Taluka Panchayats or independently or through a system of concurrent jurisdiction with the Panchayat Samitis. In Maharashtra, the Zilla Parishad is the strongest body of the Panchayati Raj and the immediate body functions as its executive

agency or committee. It is responsible for all functions coming within local sector which incorporates the whole sphere of the community development programme plus all the functions that were earlier performed by the district boards. Some States are proposing to entrust larger powers to the Zilla Parishads and legislations to this effect are already in hand. The Zilla Parishads are now-a-days performing various executive functions.

(b) Supervision and Guidance:

Throughout the country, this function of the Zilla Parishad is considered very important. The Mehta Committee also recommended the Parishad to be a supervisory body. The Zilla Parishad supervises the activities of Samitis under its jurisdiction, especially the agricultural programmes, works programmes, etc. The Zilla Parishad has the power of inspection and might require any information from any Samiti. The proper utilization of the grants given to the Samitis is also supervised by the Zilla Parishad. Supervision is followed by guidance, in case Samiti is inactive and is not functioning properly. The Zilla Parishad extends advice and guidance to the lower level bodies through the agency of its official and non-official functionaries. It has been argued that Zilla Parishads have not been effective, because they have no power to enforce advice and supervision.

(c) Co-ordination:

Co-ordination of plans made by Samitis and the

co-ordination of work of Panchayats and Samitis is also an important function of the Zilla Parishad. For this purpose, it scrutinizes and sanctions the budgets of Panchayat Samitis. It is only in Tamil Nadu that Zilla Parishad has no power to scrutinize and sanction the budget of the Samitis. The Zilla Parishads are empowered to suggest modifications which the Panchayat Samitis would consider. The budget is discussed in Zilla Parishad. But due to certain limitations, the entire process of scrutiny has been of much value.

The Zilla Parishad has to keep a balance between the national priorities and the local priorities. It is widely recognized that the district is an important unit of planning, both from the point of view of administration as well as of economic resources. Planning at the district level has to be viewed in two different aspects, viz.

- i) As a part of the State Plan. The Zilla Parishad is the principal point of contact between the policies and plans of the government and of the local bodies;
- ii) As a process of integration of local plans based on the local requirements and resources. There is a need for co-ordinating the planning in several blocks. The Parishad assists the lower level bodies in the matters requiring co-ordinated action and constantly advising them to keep the national priorities in the forefront.

But the Parishad has not been an effective body in these respects, especially in those States where it has no executive functions. The role of co-ordination cannot be exercised

unless backed by an effective authority. With the entrusting of some executive functions to the Zilla Parishad, it is expected that the Parishad will be able to play a meaningful and effective role in the sphere of formulation, review and co-ordination of plans.

It is important to bear in mind that supervision, guidance and control should not be taken to be a point where Zilla Parishad assumes too much control over the Panchayat Samitis and snatches them in practice from them all that is given in theory. The canons of decentralization demands that no higher level body should have such powers over lower level bodies. It is important that the largest measure of autonomy and independence in function of all the local authorities is preserved. The lower level institutions should enjoy a certain measure of autonomy and discretion in respect of local matters. But there will be certain other spheres in which an integrated uniform approach of planning and execution is necessary and in these spheres, the lower level bodies should receive advice and guidance from higher level bodies.

(d) Appellate and Advisory:

The Zilla Parishad settles disputes between Panchayat and Samiti under its jurisdiction or between two Panchayats belonging to different Samitis.

The Zilla Parishad also advises to the State Government on the matters concerning the activities of the Panchayats and Samitis concerning the implementation of various

Plan Projects within the district. This role of the Parishads has in its own way tried to communicate the position of the district to the State headquarters.

(e) Joint Servicing and Establishment:

This category includes such functions as are of interest to all Panchayats and Samitis or as a benefit to more than one Panchayat, viz. joint training, organization of camps, conferences, seminars, selection and promotion of Panchayati Raj service personnel (Class III) and the execution of the projects concerning two or more Panchayat Samitis within their previous consent or on their request and making rules in connection thereof.

The Zilla Parishads collect necessary data concerning various social and economic problems, arrange for the publication of statistics, perform various secretarial works, consolidate the budgets of the Samitis and report to the State governments, etc. They might exercise other powers and functions entrusted to them from time to time by the State government. The Parishad is the apex body of rural local government and the State can direct it to undertake any scheme or programme on its behalf.

FUNCTIONAL COMMITTEES OF ZILLA PARISHADS.

The importance, usefulness and utility of the functional committees have already been recognized while creating

the Panchayat Raj structure. The system of working through functional committees can be applied with best advantages to Zilla Parishad. More educated, sharp-minded and talented people will be available at this level than will normally be available at the lower levels and it will be easier to form these committees at this level and get more out of them. The principle of co-option has been totally discarded in case of Zilla Parishad but this principle can be utilised in the case of functional committees of the Zilla Parishad. But one thing deserves special attention. The number of co-opted members should not be more than the number of those members who are elected to the Zilla Parishad. The role of co-opted members is to be more of an advisory nature rather than authoritative. Real authority must vest in the elected members. Not only this, only those members of the Zilla Parishad should be included in a particular committee, who have interest in the functions that the committee is supposed to deal.

Moreover, the functional committees of the Zilla Parishad should be advisory and supervisory bodies, that is, the resolutions of these committees should not be treated as the resolutions of the Zilla Parishad. A resolution before it is executed must get the approval of the Zilla Parishad. When a particular resolution is approved by the Zilla Parishad, its execution should be supervised by the concerned committee.

The number, composition, functions and powers of the functional committees of the Zilla Parishad vary according to the status of the Zilla Parishad in the three-tier system. In the States where the Zilla Parishad has executive powers, the

number of committees is larger than those States where the Zilla Parishad has no executive powers. Moreover, in some States, these committees are statutorily prescribed while in others, it is not so.

It is sometimes alleged that Panchayati Raj bodies are becoming more and more political. This is evident even from the composition of functional committees. There have been cases where the dominant group has kept all the other members of the local body out of its standing committees and have altered the strength and the number of standing committees to accomplish their objectives. As a corrective, it is suggested that committees should be constituted on the principle of proportional representation.

In Rajasthan, Orissa, Karnataka, Tamil Nadu and Assam, Parishads have no executive functions. In these States, the number of functional committees is not large. In Rajasthan, there is a provision for four standing committees.

1. Administration, finance, taxation and welfare of weaker sections;
2. Production programmes,
3. Education,
4. Social services.

In Assam, there is a provision for two standing committees:

1. Production, and
2. Planning.

The Deputy Commissioner is the Chairman of these Committees.

In Tamil Nadu, the district development council may constitute five committees:

1. Food and agriculture,
2. Industries and labour,
3. Public works,
4. Education,
5. Health and Welfare.

Each standing committee elects its own Chairman.

In Karnataka, three committees have been provided for:

1. Agriculture,
2. Amenities,
3. Social education.

The Deputy Commissioner is the Chairman of these committees.

In Orissa, a provision has been made for six committees, viz.

1. Planning, Finance and Budget,
2. Agriculture, minor irrigation, co-operative and industries.
3. Education, health and water supply,
4. Communication and works,
5. Administrative Co-ordination.

The Chairman of the Zilla Parishad is the Chairman of (1) to (5) committees and the Collector of the District is the chairman of the 6th committee.

In the States where the Parishads have executive

functions, committees have been constituted to look after every major group of functions.

In Bihar, six standing committees have been provided for, viz.

1. Planning, community-development and communication,
2. Agricultural co-operatives, etc.,
3. Industries,
4. Education,
5. Finance and Taxation,
6. Medical and public health.

The President (or Adhyaksha) acts as an ex-officio Chairman of the committees of which he is a member, other committees elect their own chairmen.

In Gujarat, a provision has been made for seven standing committees, viz.

1. Education,
2. Production,
3. Public Works,
4. Co-operation and Small Industries,
5. Health,
6. Social Welfare,
7. Executive.

The President of the district Panchayat acts as an ex-officio Chairman of the executive committee; other committees elect their Chairmen unless the President or the Vice-President is a member thereof, in which case, he acts as a Chairman.

In Punjab, a provision has been made for three standing committees, viz.

1. Taxation and finance,
2. Agricultural production, and
3. Education and social welfare.

The Chairman of the Zilla Parishad is the Chairman of the Taxation and Finance Committee.

In Uttar Pradesh, a provision has been made for six standing committees, viz.

1. Karya,
2. Vitta,
3. Niyojan,
4. Jan-Swasthya,
5. Sarvajanic Nirman, and
6. Shiksha.

The President is an ex-officio Chairman of Karya and Vitta committees; other committees elect their own Chairmen.

In West Bengal, provision has been made for seven committees, viz.

1. Finance and establishment,
2. Public health,
3. Public works,
4. Agriculture and irrigation,
5. Industry and co-operation,
6. Public and social welfare, and
7. Primary education.

The Chairman and the Vice-Chairman, if elected as a member of the committee, would preside; other committees would elect their own chairmen.

In Andhra Pradesh, Zilla Parishads have seven committees dealing with:

1. Planning, C.D. and communication,
2. Food and agriculture,
3. Industries,
4. Welfare of Women and Children,
5. Social welfare,
6. Education, medicine and public health,
7. Taxation and finance.

A very interesting point about these committees of Andhra Pradesh is that the Pramukh is a member of these committees in his ex-officio capacity, while the collector of the district is the Chairman. The collector is a member of the Parishad without a right to vote. This is in contrast with the committees of Panchayat Samitis where the Pradhan is the Chairman of all the committees. This is an anomalous situation because the supremacy of the political element conceded in the full meeting of the Parishad is denied in the committee room. Further, the committees are not executive bodies, but are concerned with with review and overall superintendence.

In Maharashtra, there are six statutorily prescribed subject matter committees of the Zilla Parishad dealing with:

1. Finance,
2. Works,
3. Agriculture,
4. Co-operatives,
5. Education,
6. Health.

In addition to these, there is a standing committee consisting of the president and seven other members elected by the council from its own membership. The president is the ex-officio Chairman of these committees, excepting that on co-operation (where the number of elected members is five) have seven members, each elected by the council. A member can be elected at the most on two committees. Each committee includes one or two subject matter specialists co-opted by it, who attend on invitation but are not the full members of the council. The Vice-President of the council is an ex-officio Chairman of two subject matter committees, other subject matter committees elect their own Chairmen. In addition to these functional committees, there are block committees constituted on territorial basis for each block.

The Chairmen of all functional block committees are paid an honorarium, house- and travelling-allowances.

Each subject matter committee is responsible for the development schemes within its subject matter, competence and considerable powers regarding acquisition, sale or transfer of movable and immovable property, sanctioning tenders and contracts,

writing off losses, sanctioning re-appropriations, sanctioning the execution of schemes, supervising the schemes and sanctioning contingent expenditure. The standing committees have greater powers compared to the subject matter committees, while the Parishad (council) has the full power.

The block committees also have wide powers. Each block committee executes and supervises the schemes and projects of the council in the area of the block and carries out any other work in its area on behalf of the council or its committees, submits its development plan to the council and fixes the location of various works and schemes. Each block committee is allotted some funds which they are free to utilise in any way they like.

All subject matter and block committees submit a report to the District Council every quarter.

The powers of the standing committee are greater than that of either the subject matter committee or the block committee. In addition, it supervises and controls the imposition and collection of taxes and other dues of the Parishad, regulates investment of the district funds, passes monthly accounts of receipts and expenditure and reviews progress of the various programmes periodically.

The committee system of Maharashtra is very good and it is due to the fact that the Zilla Parishad is the executive body, while Samiti acts as its agency. This system has the merit of administrative efficiency. It promotes local initiative which is essential for local bodies.

In this way, the number of committees differ from State to State, depending on the status of the Parishad in the three-tier structure.

4.3 Evaluation of Functions and Powers of the Solapur Zilla Parishad:

Solapur Zilla Parishad came into existence on 15th August, 1962, in pursuance to the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1962.

At present, there are seventy members in the Solapur Zilla Parishad council. This number includes some co-opted members also. The Presidents of the respective Panchayat Samitis of Solapur district are the ex-officio members of the Solapur Zilla Parishad.

At present, Solapur Zilla Parishad consists of six subject matter committees and a standing committee with greater power. The subject matter committees are as follows:-

1. Finance committee,
2. Agricultural committee,
3. Co-operative committee,
4. Building committee,
5. Education committee,
6. Health committee.

The standing committee is also in existence in Solapur Zilla Parishad, which is having greater and wider powers. All the schemes of various committees are finally sanctioned by the

standing committee. The President of the Solapur Zilla Parishad Mr. Kakasaheb Nimbalkar is the ex-officio Chairman of the standing committee.

Solapur Zilla Parishad has constituted the subject matter committees in such a way that it can achieve administrative efficiency and can implement the experiment of democratic decentralization in practice. These committees give an opportunity to involve the local leadership in the development process. Solapur Zilla Parishad is working as the co-ordinating agency between the Panchayat Samitis and the State.

4.4 Conclusion.

For the effective implementation of the democratic decentralization, Zilla Parishads are having a crucial role to play. These have been assigned the role of regional development. For this purpose, the Zilla Parishads should be given adequate powers and sufficient funds. Maharashtra State has adopted a somewhat different pattern of the Zilla Parishad organization. These Zilla Parishads are very powerful bodies in the Panchayati Raj structure in Maharashtra State.



REFERENCES

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