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CHAPTER : IV.

FUNCTIONS AND POWERS OF ZILLA
PARISHAD.

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CHAPTER : 4.

FUNCTION'S & POWERS OF ZILLA PARISHAD.

PURPOSE OF THE CHAPTER :

It is proposed to analyse the functions of Zilla Parishad in the Maharashtra State which came in to being under the Maharashtra Zilla Parishads & Panchayat Samitis Act, 1961. The functions are reviewed as follows :

ADMINISTRATIVE FUNCTIONS :

The old District Board, The District School Board, the District Development Board and the District Panchayat Mandal have all been combined to form Zilla Parishad in Maharashtra with some additional functions. The result was that the Institution of Zilla Parishad became the most important body in the three tier structure of Panchayat Raj bodies. In fact the Naik committee expected that the Zilla Parishad to exercise the functions of the state. Naturally, the Zilla Parishad in Maharashtra have been given sufficient statutory administrative powers to function as an apex body. Some of the administrative powers and functions are as follows :-

Section 100 of Maharashtra Zilla Parishad and Panchayat Samitis Act of 1961, enumerates administrative powers and duties of Zilla Parishad. The provisions

relating to the administrative powers and duties of Zilla Parishad make it crystal clear that Zilla Parishad is the strongest body in the Panchayati Raj system in Maharashtra. The powers and functions of Zilla Parishad can be grouped together under the following two heads-

(A) Planning, powers and functions.

(B) Executive powers and function.

(A) PLANNING - POWERS AND FUNCTIONS :

The Act has specifically provided as the duty of Zilla Parishad to maintain works or development schemes relating to the subjects provided in the first scheduled described in the Act and to prepare annual and long term plans to promote planned development of the district with the local resources. The Act has entrusted as many as 128 subjects to Zilla Parishad for development. These subjects may be conveniently grouped as under.

- 1) Agriculture.
- 2) Forests.
- 3) Social welfare.
- 4) Animal Husbandary.
- 5) Economic Development of Backward Classes.
- 6) Education.
- 7) Medicine.
- 8) Public Health.

- 9) Building and communication.
- 10) Public Health Engineering.
- 11) Minor Irrigation.
- 12) Co-operation.
- 13) Industries and cottage Industries.
- 14) Rural Housing.
- 15) Social Education.
- 16) Community Development.
- 17) Miscellaneous.

The important functions of the Zilla Parishad are planning and execution of all development programmes such as establishment and maintenance of primary, basic and secondary schools, distribution of fertilizers, agricultural implements, improved seeds, Improvement of live stock and veterinary aid, educational and economic development of backward classes, maintenance of dispensaries, hospitals, primary health centres, maternity and child welfare centres, construction and maintenance of roads, parks, promotion of local industries, arts and co-operative societies, water supply, drainage, rural housing etc.

There is a planning branch in the General Administration Department under the control of the class I officer. Not only this, but a model job chart for the Planning Officer has also been provided for the guidance and work.

Zilla Parishads in Maharashtra function through committees such as Finance Committee, Work committees, Education committee, Health committee, Standing committee etc. The work of the Committee involves decision in respect of selection of development schemes, their location etc. This work can be done with more unanimity and helps in making planning successful.

The Zilla Parishad inconsistency with the directives of the Government, the state plans and the development of the district, it decides on the priorities to be allotted to the different schemes and on the means and methods to be employed in securing the objectives of the plan. In doing so, the Zilla Parishad in its turn is guided by the requirements and potentialities of each of the blocks in the district covered to it through the panchayat samiti plans. The role of the Zilla Parishad is, thus, to take stock of the needs, resources and potentialities at the blocks in the district on the one hand, and the state policy and plan on the other, put the one into the other and evolve a plan of development for the district as a whole.

EXECUTIVE POWERS AND FUNCTIONS :

In Maharashtra Zilla Parishads enjoy a higher and stronger status as compared with other states. It has the largest devolution in terms of both finance, tax structure and powers, The staff pattern has also

been designed in such a way as to concentrate all the higher supervisory staff at the Zilla Parishad level. The Act lays down that "Zilla Parishad is a corporate body, having a perpetual succession and disposal of property and enter into contract in its corporate name"¹. Section 100 of the Maharashtra Zilla Parishad and Panchayat Samitis Act specifically mentions that "It is the duty of Zilla Parishads... to execute or maintain works or development schemes in district."

Thus we find that the 'Naik Committee' has constituted Zilla Parishad in Maharashtra as the strongest body of Panchayat Raj system. In Maharashtra, Zilla Parishads are not only responsible for preparing the plans and approving the plans of Panchayat Samitis, but the duty of the Zilla Parishad is also to execute or implement the district plan passed by the Zilla Parishad council. With this and in view the law has made the Zilla Parishad the strongest body. Sufficient powers have been delegated to the Zilla Parishad to execute the plan, necessary personnel have been supplied at the district level to supervise and execute plan; required finance has been provided through grants and by giving necessary authority to impose taxes.

1. Report of the Evaluation Committee on Panchayat Raj (Chairman, L.N.Bongirwar) Rural Development Department, Government of Maharashtra, Bombay, 1971, P.60.

(1) FUNCTIONAL COMMITTEES :

The work of planning the development schemes and executing the same is done in Maharashtra through the functional Zilla Parishad committees. The committee system or functional committee system was recommended by Mehta committee and accepting these recommendations, 'Naik Committee' gave a concrete shape to these recommendations on the basis of which Maharashtra Zilla Parishad Act is based.

In Maharashtra, Zilla Parishad has a Standing and other seven subject committees viz-Finance, Works, Agriculture, Social Welfare, Education, Health and Animal Husbandary & Dairy committees. Each of these committees deal with a specific subject or group of subjects.

'Naik committee' observed that the "District council (Zilla Parishad) will be too large to meet frequently, and in order to attend day to day business the committee system was to be adopted which is a general pattern throughout the World. The merit of the committee system lies in the fact that, it promotes decentralised pattern of democracy and also a decentralised administration and prevents concentration of powers in a single individual or party. It enables the members of the Zilla Parishad to participate in discussion and policy formulation.

It is said that under committee system the decisions are the results of the application of the collective wisdom and they are carried out after giving an opportunity to all the members to participate in the discussions. The committee as a whole shares the responsibilities for all decisions and is in a position to exercise proper supervision over the execution. The functions of Zilla Parishads involve selection of development schemes, their locations etc, which intimately affect the welfare of the local population. The Naik committee also recommended that the president, vice president and the chairmen of the committees should be made full time functionaries responsible for the implementation of the decisions of the Zilla Parishad and its committees, This recommendation has also been accepted by the Government. Subject to the provisions of this Act and the rules made there under, the standing committee or a subject committee in relation to subjects allotted to it:-

- (a) Shall :
 - (1) Be in charge of works and development schemes relating there to,
 - (2) Ensure that the estimates of works and development schemes are prepared and sanctioned and supervise their execution.
 - (3) Supervise the expenditure and provisions made in the budget.

- (4) Review periodically the progress of activities of Zilla Parishad and place their reports before the Zilla Parishad.
- (5) Forward a copy of the proceedings of each meeting of the committee to the Zilla Parishad.

(8) May,

(1) Require any officer to enter on and inspect on its behalf, any immovable property occupied by the Zilla Parishad or any work or development scheme in progress and undertaken by the Zilla Parishad or under its direction.

(2) Call for any information, return, statement, account or report, from its Chairman or from any officer or servant holding office under the Zilla Parishad.

The above provisions in law point out that it is the duty of the subject committee to be incharge of works and development scheme. The committee will have to see that the estimates are prepared for the scheme or work, they are sanctioned and the committee has to supervise the execution of the schemes or work. The committee has to review periodically the progress of the work and the report of it to be forwarded to the Zilla Parishad. The committee can require any officer of Zilla Parishad to inspect work or development scheme, call for any information, return statement,

account or report from any officer in charge of the schemes in relation to the scheme.

Section 84 of the Act provides for honorarium to the President, vice-President and the Chairmen of various committees of Zilla Parishad, which had the desired effect on the working of Zilla Parishad on the elected members as they became responsible for the control, supervision and execution of the scheme or decisions of the Zilla Parishad.

2) CHIEF EXECUTIVE OFFICER :

In Maharashtra, the Zilla Parishad is the strongest body of the panchayat Raj and the intermediate body i.e. panchayat samiti functions as its executive agency. It is responsible for all functions coming within local sector which incorporates the whole sphere of the Community Development programmes, plus all the functions formerly performed by the District Boards. Zilla Parishad is responsible for the entire field of local activities of Zilla Parishad encompass, practically all the basic needs of the people in rural areas.

Elected members of the Zilla Parishad will formulate policies and sanction programmes their implementation will naturally rest with the executive. This requires administrative machinery to operate efficiently, honestly, economically and above all

impartially at all levels. Naik committee observed that the 'District administration should provide the necessary unifying and motivating force for implementing the decisions of the Zilla Parishad. The entire staff in the district should therefore be regarded as centrally controlled unit with some persons working under Panchayat Samitis and village Panchayats. In order to obtain united control and direction, the Zilla Parishad administration is placed under the chief executive officer. All departments of the Zilla Parishad put together function as one unit under the supervision and control of chief executive officer. Of course the responsibility for supervision and execution of schemes is placed on each departmental head at various levels so that chief executive officer is not burdened with the routine work.

On the basis of the above principle and observation of Naik committee the Maharashtra Zilla Parishad And Panchayat Samitis Act 61, has provided for the following powers and duties to the Chief Executive Officer in the Zilla Parishad.

The chief executive officer is usually drawn from the I.A.S.cadre and is also the head of the entire administrative organisation of the Zilla Parishad including organisation at the panchayat samiti level.

He is assisted by deputy chief Executive officer in the performance of managerial and administrative functions. It should be noted that the chief executive officer has been assigned specific functions under the Act. The chief executive officer along with his deputies and assistants implement policies and decisions taken by Zilla Parishad. In fact he is the real executive head of the Zilla Parishad including the organisation at panchayat samiti level. Being the chief executive of the Zilla Parishad, all the District level as well as Block level officers are subordinate to him. He exercises administrative control and supervision over the Zilla Parishad and Panchayat samiti staff including Block Development officers and District level officers who are deputed from Government Department and from the state services. He attends the meetings of the Zilla Parishad and its committees and execute the decisions of Zilla Parishad through the District and the samiti level staff. He coordinates the activities of the different departments. He appoints class III and class IV servants from the list provided by the District and the Divisional level selection committees. He writes the confidential reports of the class I and class I officers working under the Zilla Parishad. Apart from administrative powers, he has also been given financial and emergency powers. The

Maharashtra Zilla Parishads and Panchayat Samitis Act 1961 clothed him with such powers which has made him the most important official functionary in the District. (Article 95 of the Act endowed him with these powers).

(3) SUPERVISION AND GUIDANCE :

Throughtout the country this function of the Zilla Parishad is very important. The Mehta committee also recommended the Zilla Parishad to be a supervisory body. Zilla Parishad's approval for panchayat samiti budget is essential. The Zilla Parishad supervises the activities of samiti under its jurisdiction, specially agricultural programmes, works programmes and employment programmes. The Zilla Parishad has the powers of inspection and can ask for required information from panchayat samitis. The proper utilisation of the grants given to samitis is also supervised by the Zilla Parishad, Supervision is followed by guidance. In case the 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. This applies to States Where Zilla Parishad is not an executive body. In Maharashtra Zilla Parishad is an executive body and therefore this does not apply.

It should be noted that Community Development Block grants are given to Samitis through Zilla Parishad as samitis are not corporate bodies and therefore have no funds of their own. Apart from spending the block funds within the limits set out by the National Extension Service schematic budget, these samitis perform agency functions on behalf of Zilla Parishad, certain types of works are executed by them through the agency of panchayats. Samitis have the power to sanction the budgets of panchayats.

(4) CO-ORDINATION : -

Co-ordination of plans made by samitis and co-ordination of work of panchayats and samitis is also an important function of the parishad. For this purpose, it scrutinises and sanctions the budgets of panchayat samitis. The Zilla Parishads are empowered to suggest modifications which the panchayat Samitis would consider. The budget is discussed in the Zilla Parishad.

The Zilla Parishad has to keep balance between national priorities and local priorities. It is widely recognised that district is an important unit of planning both from the point of view of administration as well as economic resources. Planning at the district

level has to be viewed into different aspects viz.

1) As part of state plan. The Zilla Parishad is the principal point of contact between the policies and plans of Government and of local bodies.

2) As a process of integration of local plans based on local requirements and resources. There is need for co-ordinating the planning in several blocks..The Zilla Parishad assists lower level local bodies in matters requiring co-ordinated action and constantly advises them to keep national priorities in the forefront. Section 110 authorises Zilla Parishad to undertake any work jointly with the another Zilla Parishad or Municipality or Municipal Corporation. The Act has also authorised Zilla Parishad to levy necessary taxes jointly with the above bodies and collect them.

WELFARE FUNCTIONS : -

The welfare function in relation to Zilla Parishad means welfare of economically and socially backward classes of the people called the weaker sections of the society. The constitution of India has provided for the protection and promotion of the educational and economic interests of the weaker sections of the people and in particular of the

scheduled castes and scheduled Tribes. Besides this, the Directive principles of State policy and numerous other constitutional provisions and statutes make the States to protect the interests of the weaker sections. In order to promote welfare of the population including scheduled castes and scheduled tribes, and backward class people, social welfare department has been created by Maharashtra Government. Naik Committee recommended that social welfare Department should be transferred to Zilla Parishad. In the opinion of Naik Committee "the local bodies will be in a better position to adjudge local needs and attend to them promptly. We consider that most of the schemes of this department should be transferred to them."²

Referring to the role that the panchayati Raj institutions can play in improving the conditions of the weaker sections, a report of the committee on plan projects observed that " with a view to ameliorating the social and economic conditions of the weaker sections, it was considered necessary to associate the weaker sections with the Panchayat Raj institution. Accordingly, provision has been

2. Report of the committee on Democratic Decentralisation (Chairman V.P.Naik) Co-operation and Rural Development Department, Government of Maharashtra, Bombay, 1961, p.63.

made for representation of Backward classes, scheduled castes and scheduled tribes in the Panchayat Raj legislation. In all states, except U.P. and Panjab the panchayat Raj institutions have appointed committees to look after the interest of weaker sections. For meeting the special need of the backward classes, equalisation funds have been constituted at the state level in few states such as Assam, Andhra, Pradesh, Gujarat and Maharashtra. In Gujarat and Maharashtra such funds are provided to the Zilla Parishads."³

According to a recent amendment to the Zilla Parishad Act, each Zilla Parishad has now a separate social welfare subject committee presided over by a Councillor belonging either, to a scheduled caste or a Scheduled Tribes. The District Social Welfare Officer of the Zilla Parishad is the ex-officio secretary of this committee. There is no separate department for social welfare as such in the Zilla Parishad. There is only a branch for this subject in the General Administration Department of the

3. Role and Functions of Panchayat Raj Institutions in Planning and Development, Committee on Plan Projects, Planning Commission Government of India, New Delhi, 1966 (Mimeo) p. 62 & 63.

Zilla Parishad under the control of the Deputy Chief Executive Officer.

In the First Schedule of section 100 of Maharashtra Zilla Parishads and Panchayat Samitis Act 1961, covers the subjects of activities which are enumerated as the activities of social welfare Department of Zilla Parishad.

DISTRICT LIST OF ACTIVITIES (SOCIAL WELFARE) :

- A) Educational development of Backward classes scholarships etc.
- B) Economic Development of Backward classes.
- C) Removal of untouchability.
- D) Programmes for welfare of Backward classes.
- E) Training of Backward classes.

DEVELOPMENTAL FUNCTIONS :

DISTRICT DEVELOPMENT BOARDS :

The need for a co-ordinated approach to the problems of rural economic development through popular efforts and with the advice and assistance of non official rural workers was first realised by the former Government of Bombay as early as 1937.

Specific steps taken in this respect during 1937-39 included legislative reforms such as the Agricultural Debtor's Relief Act, the Agricultural Produce Markets Act and the Tenancy Act, establishment of a Rural Development Department and drawing up of a modest programme for strengthening the co-operative movement in the rural areas, improvement of agricultural and live stock, reclamation of waste lands, promotion of cottage industries and the like. A Rural Development Board was set up in each district in 1939 with the following objects :-

- a) To assist and advice the officers of the Rural Development Department.
- b) To control and supervise the work of Taluka Development Associations.
- c) To prepare schemes and organise and supervise all rural development work.
- d) To create interest in the problems of rural economy and to act as fiscal centres for all rural development activities.

In 1952, Government recognised the need of having a central body to co-ordinate the various activities carried out by the variety of non statutory bodies and committees existing in the district and set up the present District Development Board. It's main function was to advice and assist

district officials in respect of prohibition, agricultural and rural development, minor irrigation, publicity, distribution of controlled articles, welfare of backward classes, health, co-operation, marketing, social education etc. Officers were generally required to act according to the advice of the board or its sub-committees and in case of disagreement they are to be referred to Government. The Board consisted "of Government official and non officials nominated by Government, a representative of the co-operative marketing societies, the chairman of central co-operative Bank, the president of the District Local Board and the members of parliament and State legislature, Ministers, Deputy Ministers, speaker, etc. were associated as members generally in the district which they represent. The Board had, on an average, about twelve sub-committees for various subjects. After re-organisation of states in 1956, such Boards were established in vidarbha and Marathwada also!"⁴

COMMUNITY DEVELOPMENT PROGRAMME :

After independence, the National and State Governments had naturally to deal with the growing

4. Report of the committee on Democratic Decentralisation (Naik Committee) Co-operation & Rural Development Department, Government of Maharashtra, Bombay 1961, P.21 & 22.

aspirations of the people and nation building became their primary concern; Therefore, they, had to undertake a comprehensive development and welfare programme through successive Five Year Plans in order to solve the basic problems of poverty, ignorance, lack of primary amenities etc.

The Community Development programme in the first plan intended to develop the rural areas intensively and to organise the village people.

The Planning Commission described the community Development programme as the method and rural extension service as the agency through which the process of transformation of social and economic life of the villages was to be initiated.

The community Development programme was started in 1952 on a pilot basis in selected areas called community Projects. Each of these projects covered about three hundred villages with a population of about three lakhs and were allocated a budget of Rs. 65 lakhs for a period of three years. As the emphasis was on agricultural production, the areas were selected more on the basis of irrigation facilities or assured rainfall. Some projects were also taken up in areas where the problem of rehabilitation of displaced persons had to be solved. In 1953, it was considered advisable to reduce the size

of the projects and community Development Blocks were started in selected areas having a population of about sixty thousand with a three year budget of Rs.15 lakhas.

Even after the launching of these projects and Blocks the important question of establishing or extension organisation throughout the country as a permanent development agency stressed in the First Five year plan, remained to be ~~untackled~~ tackled. The Grow More Food Enquiry committee, which had examined this question, recommended the constitution of a Development Block co-extensive with a taluka or tehsil. The main purpose of this recommendation was to forge a link between the extension and the administrative organisation and to transform the existing administrative organisations and to perform the existing administrative machinery into a welfare agency.

The Balvantary Mehta Committee was appointed to study, among other things, the contents of the community Development programme and the priorities assigned to different fields of activities with in it, and to report on the system, organisation and methods of work adopted for the implemenation of the programme with special reference to interafication of agricultural production, co-ordination between different ministries, departments and agencies and bringing in greater speed in the despatch of business.

PANCHAYAT RAJ AND AGRICULTURAL PRODUCTION :

Balvantary Metha's Report observed that "the material progress in the agricultural sector can be judged only by the total increase in production!"⁵ The available data on agricultural production make unhappy reading and merely emphasises the need for greater attention for the agricultural sector in our schemes of community Development.

Many have emphasised that "Panchayat Raj bodies at different levels can play a vital role in improving agricultural production!"⁶ In fact "raising of agricultural production was the foremost of the ten points!"⁷ Therefore, the achievements in agricultural production should prove a good yardstick for assessing the role of Panchayat Raj institutions in bringing about social and economic growth in country side. In addition to this responsibility Panchayat Raj was required to pay special attention to the weaker sections which consist of small land

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5. Report of the Team of the study of community projects and National Extension service, vol I (Chairman Balvantray Mehta committee on plan projects,) New Delhi, Nov.1957. Para,1.
 6. Eg,Sec.R+S. Pachouri, village panchayat and village Development panchayat Raj vol 10 No.10. Jan. 1970, Role of panchayats in Raising. Agricultural production "Panchayat Raj vol.10. No.10.Jan. 1970. I.D.N.sahi "Role of community Development and panchayat Raj in food production", Indian Journal of public Administration, vol.13, 1967 p.554.
 7. The ten point Test, R.S.Pachouri, "Village panchayat and village Development, Op.cite.P.5 & 6.

holders and landless labourers. Thus the panchayat Raj institutions are justifiably expected to play a vital role in increasing agricultural productivity.

With the establishment of Zilla Parishad and substantial transfer of the states functions to it, District Development Board, along with other bodies even District local Board etc. were abolished.

On the basis of recommendations of Naik Committee the Maharashtra Zilla Parishads and Panchayat Samitis Act was passed in 1961. In the early stages, the Zilla Parishads were assigned a number of developmental functions in the field of co-operation and industries and cottage industries and agriculture etc. However, in 1973 the Government has withdrawn all the functions of Zilla Parishad in relation to co-operation, industries and cottage industries. Therefore, at present Zilla Parishad and Developmental activities are mainly restricted to agriculture only.

Schedule I which is attached to section 100 of Maharashtra Zilla Parishads Panchayat Samitis Act of 1961 enumerates the subjects of activities of Zilla Parishad in relation to agriculture.

On the basis of the recommendations of Naik Committee Agricultural Department has been created in the Zilla Parishad with the District Agricultural Officer of class I grade as its head working under

chief executive officer. The agricultural department will deal with all agricultural farm research and other farms entrusted on agency basis to the council, rabi and kharif campaigns, agricultural extension including Japanese method of paddy cultivation, plant protection, seeds, fertilizers, agricultural quota, of iron, steel and cement and agricultural implements. It will also undertake village woodland, schemes and minor afforestation and Schemes for which there is a great scope in the rural areas. There may be another section dealing with veterinary, cattle breeding, poultry and fisheries. In districts which offer scope for dairying, poultry or fisheries, there will be justification to appoint extension officers on the block administration for the purpose.

About the role of Zilla Parishads and panchayat samities in agricultural production in Maharashtra, the Bongirwar Committee observed as follows, "In the sphere of certain activities the Panchayat Raj organisations have been able to achieve commendable results. These activities include, agricultural extension and development, minor irrigation, including construction of wells through land Development Bank credit, rural electrification family planning, small savings, drinking water supply, defence efforts. etc."⁸

8. Report of the Evaluation committee on panchayat Raj (Chairman L.N.Bongirwar) Rural Development Department, Government of Maharashtra, Bombay 1971, P.6, 213.