

CHAPTER - I I

THE KARNATAK ZILLA PARISHADS ACT, 1983

CHAPTER - II

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After acquainting ourselves with the meaning and history of Panchayati Raj in India, it is worthwhile to study some important aspects of the Zilla Parishad Act, 1983, and the comparison of the Panchayati Raj Acts of 1959 and 1983, which will help to understand the changes introduced therein in the next Chapter.

The Karnatak Village Panchayats and Local Boards Act, 1959, which introduced the earlier system of Panchayati Raj, has been replaced by the new Act called "The Karnatak Zilla Parishads, Taluka Panchayat Samitis, Mandal Panchayats and Nyaya Panchayats Act, 1983". The Act received Presidential assent on July 10th, 1985, and was gazetted on August 2nd, 1985. The immediate impetus for the enactment of the Act of 1983 was the report of the Asoka Mehta Committee, but the pattern of the Panchayati Raj, which finally emerged, was much influenced by the local genius and conditions. It was an effort made to increase the democratic participation in the developmental process.

Structural Pattern of Panchayati Raj in Karnatak:

The Act provides for a two elected tier structure with directly elected Zilla Parishads at District level and Mandal Panchayats at village level. Though it provides for a two-tier structure, it highlights the role of Gram-Sabha at the village level and creates Taluka Panchayat Samitis at Taluka level, so as to make it more participatory and representative. The composition of the various bodies is as follows:

I) Zilla Parishad at District Level:

1. Directly elected members - each representing 28,000 population.
2. Members of Parliament, Members of Legislative Assembly, Members of Legislative Council of the District, but they do not hold office.
3. 25% of seats are reserved for women.
4. 18% of seats are reserved for Scheduled Castes and Scheduled Tribes.
5. Adhyaksha and Upadhyaksha are elected from amongst the members of the Zilla Parishad.

II) Taluka Panchayat Samiti at Taluka Level:

1. All Pradhans of Mandals in the Taluka.
2. Members of Legislative Assembly, Members of Legislative Council, Members of Zilla Parishad of the Taluka.
3. President of Taluka Agricultural Produce Co-operative Marketing Society, President of Primary Agricultural Rural Development Bank.
4. Five members belonging to Scheduled Castes, Scheduled Tribes, Backward Classes and women are co-opted.
5. Member of Legislative Assembly representing major portion of Taluka is the Chairman of the Taluka Panchayat Samiti.

III) Mandal Panchayat for a Group of Villages:

1. Each directly elected member representing 400 population.
2. 25% of seats are reserved for women.
3. 18% of seats are reserved for Scheduled Castes and Scheduled Tribes.
4. Nominated members from Backward Classes.

IV) Gramsabha at Village Level:

All persons of 18 years and above are members of Gramsabha.

V) Nyaya Panchayat at Mandal Level: Five Nyayavitarakas

I) Gramsabha:

The second Chapter of the Act deals with the provisions relating to Gramsabha. It is a college comprising all eligible voters under the Panchayati Raj system, i.e. all persons of 18 years and above of that village. It meets atleast twice in a year. This infers to the efforts made by the Act to associate local people in the process of local development.

The Pradhan shall determine the date, time and place of a meeting of the Gramsabha. The secretary of the Mandal Panchayat shall notify the meeting of the Gramsabha, indicating therein the time, date and place of the meeting and the matters to be considered in such meeting.¹

The Gramsabha discusses and reviews all development problems/programmes of the village, selects beneficiaries for all beneficiary-oriented programmes transferred to the Panchayati Raj system, plans for local improvement, including minimum needs, welfare and production oriented programmes, including cropping pattern for the season for the village, etc. It also constitutes the land army consisting of all able-bodied persons, etc. The programme of adult education is also given to the Gramsabha. It assists the Mandal Panchayat in the implementation of developmental schemes pertaining to the villagers.

II) Mandal Panchayat:

The Mandal Panchayat is the first elected tier and covers a group of villages with a population of not less than 8,000 and not more than 12,000 but suitably reduced for the 'Malnad' (hill areas).

The number of seats is one for every 400 population. 25% of membership is earmarked for women (of which atleast one should belong to SC/ST) and 18% for SCs/STs. All the members hold office for a term of five years. The Pradhan and Upapradhan are elected by the elected members of the Mandal. This also indicates that due importance is attached for proper representation of the women and the SCs/STs, etc.

The Mandal Panchayat shall meet for the transaction of the business atleast once in every month as the Pradhan may determine. The Pradhan has also the power to summon special meetings upon the written request of not less than one-third of the total number of members. The Government officers within the jurisdiction of the Mandal are entitled to attend the meeting, but they have no power of voting. The quorum for a meeting shall be one-third of the total number of members. At every meeting, the Pradhan, or in his absence, the Upapradhan, or in the absence of both, a member chosen by the members present shall preside. A sitting-fee of Rs.15/- per day of sitting shall be paid to each member for attending the meeting of the Mandal Panchayat or any Committee thereof.²

Every Mandal is required to constitute three committees by election to carry on the functions entrusted to them. The Committees are:

- a) Production Committee,
- b) Social Justice Committee,
- c) Amenities Committee.

Functions:

Chapter IV of the Act covers the functions of the Mandal.

The general functions relate to the following:

a) Sanitation and Health:

Public wells, tanks, ponds, conservancy, disposal of unclaimed corpses, measures against epidemics, regulation of buildings and entertainment houses, relief to destitute, public roads, drains, bunds, provision for house sites for villagers in the Mandal.

b) Public Works and Amenities:

Construction and maintenance of roads, drains, bunds and bridges, removal of obstructions, maintenance of buildings, grazing lands, tanks, wells, lighting of villages, regulation of fairs and festivals, planting and preservation of trees, construction and maintenance of Dharmashalas, markets, warehouses, shops and purchasing centres.

c) Agriculture and Animal Husbandry:

Formulation of agricultural production plan, improvement of economic conditions of villagers, maintenance of nurseries, improved methods of cultivation, granaries, cattlesheds, gardens, compost pits, cattle-breeding, fishery, poultry and piggery in the Mandal.

d) Welfare of Scheduled Castes, Scheduled Tribes, Backward Classes:

Promotion of educational, economic, social, cultural and other interests of Scheduled Castes, Scheduled Tribes and Backward Classes, protection of those castes from social injustice and exploitation, house sites for those castes.

e) Other Matters:

Development of Mandal area, soil conservation, assistance to villagers, during scarcity conditions and natural calamities, cottage industries, community labour, co-operative societies, village

statistics, social forestry, survey of village sites and property, welfare of women and children, adult literacy, organizing rural sports, any other functions entrusted by the Zilla Parishad or the Government.

The Mandal Panchayats have the power to make bye-laws regarding purification of pollution, drinking water, health, trade, buildings, fairs, markets, sanitation, cattle-pounds, etc.³

From the study of the above functions of the Mandal, it can be inferred that the earlier Act of 1959 though provided these basic objectives, depended much on the sanction and approval of the government. Because of these, all these important functions had to be spelt out in detail in the Act of 1983 itself; and responsibility had to be devolved and revolved with the local functionaries at the peripheral or respective level. It is further important to note that functions therein allotted are not very much specialised, and it cannot be said that they are too advanced development activities. Instead, it points now the earlier Act of 1959 failed to fulfill these minimum needs. The effect in totality was the nation strived and progressed with exporting all advanced technology in the interest of advancing national development, but, on the other hand, the rural development remained and rural institutions so created for rural development became sterile and ineffective. It is in this context, it can be commented that our national development or progress cannot be considered as progress in totality, until a true assessment is made of rural development, as rural development is our national development.

Finances:

Each Mandal has a 'Mandal Panchayat Fund'⁴ which consists of the following items of income - amount allotted by the Government or by the Zilla Parishad, proceeds of tax imposed by the Mandal, sums ordered by the Court, sale proceeds sums received by way of grants, income from Mandal property.

The State government shall make in grant at the rate of ten rupees per person residing in the Mandal calculated on the basis of the last preceding census of which figures are available, provided that 25% of the amount so granted shall be paid by the Government to the Zilla Parishad.

Every Mandal shall levy a tax upon buildings, lands, entertainments other than cinematograph shows, vehicles other than motor vehicles, fee on busstands, markets, tax on mineral rights, a fee for grazing cattle on grazing land, duty on immovable property.⁵

The executive officer of the Mandal Panchayat is known as 'Secretary' who is appointed by the Zilla Parishad in consultation with the Mandal.

III) Taluka Panchayat Samiti:

Each Taluka has Taluka Panchayat Samiti,⁶ which consists of the following members:

- a) Members of the State Legislature representing a part or whole of the Taluka whose constituencies lie within the Taluka;
- b) Members of the Zilla Parishad representing a part or whole of the Taluka whose constituencies lie within the Taluka;

- c) Pradhans of the Mandal Panchayats in the Taluka;
- d) President of the Taluka Agricultural Produce Co-operative Marketing Society;
- e) President of Primary Land Development Bank;
- f) Five Members belonging to Scheduled Castes, Scheduled Tribes, Backward Classes, women co-opted by resolution of the Taluka Panchayat Samiti and approved by the Zilla Parishad.

Provided that not less than 18% of the members shall belong to the SCs and STS. The member of the Legislative Assembly representing the major part of the Taluka shall be the Chairman, and if no member of the Legislative Assembly is available, or if the member becomes a Minister, the Taluka Panchayat Samiti shall elect the Chairman from amongst its members. Every meeting shall be presided over by the Chairman and in his absence, by the other member authorised by the Chairman.

Functions:

The Taluka Panchayat Samiti shall perform the following functions:⁷

- a) Advise the Mandal Panchayats in the discharge of their functions;
- b) In relation to works and development schemes to be undertaken in the Taluka, exercise such powers as may be prescribed by the Zilla Parishad;
- c) Enter on and inspect any immovable property in the Taluka occupied by the Zilla Parishad;
- d) Reviewing of the work of the Mandal Panchayats from time to time;
- e) Affording guidance or assistance to the Mandal Panchayats;

- f) Co-ordination of the work of the Mandal Panchayats where it relates to more than one Mandal;
- g) Any other duty that may be entrusted by the Zilla Parishad or Government.

The Block Development Officer of the Taluka who is appointed by the Government is to exercise the powers and functions of a Secretary of the Taluka Panchayat Samiti.

IV) Zilla Parishad:

The Zilla Parishad is the second directly elected tier of the Panchayati Raj system. For every district, there shall be a Zilla Parishad. The Zilla Parishad shall consist of elected members, they have one seat for every 28,000 population except the Kodagu Zilla Parishad, which has one seat for every 12,000 population.⁸ Members of the Parliament and members of the State Legislature whose constituencies cover the district or a part thereof, are members of the Zilla Parishads, but do not have the right to hold office. The Chairman or President of the District Central Co-operative Bank shall be an associate member and he has no right of voting. Similar reservations for women, scheduled castes and scheduled tribes, as in the case of Mandals, are provided for the Zilla Parishad also. The members of the Zilla Parishad shall hold office for a term of five years.⁹

The Adhyakshas and Upadhyakshas of the Zilla Parishads are elected by the members of the Zilla Parishad. The Adhyaksha has the rank of a Minister of State and the Upadhyaksha the rank of Deputy Minister. The Adhyaksha has been declared the executive head of the Zilla Parishad.

The Zilla Parishad shall hold a meeting for the transaction of business atleast once in every month. One-third of the total number of members shall form a quorum. The Zilla Parishad may require the presence of the Government officers at meetings.¹⁰

Another noteworthy feature is association of MLAs, MP, Chairman of Co-operative Bank who are associated but they do not enjoy the voting rights. This is an important step, because it helps them to know the progress in the stages of development; and most importantly to acquaint themselves to the needs of the people. Besides, they can also help these institutions for smooth functioning and represent their views and difficulties at the government level. It also helps the MLAs, MPs and the financial organization to be in touch with the needs of the constituencies.

The Zilla Parishad shall constitute the following Committees:¹¹

- a) General Standing Committee,
- b) Finance and Audit Committee,
- c) Planning and Development Committee,
- d) Public Works and Amenities Committee,
- e) Social Justice Committee,
- f) Education Committee,
- g) Agricultural and Animal Husbandry Committee,
- h) Health Committee,
- i) Industries Committee.

Functions:

The functions of the Zilla Parishad are covered under

Sections 182 to 189 of the Act which relate to the following matters:

1) Development Programmes:

Overall supervision, co-ordination and integration of development schemes at Taluka and district levels, and preparing the plan for the development of the district.

2) Agriculture:

Measures to increase agricultural production, establishment and maintenance of agricultural seed farms and commercial farms, agricultural schools, godowns and crop protection.

3) Animal Husbandry.

Establishment and maintenance of district, taluka and village veterinary hospitals, first-aid centres and mobile veterinary dispensaries, cattle breeding, dairy development, measures to control contagious diseases.

4) Welfare of Scheduled Castes, Scheduled Tribes and Backward Classes:

Promotion of educational, economic, social, cultural and other interests, protecting from social injustice, establishment and maintenance of hostels, supervision of the schemes for the development of these classes.

5) Buildings and Communications:

Construction and maintenance of district roads and buildings of the Zilla Parishad.

6) Public Health:

Management of hospitals and dispensaries, regulation of fairs and festivals including cattle-fairs.

7) Irrigation and Groundwater Resources:

Minor irrigation, timely distribution of water and development of groundwater resources.

8) Industries:

Rural and cottage industries, establishment of training-cum-production centres, marketing facilities and implementation of schemes for the development of village and small scale industries.

9) Horticulture:

Rural parks and gardens, cultivation of fruits and vegetables.

10) Co-operation:

Promotion and extension of co-operative societies.

11) Education and Social Education:

Adult literacy, survey and evaluation of educational activities, establishment and maintenance of primary and secondary schools, rendering social service in the villages, encouragement of youth clubs, Mahila Mandals and farmers' associations and establishment of general hostels, Ashram schools and orphanages.

12) Statistics:

Publication of statistical information relating to Mandals and Zilla Parishads.

13) Fisheries:

Development of fisheries in irrigation works vested in the Zilla Parishad.

14) Rural Electrification15) Distribution of Essential Commodities16) Transfer of functions of the Government to the Zilla Parishad:

The Government may entrust such powers and functions relating to any matter as are exercised by the Government, such as roads, bridges, channels, buildings, other property, movable or immovable.

17) Other Powers of the Zilla Parishad:

Contribution to associations at All India, State, Inter-State levels, concerned with the promotion of local government and to exhibitions, seminars and conferences related to the activities of Mandals and Zilla Parishads.

18) Powers of the Zilla Parishad relating to the Mandal Panchayats:

The Zilla Parishad may call for proceedings of any Mandal, order for a duty, direct to levy any tax, call for meeting of Mandal or its any committee.¹² If, in the opinion of the Zilla Parishad, the execution of any order or resolution or doing of anything of a Mandal Panchayat is unjust, unlawful or imposes or causing injury or annoyance to the public or to lead to a breach of peace, it may by order suspend the execution or prohibit the doing thereof.¹³ If, in the opinion of the Zilla Parishad, a Mandal Panchayat exceeds or abuses its powers or is not competent to perform or makes persistent default in the performance of the duties imposed on it or fails to levy a tax under Section 116 or refuses to carry out any of the directions of the Zilla Parishad, the Zilla Parishad may by order published in the official Gazette dissolve such Mandal Panchayat.¹⁴ Similarly, if a Zilla Parishad exceeds or abuses its powers or is not competent to perform its duties, the Government may dissolve the Zilla Parishad. When a Mandal Panchayat or Zilla Parishad is dissolved, all the members vacate their office, it shall be reconstituted within six months from the date of such dissolution as per the procedure laid down in the Act.



Finances:

Each Zilla Parishad has the Zilla Parishad Fund¹⁵ which is composed of the following items:

- i) the amounts transferred by the consolidated fund of the State;
- ii) the grants or loans or contributions made by the Government;
- iii) fees, penalties paid to the Zilla Parishad;
- iv) all rents from lands or other properties of the Zilla Parishad;
- v) all interests, profits and other moneys accruing by gifts, grants, assignments or transfers from private individuals and institutions;
- vi) all proceeds of land, securities and other properties sold by the Zilla Parishad;
- vii) all sums received by the Zilla Parishad by virtue of this or any other Act.

An officer not below the rank of the Deputy Commissioner of the district shall be the Chief Secretary of the Zilla Parishad who acts as the Secretary of the Zilla Parishad.

Nyaya Panchayats:

To secure speedy and inexpensive justice in civil and criminal matters of a relatively minor nature. Nyaya Panchayats have been envisaged under the Act. The composition, tenure, powers and functions are provided from 11th to 14th Chapters of the Act. The Nyaya Panchayat comprises five members of whom not less than three, i.e. the majority, will belong to the following reserved categories which are generally accepted as weaker sections of the society:

- 1) Scheduled Castes/Scheduled Tribes,
- 2) Backward Classes,
- 3) Women.

Having regard to the delicate and sensitive nature of this authority, safeguards have been introduced by the statute, such as the subject matter of the suit or the case be of a very minor nature; exclusion of imprisonment from its competence; exclusion of lawyers from proceedings; the majority of the Nyaya Panchayat membership comprising acknowledgely weaker sections of the population, etc. However, the effectiveness of social sanction, the widespread experience that truth surfaces locally without elaborate evidenciary procedures; the salutary effect of shortening the span between crime and punishment, injury and redress; need to be utilized in any system of decentralized democratic administration. That is the major rationale leading to these provisions. Government has further recognised that the positive attributes of this system can surface more confidently after the working and credibility of these institutions have stabilised. Government has, therefore, taken a conscious decision to bring Nyaya Panchayats into effect, five years after the commencement of Panchayati Raj.¹⁶

Annual Administration Report:¹⁷

Soon after the first day of April in every year, the Pradhan shall place before the Mandal Panchayat a report of the administration of the Mandal Panchayat during the preceding official year and shall forward the report with the resolution of the Mandal Panchayat thereon to the Government. Similarly, the Secretary of the Zilla Parishad shall prepare a report on the administration and submit to the Zilla Parishad. After the approval of the Zilla Parishad, the report shall be submitted to the Government. Finally, the reports of the Mandal Panchayats and the Zilla Parishads shall together with a memorandum by the Government, reviewing the working of the Mandal Panchayats and the

Zilla Parishads be laid before both the houses of the State legislature.

The application of this Act in Karnatak, "has been recognised as the most far-reaching effort in democratic decentralization in the country".¹⁸ The scheme of democratic decentralization is considered revolutionary in its sweep, concept and content. It signifies the restoration of political power to the people to whom it belonged.¹⁹ By the introduction of the Act, "an era of the great peaceful revolution will begin in Karnatak".²⁰ The Act is adhered to "the democratic, progressive, administrative decentralization principle". Further, the theme of the Act is, "the units of development are transformed into the Mandal Panchayats".²¹

To conclude the study of the Act, one can say that the introduction of the Mandal Panchayats, the reservation to the extent of 25% for women, the nomination of members from the weaker sections to Mandal Panchayats by the Zilla Parishad in case no person from such Backward Classes being elected in any Mandal, accent on youth by bringing down the voting age to 18 years, transfer of resources in favour of Zilla Parishads, Mandals, the extent of autonomy granted to the Zilla Parishads and the Mandals are some of the unique features of the Act. It is a progressive step taken by the Karnatak Government.

How far the Act of 1983 is an improvement over the earlier Act of 1959 will be studied in the next Chapter. Besides, efforts will also be made to highlight certain important features in the Act.

REFERENCES

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2. The Zilla Parishad Act, 1983, Section 51(6), p.44.
3. Ibid., Section 286, p.197.
4. Ibid., Section 114, pp.88-89.
5. Ibid., Section 116, pp.90-93.
6. Ibid., Section 135, pp.112-113.
7. Ibid., Section 136, p.113.
8. Ibid., Section 140, pp.115-116.
9. Ibid., Section 160, p.129.
10. Ibid., Section 172, p.137.
11. Ibid., Section 177, pp.140-141.
12. See for details: Ibid., Section 269, pp.186-187.
13. Ibid., Section 270, p.187.
14. Ibid., Section 271, pp.187-189.
15. Ibid., Section 191, pp.154-155.
16. District Governments and Decentralized Planning, pp.14-15.
17. The Zilla Parishad Act, 1983, Section 309, pp.210-211.
18. Ibid., p.5.
19. The Hindu, dated 28.7.1988.
20. S.K.Dey, "Kannad Prabha", dated 1.8.1985.
21. Abdul Nazir Sab, "Kannad Prabha", dated 5.4.1984.

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