

A Study on the Election Mechanism of Membership to Zilla Panchayats in India

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Abstract

This paper attempts to study how **election mechanism of membership to Zilla panchayats** is conducted for Panchayati Raj Institutions India. The Zila Panchayat or District Council or Mandal Parishad or District Panchayat is the third tier of the Panchayati Raj system and functions at the district levels in all states. A Zila Parishad is an elected body. Block Pramukh of Block Panchayat are also represented in Zila Parishad. The members of the State Legislature and the members of the Parliament of India are members of the Zila Parishad. The Zila parishad is the top most tier of the panchayat raj system and acts as the link between the state government and the village-level Gram Panchayat. The chairmen of all the Panchayat Samitis under the district are the ex officio members of Zila Parishad. The parishad is headed by a president and a vice-president. The deputy chief executive officer from General Administration department at district level is ex-officio secretary of Zila Parishad.

The chief executive officer, who is an IAS officer or senior state service officer, heads the administrative setup of the Zila Parishad. He/ She supervises the divisions of the parishad and is assisted by deputy CEOs and other officials at district- and block-level officers. The chief executive officer (CEO), who is a civil servant under IAS or State Administrative Service cadre, heads the administrative machinery of the Zila Parishad. He may also be district magistrate in some states. The CEO supervises the divisions of the parishad and executes its development schemes. Though the basic structure of the PRIs is identical across the states of India, it is described via different nomenclatures in different states. Panchayats in every state has its own characteristics and even election procedures to these institutions are at variance. A District Panchayat or Zilla Parishad is co terminus with the district. Each district has one Zilla Parishad. Similarly Block Panchayats or Panchayat Samitis are co terminus with blocks of the said district. A Block may have several villages within it, but Gram Panchayats are not necessarily co terminus with each village. Depending on the size of population (as a matter of fact, number of voters) a Gramis defined under the law with a specific geographical area, which may consist of a single village or a cluster of adjoining villages. As per the Constitution, Panchayats in their respective areas would prepare plans for economic development and social justice and also execute them. To facilitate this, states are supposed to devolve functions to Panchayats (29 subjects as mandated) and also make funds available for doing these (as per State Finance Commission's recommendations).

Key words: election mechanism , membership , Zilla panchayats , India.

Introduction

For smooth functioning & administration of the Zilla Panchayat office , an officer designated “Chief Executive Officer” is appointed by the state government to carry out administration of Zilla Panchayat. He is assisted in the discharge of his duties by Senior Officers in the Zilla Panchayat .

The Karnataka Panchayath Raj Bill, 1993 seeks to replace the Karnataka Zill Parisath’s, Taluk Panchayath samithi’s, Mandala Panchayath’s and Nyaya Panchayath’s Act 1983 Consequent upon the changes proposed in the 73rd Constitution(Amendment) Bill,1991.

The Bill is to establish a three tier Panchayat Raj system in the state with the elected bodies of grama,taluk and district level for greater participation of people and more effective implementation of rural development programmes in the state.

Grama Panchayat is the first tier of Panchayat Raj institution which comprises of a village or group of villages. The Grama Panchayat consist of such number of elected members as may be notified from time to time by the state election commission at the rate of one member for every 400 population or part their of the Panchayat area. Number of seats reserved for SC and ST is in proportion to population of SC and ST, however at least one seat each is reserved in Grama Panchayat for person belonging to SC, ST. The Panchayats are among the oldest institutions for local governance in rural Karnataka. This long standing system of local governance is also known as Panchayat Raj (which means rule of village committee). Panchayat Raj ensures proper execution of rural development programmes. It encourages participation of general people in the development programmes.

Structural Constitution of Karnataka Panchayat Raj

Panchayat Raj in Karnataka follows a three tier structural constitution. It has elected bodies at each level. Panchayat Raj constitutes of:

- The Gram Panchayats at the village level
- The Taluk Panchayats at the sub-district (taluk) level
- The Zilla Panchayats at the district level

Karnataka has 30 Zilla Panchayats, 176 Taluk Panchayats, and 5,659 Grama Panchayats. All the three units of the Panchayat Raj have members directly elected by the people. The government does not have any provision to nominate representatives to any of these institutions.

Karnataka Panchayat Raj Act, 1993

The Karnataka Panchayat Raj Act, 1993 aims to achieve democratic decentralization especially for the rural areas. Karnataka enacted the new Panchayat Raj Act incorporating all the mandatory provisions of 73rd Amendment to the Indian Constitution.

The objectives of the Karnataka Panchayat Raj Act, 1993 are:

- Establish a three-tier structure for panchayat system at village, sub-district and district levels
- Elect members to the three tiers through direct election at all levels
- Elect Chairpersons and Vice Chairpersons through indirect elections
- Reserve seats for scheduled castes, scheduled tribes and women at all the three levels
- Conduct elections to all the three levels under the State Election Commission
- Empower State Finance Commission to determine the sharing of funds between the State Government and the Panchayat Raj bodies
- Maintain accounts and conduct audits at all the three tiers of the panchayat system

There has been several amendments to the Karnataka Panchayat Raj Act, 1993 since its inception.

Objective:

This paper intends to explore and analyze the participation of local people for development of rural areas through the **Panchayati Raj System** was provided in the Indian Constitution through the 73rd also election mechanism of **membership to Zilla panchayats**

Functioning and election mechanism of membership to Zilla panchayats

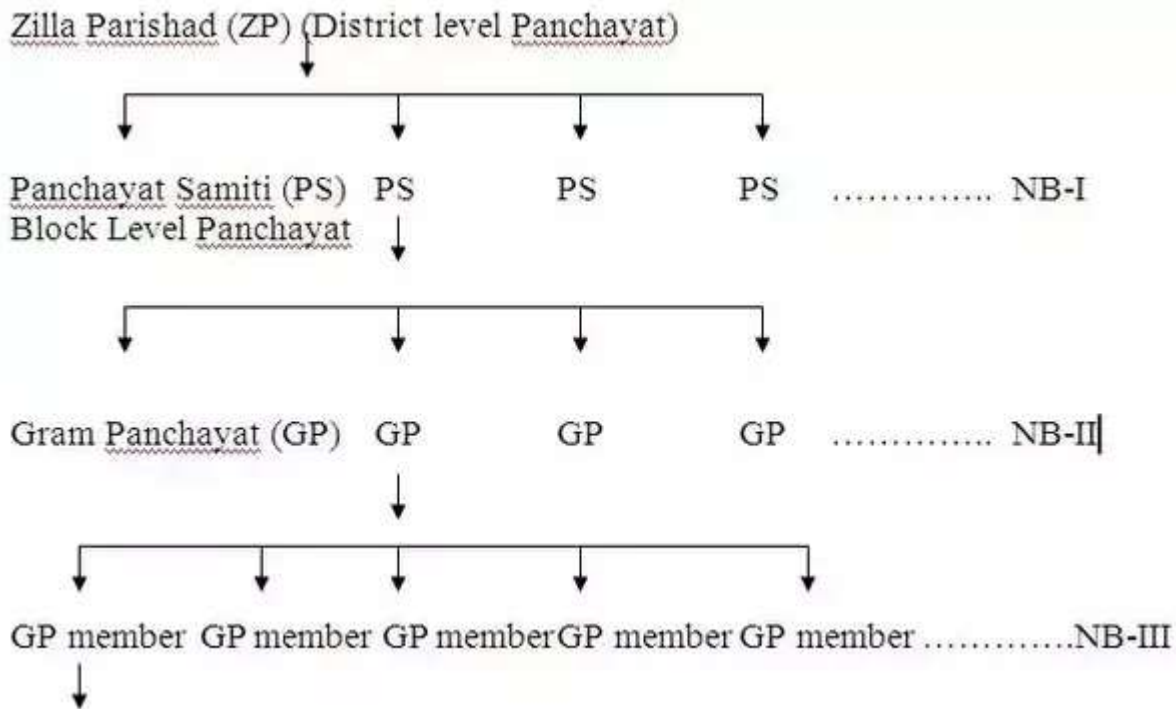
The functions of Panchayats are divided among different Committees (as ministries are formed in state and union governments), which are called Standing Committees/Sthayee Samitis/Upa Samitis etc. One of the members remains in charge of each of such committees while the over-all charge rests with the chairperson of the Panchayat. Panchayats are supported by a host of other officials, the number of which varies from state to state. Apart from grants received from the government under the recommendation of the Finance Commission, Panchayats receive schematic funds for implementation of schemes (MGNREGS, BRGF, IAY etc.). They can also raise revenue by imposing taxes, fees, penalties etc. as per rule of the state. Each GP member represents a specified geographical area and number of voters. This is called **Gram Sansad**.

NB-I: All the Panchayat Samitis within the geographical limit of a district come under the said District Panchayat or Zilla Parishad.

NB-II: All the Gram Panchayats within the geographical limit of Panchayat Samiti come under it. Panchayat Samiti and Development Block is co-Terminus.

NB-III: A Gram Panchayat will have at least five and maximum of 30 members. Each member has a specified area and voters (constituency) that he represents which is called Gram Sansad (village parliament)

GUS: Gram Unnayan Samiti (village development committee) is a small committee constituted by Gram Sansad and chaired by the elected GP member of the same Gram Sansad. Its function is to help the GP prepare village level plan execute them through social mobilization etc



1. The Zila Parishad is an official body that coordinates the activities of the Panchayats in all its developmental activities, such as minor irrigation works, vocational and industrial schools, village industries, sanitation and public health among others.
2. It advises the State Government on all matters relating to the Gram Panchayats and Panchayat Samitis under its supervision and the needs of the rural population living therein.
3. It also supervises the work of the Panchayats. It also does the scrutiny of the budget estimates of Panchayat Samitis in some states like Assam, Bihar and Punjab.
4. It functions mostly through various Standing Committees, which oversee and coordinate the common programmes of the villages under its jurisdiction.

Zilla Panchayat membership

Administration Section :

Headed by Deputy Secretary, This section is concerned with the establishment issues and general administration of all the departments of Zilla Panchayat.

Development Section :

Headed by Deputy Secretary, This section is concerned with execution of all rural development schemes, water supply schemes, Minor irrigation works, road works and other developmental works.

Accounts Section :

Headed by Chief Accounts Officer, This section is responsible for receipts and releases of funds regarding all departments and various development schemes. Also this section is involved in taking up audit of all the departments coming under Zilla Panchayat.

Planning Section :

Headed by Chief Planning Officer, This section looks after formulation of Draft Annual Plan, formulation of action plan for different development schemes & monitoring & evaluation of schemes.

Council Section :

This section is concerned with recording the deliberations of Zilla Panchayat and various standing committees, It also follows up on various decisions taken therein & other issues regarding the Zilla Panchayat members.

Panchayati Raj is the oldest system of local government in the Indian subcontinent. Panchayati Raj Institutions as units of local government have been in existence in India for a long time, in different permutations and combinations. However, it was only in 1992 that it was officially established by the Indian Constitution as the third level of India's federal democracy through the 73rd Amendment Act.

The Panchayati Raj Institution (PRI) consists of three levels:

- Gram Panchayat at the village level
- Block Panchayat or Panchayat Samiti at the intermediate level
- Zilla Panchayat at the district level

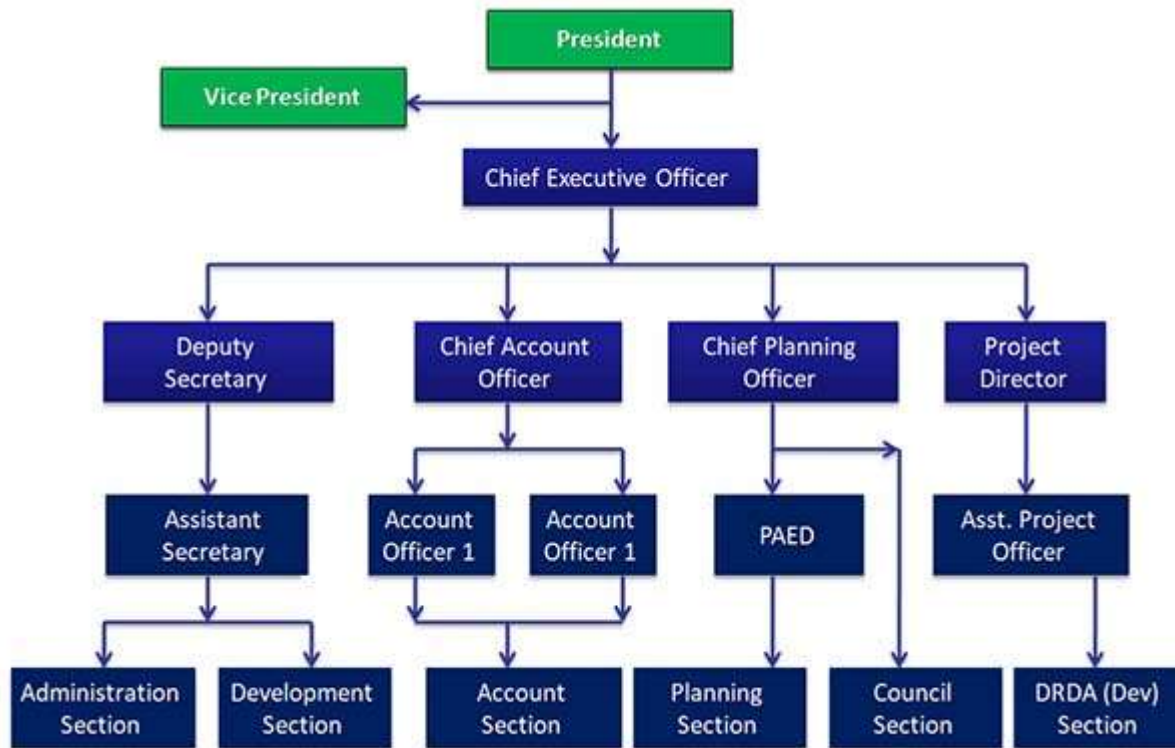
The word "Panchayat" means assembly (ayat) of five (panch) and raj means "rule". Traditionally Panchayats consisted of elderly and wise people chosen by the local community, who used to settle disputes between individuals and villages. The leader of the panchayat used to be called as Mukhya or Sarpanch. Generally the elder-most or most senior person would be elected to this position. The Panchayati Raj system is also recognised as a form of direct democracy (i.e they exercise all powers of a government at a village level), as opposed to the popular notion that it is a type of representative democracy. As per January 2019, there are 630 Zilla Panchayats;

6614 Block Panchayats and 253163 Gram Panchayats in India. There are currently more than 3 million elected representatives (of which more than 1 million are women) for panchayats at all levels.

In modern India, Mahatma Gandhi was one of the leading advocates of Gram Swaraj i.e village self-governance where the village would be responsible for its own affairs. The Panchayati Raj system of governance can be found all over South Asia in countries such as Pakistan, Bangladesh and Nepal, where it goes by the same name.

Key Features of Panchayat Raj System:

- The Gram Sabha is a body consisting of all the people registered in the electoral rolls who belong to a village comprised within the area of the Panchayat at the village level. Gram Sabha is the smallest and the only permanent unit in the Panchayati Raj system. The powers and functions of Gram Sabha are fixed by state legislature according to the law on the subject.
- Seats are reserved for Scheduled Castes (SCs) and Scheduled Tribes (STs) and chairpersons of the Panchayats at all levels are reserved for SCs and STs in proportion to their population.
- One-third of the total number of seats are to be reserved for women. One-third of the seats reserved for SCs and STs, are also reserved for women. This policy extends to the office of the chairperson at all levels as well (Article 243D). The reserved seats may be allotted by rotation to different constituencies in the Panchayat.
- There is a uniform policy with each term being five years. Fresh elections must be conducted before the expiry of the term. In the event of dissolution, elections compulsorily within six months (Article 243E).
- Panchayats have the responsibility to prepare plans for economic development and social justice with respect to the subjects as per the law put in place, which also extends to the various levels of Panchayat including the subjects as illustrated in the Eleventh Schedule (Article 243G).



Gram Panchayat

Gram Panchayat consists of a village or a group of villages divided into smaller units called “Wards”. Each ward selects or elects a representative who is known as the Panch or ward member. The members of the Gram Sabha elect the ward members through a direct election. The Sarpanch or the president of the Gram Panchayat is elected by the ward members as per the State Act. The Sarpanch and the Panch are elected for a period of five years. Gram Panchayat is governed by the elected body and administration. The secretary is normally in charge of the administrative duties of the Gram Panchayat.

Block Panchayat

Panchayat Samiti (also called Taluka Panchayats or Block Panchayats) is the intermediate level in Panchayati Raj Institutions. The Panchayat Samiti acts as the link between Gram Panchayat (Village) and District Panchayat (Zilla). These blocks do not hold elections for the Panchayat Samiti council seats. Rather, the block council consists of all of the Sarpanchas and the Upa Sarpanchas from each Gram Panchayat along with members of the legislative assembly (MLA), members of parliament (MPs), associate members (like a representative from a cooperative society) and members from the Zilla Parishad who are a part of the block. The Gram Panchayat members nominate their Sarpanch and Upa Sarpanch amongst their ranks, which extend to the selection of the chairperson and vice-chairperson as well. The Executive Officer (EO) is the head of the administration section of the Panchayat Samiti.

District Panchayat

The District Panchayat also known as the District Council or Zilla Parishad is the third tier of the Panchayati Raj system. Like the Gram Panchayat, the District Panchayat is also an elected body. Chairpersons of Block Samitis also represent the District Panchayat. Like the Block Panchayat, the MP and MLA are also members of the district panchayat. The government appoints the Chief Executive Officer to carry out the administration of the district Panchayat along with the the Chief Accounts Officer, the Chief Planning Officer and one or more Deputy Secretaries who work directly under the Chief Executive Officer and assist him/her. The Zilla Parishad chairperson is the political head of the district panchayat.

The primary objective of establishing the third tier of the government is to increase democratic participation, better articulate local needs and priorities, and to ensure a more efficient use of local resources along with greater accountability and transparency. Accordingly, 29 functions have been proposed to be transferred to local governments in the rural area. These institutions have been playing an important role in several flagship programmes of the central and state governments, perhaps more role in implementation and monitoring.

Conclusion

the Panchayati Raj Institutions (PRIs) through which the self-government of villages is realized. They are tasked with "economic development, strengthening social justice and implementation of Central and State Government Schemes including those 29 subjects listed in the Eleventh Schedule."

Part IX of the Indian Constitution is the section of the Constitution relating to the Panchayats. It stipulates that in states or Union Territories with more than two million inhabitants there are three levels of PRIs:

- the Gram Panchayats at village level
- the Panchayat Samiti at block level and
- the Zila Parishad at district level.

In states or Union Territories with less than two million inhabitants there are only two levels of PRIs. The Gram Sabha consists of all registered voters living in the area of a Gram Panchayat and is the organization through which village inhabitants participate directly in local government. Elections for the members of the Panchayats at all levels take place every five years. The Panchayats must include members of Scheduled Castes (SCs) and Scheduled Tribes (STs) in the same proportion as in the general population. One third of all seats and chairperson posts must be reserved for women, in some states half of all seats and chairperson posts.

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