

## PART-II

### CHAPTER 5

## Panchayat Raj in Chhattisgarh

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### 5.1 Advent of Statutory Panchayats

(1) Panchayats have been in existence in the undivided State of MP for several decades. MP State had inherited the legislations and experiences of Panchayat system in its constituents. Each of these regions had their Acts governing their respective Panchayats. The unified MP Panchayat Act was enacted in 1962, but the then existing Panchayats continued to function in the erstwhile constituent units including Chhattisgarh area, till 1965. In 1981, a more simplified *MP Panchayat Adhiniyam*, was enacted. It was replaced by the *MP Panchayat Adhiniyam, 1990*.

(2) The undivided State of Madhya Pradesh, of which Chhattisgarh was a part, had earned the unique distinction of being the first State in the country to enact the necessary legislation conforming to the provisions of the 73<sup>rd</sup> Amendment to the Indian Constitution. The new Act, namely, the MP Panchayat Raj Adhiniyam, was enacted in 1993. Although this new Act incorporated the 11<sup>th</sup> Schedule of the Constitution as Schedule IV of the Act, there was no material change in the powers and responsibilities entrusted to the Panchayats *vis-à-vis* the provisions of the earlier Act of 1990. Even after the 73<sup>rd</sup> Amendment came into force, the functions and duties of Gram Panchayats remained identical to the Acts of 1981 and 1990. As regards the Janpad and Zila Panchayats, their functions and duties also continued to be similar. However, the MP Government took some important measures during this period such as merger of the development Blocks with the Janpad Panchayats (1995); merger of DRDA with the Zila Panchayat (1997); and preparation of annual plan for economic development and social justice of Panchayat area (1996);, etc which strengthened the Panchayat system.

(3) As a new State, Chhattisgarh adopted the pattern, systems, procedures, and executive rules of MP relating to the Panchayati Raj, as a transitory arrangement. Although the State government had introduced some modifications in the statutory provisions of the MP

Panchayat Raj Act, 1993 and adopted it as Chhattisgarh Panchayat Raj Adhiniyam (Panchayat Act), the existing scenario governing the functional and fiscal domain of the Panchayats in the State, by and large, is a replica of the MP model as it existed at the time of formation of the new State.

(4) As discussed above, Chhattisgarh had Panchayats at the village, block and district levels. At present, the entire rural sector of Chhattisgarh consisting of 20,126 revenue villages, and 54,816 habitations is covered by the Panchayats. There are 9734 Gram Panchayats at the village level, 146 Janpad Panchayats at the Block level, and 18 Zila Panchayats at the district level in the State.

(5) From Annexure 5.1 it may be seen that (a) the average number of Gram Panchayats in a district varies between 69 (Narayanpur) and 702 (Raigarh); (b) the average population of Gram Panchayats among the districts varies between 1437 (Bijapur) and 2423 (Janjgir-Champa), while the average population of a Gram Panchayat for the entire State is 2014. (c) The total number of GPs in Scheduled area in the State is 4506 accounting for 46.29% of their total. The average population covered by a Janpad Panchayat in the State is 1,34,272 though inter-district variations in population size are wide. As for the distribution of the Janpad Panchayats, their number per district ranges from 2 (Narayanpur) to 9 (Janjgir-Champa, Raigarh and Rajanandgaon). The tribal blocks in Schedule V areas (85 Nos.) constitute 58.22% of the total number of 146 blocks in the rural sector.

(6) As for the distribution of Panchayats in the State according to the population size-groups, in terms of 2001 Census data, 80 per cent of the Gram Panchayats in the State cover a population of not more than 2000, and the remaining 5% of 3,000 or more. On the basis of 2011 Census data, the average population of a Gram Panchayat in the State is a little over 2,000. The primary reason for the predominance of small-sized gram Panchayats is that the dispersal of population into small habitations (majra tola) in tribal areas.

## 5.2 Gram Sabha

(1) The *Chhattisgarh Panchayat Raj Adhiniyam 1993*, defines a 'Gram Sabha' with respect to both revenue and forest 'villages'. All persons registered in the electoral rolls of the 'village' within the area of a Gram Panchayat are members of the Gram Sabha. The role and powers of the Gram Sabha have been redefined in the Panchayat Act to take the spirit of Panchayati Raj *beyond* the Gram Panchayats. Unlike in other States, they are clothed with far-reaching powers to ensure accountability of the Gram Panchayats to them, including the

power to 'recall' the Sarpanch / Panch of the Gram Panchayat through passing of a motion of 'no confidence' motion, against the elected functionary of the Gram Panchayat, subject to certain conditions.

(2) Gram Sabhas in the State are empowered to undertake the functions of planning, selection of beneficiaries, management of natural resources, exercise control over institutions and functionaries, approval of works proposed to be undertaken by the gram Panchayat, and undertake audit and monitoring of the activities of the Gram Panchayat. In addition, all government and non-government agencies will have to inform the Gram Sabha about their work and expenditure in the village.

(3) The special provisions relating to the *Scheduled Areas* were incorporated as Chapter XIV-A in the Panchayat Act itself in 1997. These provisions provide for the constitution of Gram sabhas in village, group of habitations, a hamlet or group of hamlets comprising a community and managing its affairs with traditions and customs of the communities.

### 5.3 Reservation of Seats and Offices of Chairpersons in Panchayats

(1) The Panchayat Act provides for reservation of offices of chairpersons and seats to the SCs, STs, OBCs and women as per the provisions of the 73<sup>rd</sup> Amendment Act. In Chhattisgarh, 25% of these offices and seats are statutorily reserved for OBCs where ST/ST population is less than 50% of the total population. In order to ensure equity and natural justice to the marginalised sections of rural society, the statute provided for election of the vice-chairperson from one of the reserved categories of SCs/STs or OBCs, in cases where the chairperson does not belong to any of these reserved categories.

(2) In 2008, *two far-reaching amendments* to the existing statutory provisions relating to Panchayat elections were affected by the *Chhattisgarh Panchayat Raj (Amendment) Act, 2008* according to which: (a) definition of the term 'rotation' is 'consecutive two general elections to Panchayat' for the offices of chairpersons and members of Panchayats at different levels belonging to SCs/STs and OBCs; and (b) the percentage of seats and offices of Panchayats at all the three levels to be reserved for women was increased from a minimum of 'one-third' to 'half' for the SCs/STs and OBCs. These two significant amendments were effected to the existing Panchayat Act with a view to further empowering the marginalised sections of the rural society in the State, particularly the women.

#### **5.4 Elections to Panchayats**

(1) (i) The *Panchayat Act*, provides for direct election to the Gram Panchayats and indirect elections to the posts of chairpersons of Janpad and Zila Panchayats by the members directly-elected from territorial constituencies;

(ii) Political space was provided to the members of SCs/STs in the seats and offices of chairpersons at all the three levels of Panchayats. However, in the Scheduled Areas, the reservation of seats for SCs and STs in every Panchayat is in proportion to their respective population in that Panchayat subject to the condition that reservation of seats for STs is not less than 50% of the total number of seats. Moreover, there is provision for reservation for all offices of chairpersons of Panchayats at all levels for STs. Provision for nomination at Janpad and Zila Panchayat level has been made in case STs are not represented at these levels;

(iii) The Panchayat Act was amended in 2008 providing for reservation of a minimum of 50% of seats and offices of chairpersons;

(iv) Elected MPs, both Lok Sabha and Rajya Sabha, and MLAs are members of the Zila Panchayat, while MLAs are also the members of the Janpad Panchayats;

(v) One-fifth of the chairpersons of Gram Panchayats are the members of the Janpad Panchayat by rotation every year;

(vii) As stated earlier, in 2008 the Panchayat Act was amended providing for a period of 'two terms' for 'rotation' of seats and offices of chairpersons of Panchayats at all levels in respect of SCs/STs and OBCs.

(2) Elections to the Panchayats in the new State were conducted in 2005 and 2010 under the superintendence of the State Election Commissioner. In the 2010 elections, a total of 1,58,628 non-official functionaries were elected to the Panchayats at various levels of which 17290 (11%) were Scheduled Castes, 66147(42%) belonged to Scheduled Tribes. Among the elected functionaries, women constituted 79,314 or 50 per cent of the total.

#### **5.5 Devolution of Responsibilities, Powers and Transfer of Functionaries**

(1) The *Panchayat Act* provides for specific and clear functional domain and authority of the Panchayats. The principle of 'subsidiarity' has been kept in view while allocating specific responsibilities to each level of Panchayats.

(2) The Gram Panchayats had been endowed with a plethora of civic, regulatory, welfare, and maintenance functions even before the 73<sup>rd</sup> amendment to the Constitution. The

Panchayat Act provides that "it shall be the duty of GP, in so far as (its) funds allow, to perform" the functions listed in the Act. These statutory duties may be termed as 'autonomous functions' of Panchayats. However, performance of these mandatory functions is made contingent upon the availability of funds with the GPs. The resources statutorily assigned to the GPs for mobilization from local sources would not be able to meet the financial requirements of these autonomous functions. There lies the signification of fiscal devolution from the State's resources.

(3) The functions statutorily assigned to the GPs may be categorized as civic, regulatory, maintenance, development, planning and agency functions. The civic functions include sanitation, conservancy, water supply, provision of street lightening, construction and maintenance of village roads and of other village infrastructure. The regulatory functions include regulating shops and other vendors, eating houses, markets and *melas*, regulation of construction of houses and residential colonies in the Panchayat area, etc. The welfare functions are rendering assistance to disabled and destitute, promotion of youth welfare, family welfare, promotion of sports, removal of social evils like dowry and untouchability and amelioration of conditions of ST, SC and OBC, etc. The maintenance functions include the maintenance of the assets of the GPs, including land of the GP and also protection of historical monuments. The other functions include preservation of Panchayat forests, maintenance of water bodies for minor irrigation, and establishment of fair price shops, etc. The GPs are required to prepare plans for economic development and social justice. The GPs are also required to perform functions as may be assigned to them by the Govt. These are the agency function and include execution of Central and State schemes for rural development and poverty aviations.

(4) The Panchayat Act clothes the JPs with a large number of functions. The JP is required to prepare the annual plan in respect of the schemes of economic development and social justice entrusted to it by the Act and assigned to it by the State Govt. and Zila Panchayat. It is to consolidate the annual plans of GP and JP and submit it to ZP. The other obligatory function is to make reasonable provision in the Block for integrated rural development, agriculture, social forest, annual husbandry and fisheries, health and sanitation, welfare of women, youth and children, provision for emergency relief, management of public markets, *melas*, and exhibitions, etc. The JPs are also required to carry out functions as may be assigned to them by the State and Central Govt. as agent of the State Govt. But with all



these functions assigned to JPs, there is no clarity about their exact role. They have largely remained supervisory intermediate bodies.

(5) The statutory functions of the ZPs comprise preparation, coordination, supervision, evaluation, and consolidation of plans for economic development and social justice and ensuring their implementation and reallocation of funds received from the State Govt. They are also required to perform agency functions. The DRDA has been statutory merged with the ZP and all functions of the Agency have been transferred to the latter. The CEO of ZP is the Ex-Officio Project Director of the Agency. All Central and State schemes which were earlier implemented through DRDA now stand transferred to the ZP.

(6) Although the functional domains of the three tier Panchayats have been defined in the Act, the direct responsibilities of JPs and that of ZPs is not very clear. It is not clear where the supervision of JP ends and ZP begins. *The Govt. may like to make an objective and detailed review of the functional domains of all Panchayats and re-define their role more specifically, in order to ensure greater transparency, accountability, participation and efficiency in planning and implementation of developmental schemes assigned to them. The experiences of Panchayat Unions of Tamil Nadu, GPs of Kerala and district Panchayats of Maharashtra, Karnataka and Gujarat may provide some example of better reorganization of their functional domain.*

(7) In 1998, the MP Government had prepared an 'activity-mapping' for Panchayats identifying activities and schemes of economic development and social justice in respect of 27 'matters' against 29 'matters' listed in the Schedule-XI of the Indian Constitution. Thirteen line Departments had issued notifications transferring some of their functions, powers, and functionaries to the control of Panchayats. The functional devolution to Panchayats has been discussed in chapter 6.

## **5.6 Application of PESA**

(1) The provisions of the Panchayats (Extension to Scheduled Areas) Act, 1996 are being implemented by the State. Several State statutes have been amended in the process to make the Panchayat Act conform to the Central Act. To cite a few instances, minor forest produce would now be the property of the communities in the Scheduled Areas, and to that extent the revenues by way of royalty on MFP would not accrue to the State Government. Similarly, Gram sabhas in Scheduled Areas have been empowered to decide on the question

of sale and production of liquor in keeping with their traditions and cultural practices. There are 4,506 Panchayats in Schedule V areas, out of the total of 9,734 in the State.

### **5.7 District Planning Committees**

(1) In pursuance of Art.243 ZD of the Indian Constitution, the Chhattisgarh government has constituted the District Planning Committees at the district level under the *Chhattisgarh Zilla Yojana Samiti Adhiniyam, 1995*. The members of the DPC comprise elected members of the Panchayats and municipalities, Minister of the State of the government, President Zila Panchayat and Collector of the district. The State government has also framed rules for the election of the members of the DPC, in respect of the composition, functions, terms of members, and conduct of business of the DCPs. The DPCs in the State have been endowed with the powers of planning, raising resources for financing their plans, and monitoring and evaluating the programmes and schemes that are implemented under decentralised planning, including the money to be allocated by the MP/MLA Fund.

### **5.8 Training and Capacity-Building**

(1) As in other States, a State Institute of Rural Development (SIRD) namely, Thakur Pyarelal Insitute of Panchayts and Rurual Development (TPIPRD) was established in, Raipur in 2005 and has autonomous status since January 2011. The Institute has five regional training centres (RTCs) at Sarguja, Bilaspur, Jagdalpur, Kurud, and Raigarh. Its primary object is to impart appropriate training for capacity-building of the official and elected functionaries of Panchayats. RTCs cater to the training needs of the Gram Panchayat sachivs and functionaries of Janpad Panchayats. Union Ministry of Rural Development and the State Panchayat and RD Department provide funds to the SIRDs and RTCs for their mandated tasks. Besides, in 110 Blocks of the State, Panchayat Resource Centres (PRCs) have been established.