

## CHAPTER 4

### Review of the Status of Rural Decentralized Governance and Devolution in Chhattisgarh

4.1. The Chhattisgarh Panchayat Raj (Amended) Adhiniyam, 2004 applicable to all the three tiers of PRIs in the state.

4.2. There are 10,971 Gram Panchayats, 146 Janapad Panchayats and 27 Zila Panchayats in the State. The average area covered by a GP is 13.88 sq. km. with an average population of 1787. In the case of JP, the average area is 926 sq. km. with an average population of 1.34 lakhs. Even with the formation of new districts, the average of a ZP is 5007 sq.km. and the average population of a ZP is 7.26 lakhs.

4.3. 65 percent of the total area of the state i.e. 88,000 sq.km. comes under the implementation of the Panchayat (Extension of Scheduled Areas) Act. This Act extends to 13 districts fully and 5 districts partially. This comprises 85 blocks out of total 146 blocks in the state.

#### Functions of PRIs and Legal Provisions

4.4. The state has adopted three-tier PRIs in the state. The Zila Panchayats (ZPs) at the district level, the Janpad Panchayats (JPs) at the intermediary level and the Gram Panchayats (GPs) at the village level.

4.5. *The Chhattisgarh Panchayat Raj Act, 1993* has identified functional areas for the PRIs in the state and has made provisions for transfer of these functions to them. The functions of the PRIs in the state can be broadly divided into three parts-*1.Regulatory functions*  
*2.Maintenancefunctions**3.Development functions.*

4.6. Section 49, 50 and 52 of the Act (Adhiniyam) enumerates the functions to be carried out by the PRIs (ZPs, JPs and GPs) within the finances available at their disposal.

4.7. The GPs as per section 49 of the Act have entrusted with the maintenance of village level infrastructure-school buildings, anganwadis etc. The GPs also supervise the village level implementation of various schemes such as Sarva Shiksha Abhiyan, Mid-Day Meal, Old Age Pension, Pension for the Disabled, Public Distribution and other social security schemes.

4.8. The JPs under section 50 of the Act have entrusted with carrying out various activities related to Agriculture, Social Forestry, Animal Husbandry, Fisheries, Public health, Basic and Adult Education, Communication, Cottage Industries, Women and Child Development, Social Welfare, Family Welfare and Fairs and Festivals.

4.9. Under section 52, the functions of the ZPs include consolidation of Panchayat plans and preparation of plans for economic development and social justice for the districts, coordination

and monitoring the activities of the JPs and GPs and implementing schemes allocated by the Central and State Government. The ZPs have also power to supervise the functions of various line departments located within their jurisdiction.

### **Functional Devolution and Activity Mapping**

**4.10.** Eleventh schedule of the Constitution specifies a list of 29 functional areas for the PRIs.

**4.11.** The State Government has adopted the devolution policy that has been introduced in the undivided MP. However, during the year 2006 to year 2007, the State Government has taken many policy measures and devolved many powers and functions to the PRIs in keeping with the state specific needs.

**4.12.** Various 27 functions relating to 29 subjects enumerated in the 11<sup>th</sup> Schedule of the Constitution have been devolved to the PRIs in the state.

**4.13.** Two key functions namely Minor Forest Produce and Technical Training and Vocational Education have not been devolved yet to the PRIs by the State Government.

**4.14.** The State Government has transferred various developmental functions, including specific programmes and schemes pertaining to fifteen departments to the PRIs. These Departments are 1. School Education Department 2. Schedule Caste and Schedule Tribe Development Department 3. Women and Child Development Department 4. Mineral Resource Department 5. Village Industries Department 6. Agriculture Department 7. Animal Husbandry Department 8. Fisheries Department 9. Public Health Engineering Department 10. Food & Civil Supply and Consumer Protection Department 11. Sports and Youth Welfare Department 12. Energy Department 13. Water Resource Department 14. Rural Road Development Agency (P&RD Department) and 15. Labour Department.

**4.15.** The devolution of functions has been executed to ensure that each scheme and programme is entrusted to a tier which is functionally most appropriate for the function.

**4.16.** Panchayats at appropriate level have been empowered to recommend on recruitment of some field level employees, cases of undisputed mutations, correction of land records and partition. Power to identify the social security beneficiaries and provide them assistance is also given to panchayats.

**4.17.** According to the Devolution Report prepared by the Ministry of Panchayat Raj, Government of India in year 2015-16, the rank of Chhattisgarh is 10<sup>th</sup> in the country. However, with regard to improving support system that facilitates effective devolution, the state ranked 4<sup>th</sup> which show the continuous progress of the state for devolving more powers and functions to the PRIs in the state.

4.18. Status of Activity Mapping in Chhattisgarh highlighted in the Table 4.1.

**Table 4.1: Status of Activity Mapping in Chhattisgarh**

Sl. No.	Matter listed in schedule XI of Indian Constitution	Activities/Schemes			Dates of Transfer (issue of Notification/ order)
		ZP	JP	GP	
1	2	3	4	5	6
1	Agriculture, including agricultural extension	√	√	√	State Government's notification dt. 8.8.94 & 3.8.98
2	Land improvement implementation of land reform land consolidation and soil conservation	x	x	√	do
3	Minor irrigation water management and watershed development	√	√	√	do
4	Animal Husbandry dairying and poultry	√	√	√	do
5	Fisheries	√	√	√	do
6	Social Forestry and Farm Forestry	√	√	√	do
7	Minor Forest produce	x	x	√	do
8	Small Scale industries, including food processing industries	x	x	√	do
9	Khadi , village and cottage industries	√	√	√	8.8.94 & 3.8.98
10	Rural Housing	√	√	√	8.8.94
11	Drinking water	√	√	√	8.8.94 & 3.8.98
12	Fuel and fodder	x	x	x	-
13	Roads,culverts,bridges,ferries,waterways and other means of communication	x	√	√	25.1.94
14	Rural ,culture,bridges,ferries,waterways and other means of communication	x	x	√	3.8.98
15	Non-conventional energy sources	√	√	√	8.8.94 & 3.8.98
16	Poverty Alleviation programmes	√	√	√	25.1.94 & 3.8.98
17	Education,including primary and secondary education	√	√	√	8.8.94 & 3.8.98
18	Technical training and vocational education	x	x	x	-
19	Adult and non-formal education	√	√	√	25.1.94
20	Libraries	√	√	√	25.1.94 & 30.10.96
21	Cultural activities	√	√	√	8.8.94 & 3.8.98

22	Markets and fairs	√	√	√	25.1.94 & 3.8.98
23	Health and sanitation including hospital primary health centres and dispensaries	√	√	√	25.1.94, 8.8.94 & 3.8.98
24	Family welfare	√	√	√	8.8.94 & 3.8.98
25	Women and child Development	√	√	√	25.1.94 , 8.8.94 & 3.8.98
26	Social welfare including welfare of the handicapped and mentally retarded	√	√	√	8.8.94 , 28.10.96 & 3.8.98
27	Welfare of weaker sections and in particular of SC and STs	√	√	√	25.1.94 & 8.8.94
28	Public Distribution system	x	x	√	3.8.98
29	Maintenance of Community Assets	x	x	√	25.1.94

Source: P&RD Department, Government of Chhattisgarh, 2016.

The Devolution Report of 2015-16 also shows that the state has achieved a better position in the case of devolution of functionaries than functions and finances. (Table 4.2)

**Table 4.2: Status of Functional Devolution in Chhattisgarh**

Sr. No	Subjects Mentioned under 11th Schedule	Activity Mapping	Funds	Functions	Functionaries
1	Agriculture including agricultural extension	Yes	No	No	Yes (at ZP, JP and GP levels)
2	Land improvement, land Reform, consolidation & soil conservation	No	No	No	No
3	Minor irrigation, water management watershed development	Yes	Yes	Maintenance of irrigation channels	Yes (ZP-CEO, JP- Project Officer)
4	Animal husbandry, dairying and poultry	Yes	No	Yes	Yes (ZP-DDVS, JP-VEO GP-AVFO)
5	Fisheries	Yes	Yes	1. Leasing of Fish Ponds and Collection of Fees. 2. Construction/Digging of New Ponds under MGNREGA	Yes (ZP-Deputy Director fisheries, JP Fisheries Extension Officer)
6	Social forestry farm forestry	Yes	No	Plantation under MGNREGA	No ( the DFOs, Rangers and FOs are not part of PRIs)
7	Minor forest produce	No	No	No	No
8	Fuel and fodder	No	No	No	No
9	Maintenance of community assets	Yes	No	Yes	Yes (Executive Engineer at ZPs and Sub-Engineer at JPs)

10	Rural housing	Yes	Yes	Yes	Yes (At ZP level -CEO ZP, At JP-CEO JP and At GP-Panchayat Sacheev)
11	Drinking water	Yes	Yes	Yes	Yes
12	Poverty Alleviation Programme	Yes	Yes	Yes	Yes (ZP-CEO, JP-CEO JP, GP-GS/GRS)
13	Public distribution system	Yes	Yes (Devolved to JPs)	Yes (by GPs)	Yes
14	Education, including primary and secondary schools	Yes	Yes	Yes	Yes
15	Technical training vocational education	No	No	No	No
16	Adult and non-formal education	No	No	Yes	No
17	Libraries	No	No	No	No
18	Cultural activities	No	Yes	Yes	No
19	Welfare of the weaker section in particular of SC&ST	Yes	Yes	Yes	Yes (at ZP, Deputy Director, at JP-CEO and at GP-Panchayat secretary)
20	Social welfare of handicapped and mentally retarded	Yes	Yes	Yes	Yes
21	Women & child Development	Yes	Yes	Yes	Yes
22	Health and sanitation Hospitals. Primary health centre dispensaries	Yes	Yes	Yes	No (Not directly controlled by the PRIs)
23	Family welfare	Yes	No	No	No
24	Roads, culverts, bridges, ferries, waterways other means of communication	Yes	Yes	Yes	No
25	Non-conventional energy	No	No	No	No
26	Markets and Fairs	Yes	Yes	Yes	yes
27	Khadi, Village and cottage industries	No	No	No	No
28	Small scale industries, food processing industries	No	No	No	No
29	Rural electrification, distribution of electricity	No	No	No	No

Source: P&RD Department, Government of Chhattisgarh.

### **Transfer of other Functions**

4.19. In the recent period, two important functions have been added to the obligatory functions of the PRIs in the state. These are (i) providing free food grains to the needy persons out of the grant made available for basic services; and (ii) supervision of fair price shops under the public distribution system (PDS) in the rural areas of the state.

4.20. The transfer of functions has been accompanied by transfer of staff to the Panchayat institutions at appropriate level. State Government is releasing funds to the Panchayat to meet the salary and other requirements in implementation of the schemes and programmes.

4.21. It was observed by the Commission that the functional devolution process has not been done for the PESA areas and no activity mapping has done considering the mandate of the PESA provisions. There are no special functions that have been devolved to the PRIs of the PESA Area.

### **Activity Mapping**

4.22. In erstwhile MP the legislative devolution process in the state has initiated through orders of 20<sup>th</sup> August 1994 and further enlarged on 20<sup>th</sup> August 1998 through a Cabinet resolution.

4.23. The 20<sup>th</sup> August 1998 order, which has been adopted in Chhattisgarh not only states the actual functions devolved, but also makes a clear-cut division between PRIs and the State. It also enunciates the general principles covering the financial, administrative, implementation and staff arrangements.

4.24. The State Government has taken various initiatives for undertaking a comprehensive activity mapping that aims at spelling out activities related to each function of the PRIs in a more clear-cut manner as compared to year 1998 order.

4.25. In year 2006 and year 2007, 15 line departments issued orders and notifications related to Activity Mapping and devolution of functions to the PRIs in the state.

4.26. Activity mapping has been prepared for 27 of 29 subjects of the PRIs as mentioned under 11<sup>th</sup> schedule of the Indian Constitution and the State Panchayat Raj Act, 1993. The process of activity mapping has been completed in February, 2006 and necessary government orders are issued to functionalize the activity mapping in the state.

4.27. However, in spite of the preparation of Activity Mapping framework and progress on 27 subjects, the necessary executive orders to functionalize Activity Mapping have not been issued so far.

4.28. It was also observed by the Commission that though the Activity Mapping Process has been completed in the year 2006 but in many cases, the functionaries are not aware of this process.

### Standing Committees of the PRIs

4.29. The Chhattisgarh Panchayat Raj Adhiniyam, 1993 and amendments made during various periods have created environment for the functional committees at the various levels of the PRIs in the state.

4.30. At the Zila/Janpad Panchayat level, there are five standing committees which have become a key part of functioning of the Zila and Janpad Panchayats in the state. (Table 4.3)

**Table 4.3: Standing Committees of Zila/Janpad Panchayats in Chhattisgarh**

Sl. No.	Name of Committees	Functions
1	General Administration Committee	Responsible for all matters related to Zila/Janpad Panchayat establishment and services, administration, planning, budget, accounts, taxation, and other financial matters and other subjects which are not assigned to any of the committees of the Zila/Janpad Panchayat.
2	Agriculture Committee	Responsible for agriculture, animal husbandry, power, reclamation (including soil conservation and contour binding), fisheries, seed distribution and other matters related to agriculture and live-stock.
3	Education Committee	Responsible for education including adult education, social welfare of the disabled and destitute, women and child welfare, Abolition of untouchability and relief of distress caused by floods, draughts, earthquakes, health and sanitation.
4	Communication and Works Committee	Responsible for communication, minor irrigation, rural housing, rural water supply, drainage and other public works.
5	Cooperation and Industries Committee	Responsible for cooperation, thrift and small savings, cottage and village industries, markets and statistics.

Source: Chhattisgarh Panchayat Raj Adhiniyam 1993 section 47.

4.31. It was observed by the Commission that in many cases the Samanya Prashasan Samiti of Zila/Janpad Panchayat is playing key role in comparison to other committees.

4.32. At the Gram Panchayat level, there were 3 Standing Committees, after amendment in the Act in 2004 now it becomes 5 Standing Committees in Gram Panchayats also.

### **Observation of the Third SFC**

4.33. The Commission has observed that in PESA areas, there is no standing committee formed to look into the various activities which are devolved to the PRIs as per the provision of the PESA Act.

4.34. The functioning of the PRIs, particularly related with *maintenance and development functions* has been enhanced over the period of time which was observed from the field. The PRIs in the state in the recent period have been managing a wide range of development activities. But devolution of functions to these institutions has not fully operationalised. This scenario has created functional deficiencies and overlapping in functions.

4.35. There is no special policy in place to devolve the functions to the PRIs as per the provision of the PESA Act, 1996. The functioning of the PRIs in PESA Area in many cases is being hampered by various parallel institutions. The institutions such as School Management Committees (SNagar Palika Parishad) and Forest Management Committees (FNagar Palika Parishad/VSSs) are nurtured which do have limited functional linkages with the PRIs (GPs) and Gram Sabhas.

*The Commission recommends that the State Government should issue guidelines/orders for effective co-ordination between Committees established in PESA Area and Gram Panchayats/Gram Sabhas.*

4.36. Though the standing committees of the PRIs have been functional in the state but actually the services of these committees have not been utilized fully. In many cases the recommendations of these committees have not been nitherconsidered nor any fruitful action has been taken on there recommendations.

### **Suggestions of the SFC**

4.37. With regard to strengthening the functional devolution in the state, the PESA area required special attention. It is therefore required for the State Government to devolve more powers to the Panchayats as per the provisions of the PESA Act.

4.38. An area that needs special attention by the State Government is the lack of data and information system at all the levels of Panchayats.

4.39. A data bank at the GP level ensures village- wise information on the state of the village economy, conditions of the people and level of social achievements.

4.40. An Inter Departmental Committee Meeting was held in Chairmanship of Chief Secretary of Chhattisgarh on 15.12.2016. While reviewing the status of delegation of Powers to PRIs, it has been observed that most of the departments have not implemented the notified Activity Mapping

of the proposed entrustment of 29 subjects to PRIs and those who have taken the initiative, most of them have not transferred funds, functions and functionaries to these institutions.

Hence, the Commission is of the view that there is need to implement the Activity Mapping notified by the P&RD Department with full spirit.

*The Commission recommends that Chhattisgarh Government should constitute a High Powered Committee of Secretaries of the concerned line departments under the Chairmanship of the Chief Secretary, Government of Chhattisgarh, to oversee the entire process of delegation/devolution of funds, functions and functionaries to the PRIs to suggest remedial and corrective measures to strengthen the local governance system.*

**4.41.** *The Commission also recommends that the Chhattisgarh Government should take necessary steps for completing the Activity Mapping process in a time bound manner.*

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