

# Legislative Supervision and Control over Panchayatiraj (A Case Study of Rajasthan)

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## Introduction

In a democracy, among the organs of government, the pride of place is given to the legislature. Legislature formulates and expresses the will of the state; it enacts several laws and defines the organization and structure, powers and functions, duties and methods to run the administration smoothly. It prescribes limits to the function of administrative authorities. It provides finances for the administrative authorities. Being such an important controlling institution it is compelling to analyze the legislative mechanism of supervision and control over Panchayati Raj Administration. The legislature passes the Panchayati Raj Legislation. Therefore, it is necessary to consider first why Panchayati Raj Institutions require statutory powers to carry on their services in the Panchayati Raj area. Two reasons seem valid for granting statutory powers. In the first place Panchayati Raj Authorities will require money to finance their services. For this they will need taxing powers and the legislature, being the only authority to sanction taxation, can alone give Panchayati Raj the right to impose taxes, legally; Secondly, some services which Panchayati Raj authorities provide involve some degree of interference with the personal rights of individuals or even of general public, for their efficient administration.

For instance, Panchayati Raj Authority may need to acquire land compulsorily, to provide a specific service or may enact bye laws curtailing the liberty of action of the residents in the area. All these can justify the action of Panchayati Raj Institutions only when the law passed by the legislature permits them to do so. For this the final authority or power must be in the hands of the legislature which alone can make and alter the laws. Hence the powers of the Panchayati Raj Institutions must be statutory.

## Motivations behind Legislative supervision and control

The first motivation is the local pressure for changes in the Act. Sometimes leading citizens and associations persuade the minister in charge of Panchayati Raj to undertake amendments in the existing legislations, suiting their interests. Second, officials of local bodies themselves, in addition to the various departments related to local self - government or dealing with

elections, or those situated at district headquarters might also suggest amendments for the convenience of administration and general interest. Third, the minister or a member of the legislature might himself take the initiatives. Fourth, the final say in the ratification of any amendment of the existing statute lies with the legislature. But the legislature does not interfere in the day-to-day working of the Panchayati Raj Administration ordinarily.

## SURVEY OF LITERATURE: -

**The Institute of Social Sciences (1995):**-studied the Panchayat Acts of 11 states i.e. Andhra Pradesh, Gujarat, Karnataka, Punjab, Haryana, Rajasthan, West Bengal, Madhya Pradesh etc. and pointed out that the overall scenario of Panchayati Raj in the country is dismal. Besides, the functions assigned to Panchayati Raj Institutions do not cover all the aspects of rural life and the Panchayats do not have this.

**National Institute of Rural Development (1995):**-Hyderabad, presents the pattern of devolution of powers and functions to the Panchayati Raj Institutions in five States of India and suggest a general frame work at the national level, which can be taken as a guideline by the other states of India to devolve powers and functions to their Panchayati Raj Institutions.

**YOJNA (monthly magazines):**-This magazine gives us those articles which are very important for the research work. Annual Administrative Reports, progress Report of the Panchayat Raj Department and proceeding of Rajasthan Legislative Assembly etc.

## OBJECTIVES OF RESEARCH: -

The following are the objectives of research as under: -

1. Examine the role of legislation and its supervision in panchayati raj ;
2. To check the Motivations behind Legislative supervision and control on panchayati raj
3. Role of legislation on empowerment of panchayati raj.

## ANALYSIS OF STUDY:-

There are a number of formal means through which the legislature exercises supervision and control over the Panchayati Raj Institutions. These may be classified as:

- (I) Questions
- (ii) Discussion and debates
- (iii) Approval of Rules and Ordinances
- (iv) Financial Control

The focus is on the legislative control over Panchayati Raj Institutions in the state of Rajasthan. A review of these media is being undertaken in the following lines.

- (I) Questions: - The legislative members may ask the minister concerned question relating to different aspects of Panchayati Raj Institutions. By this method a member not only is able to elicit answers to his questions but is also able to induce the minister to commit himself to a particular course of action.<sup>5</sup>

Some, times, however, the question hour is used by the opposition as a means of embarrassing the government. A question may be asked to obtain information on any subject. The members desires, "Less to possess information them to impart it". Often, a question is used as a means of securing redress of an individual grievance, which a member may air in the assembly.

A perusal of the proceedings of the Rajasthan Legislative Assembly shows that issues related to organization, personnel, functions, finances and mode of there working figure on the floor of the House on several occasions.

Information regarding above in often sought by many legislators, Questions also sought on the general administration and mode of working of Panchayati Raj Institutions.

Parliamentary Question is a technique of Parliamentary surveillance over the administration in all the countries having representative Parliamentary Democracy. Normally, there are three sessions of legislation each year viz. the Budget session (February - March) Monsoon session (July - September) and the winter session (November - December). In Rajasthan only two sessions are conducted. The first hour of every sitting in the house is devoted to asking and answering of questions. It is known as the "Question Hour".

A few examples are cited here regarding the questions asked in the Rajasthan Assembly on different dimensions of Panchayati Raj Administration. For example, **Dr. Chandra Shekhar Baid**, honourable member asked a question with regard to the "Karishma Project" i.e. Is Karishma Project start in the state? If yes, then when it is started? In this Project, what facilities will be provided to Gram Panchayats? Aforesaid Project will complete in how much steps. How much amount will be expended in first step, where from this amount will received? The Panchayati

Raj Minister Kalu Ram Gurjar Clarify the said question as, Karishma Project is started in 9<sup>th</sup> December 2005. Under this project one computer, one Printer and One UPS added with application software will be provided to the Gram Panchayats to connect concerned Panchayat Samities and Zila Parishad head quarters. This project will be completed in the financial year 2006-2007. In first step of the project, there is a provision of Rs.23.38 crore. This amount is provided by the 11<sup>th</sup> Finance Commission.

Following another questions asked by Shri Hari Mohan Sharma, i.e.: -

- (I) Is it right that the Government planned to connect Zila Parishad to Panchayat Samities by visual circuit?
- (ii) Is it right that Government decides to provide computer with latest technologies instrument to every Gram Panchayat?
- (iii) Government has purchased computers and visual circuit Instrument. If yes, from which company, these instruments were purchased?

**The Minister concerned replied that: -**

- No, only Zila Parishad is connected with visual circuit, under Karishma Project, only Zila Parishad Jaipur and Sikar are connected with visual circuit as an experiment. Yet the Project is started although it is connected to each Zila Parishad. This Project will be completed in the financial year 2006-2007.
- No, only 1100 Gram Panchayats are availing these facilities. The selections of Gram Panchayats are under progress.
- Under this project, purchase order issued to the ITI Ltd. (Government undertaking) for each Zila Parishad, each Panchayat Samities and 1100 Gram Panchayats.

Aforesaid demand supply is continued according to purchased order of the state.

- In 32 Zila Parishad 3 Computer included UPS in each cost Rs.42,600/- per item, one Laser Printer cost Rs.10,900/- Visual Circuit Instrument Cost Rs.55,500/- and One Radio Frequency Tower Cost Rs.233,000/- will be established.
- In 237 Panchayat Samities, in each 2 Computers included UPS cost Rs.42,600/- per each, One Laser Printer Rs.10,900/- and One Radio Frequency Tower cost Rs.2,33,000/- will be established.
- In 1100 Gram Panchayat, one Computer included UPS cost Rs.42,600/-, one Laser

Printer Cost Rs.10,900/- will be established, Only 40 Gram Panchayats out of 1100, each have one Radio Frequency Tower cost Rs.233,000/- and in 220 Gram Panchayats Excess Antenna cost Rs.55,000/- per and 840 Gram Panchayats, Excess Antenna cost Rs.35,000/- per will be established.

**An Empowerment of Panchayats:** - In every session of Vidhan Sabha, a number of questions asked by the MLA's on the subject of empowerment of Panchayats. Dr. N.S. Gurjar Asked the question about 29 subjects which are transferred to Panchayati Raj Institutions by the congress government on 9<sup>th</sup> June, 2003. How much subject you have transferred? Concerned Minister Kalu Ram Gurjar said that subjects were transferred in hazardous manner by the congress government to take benefit in ensuing election but we have made a sub-committee of cabinet to search out the subjects which can easily strengthen the Panchayati Raj Institutions. So the report of the sub-committee is still awaited. After getting the report, we will take strict step to transfers of subject into Panchayati Raj Institutions.

**Relating to Personnel:** - Adjustment of surplus employees from the different departments in Panchayati Raj Institutions and a complaint made against the office-bears, have also figured in Rajasthan Assembly. Gopal Lal Dhobi, MLA once asked about the adjustment of surplus employee from different departments adjusted in Panchayati Raj Institutions and their salary will be decided according to their parental department. The concerned Minister replied that yes, the surplus employees will be adjusted in the Panchayati Raj Institutions as a Gram Sewak and their salary norms are decided as per norms of the concerned departments.

Another question by Hemraj Meena MLA asked about the enquiries against the employees (Bara), who were involved in irregularities and misuse of their post. Give the detail of such employees before the legislature. Then concerned Minister replied that we got the complaint of four Gram Sewak relating to Panchayat Samiti Bara, Anta and Sahabad. We have conducted enquiries against the concerned Gram Sewak. The report of action taken by the government is put up before the House.

**Determination of Seats after each Census:** - Information was sought by the legislators about the government views on determination of seats after each census. Shri Taga Ram and Juber Khan asked the government about the reorganization and determination of Panchayats & Panchayat Samities. The minister of Panchayati Raj Shri Kalu Ram Gurjar replied that we are trying to determine and reorganize the Panchayats and Panchayat Samiti

under section 115 of Rajasthan Panchayati Raj Act, 1994, which is under process.

**Relating to Administration:** - Question regarding administration execution has been also asked from time to time. For example, Shri Hagami Lal Mewada asked the question about action taken by Tehsildar, Gram Panchayat Kundai, Panchayat Samiti Bhinder, and District - Udaipur. Tehsildar have misused his post to transfer a cattle land to Bhora Community. It was wrong action by the Tehsildar because of non-objection certificate was not produced by Gram Panchayat. If no then you have to put the Non-objection certificate before the legislature. Panchayat Raj Minister replied that it is false but no document was produced before the House by the Panchayati Raj Minister.

Another question by Shri Navratan Rajoria relating to meeting held in Panchayat Samiti Sambhar Lake after Panchayati Raj Institution election 2005, then the Minister concerned replied that meeting of Panchayat Samiti Sambhar Lake was held in dated 14/03/2005, 27/04/2005, and 04/07/2005. 24/10/2005, 02/02/2006 and 16/02/2006. In this reply it is clearly shows that Panchayat Samiti was not conducted general meeting in time. So it is violation of rule and regulation of Panchayati Raj Act, 1994.

**Relating to Panchayati Raj Finances:** - The Panchayati Raj finance has always remained the bone of contention in the Rajasthan Legislative Assembly. Several issues were raised relating to Panchayat Raj bodies properties especially on unauthorized allocations of plots, imposition of taxes, land lease and sale of land. Sarwan Kumar, MLA, ask a question about the powers given to the Panchayat to impose taxes but in practice, it is not so. The concerned Minister replied that we are trying to increase their own income through which heads, it is under consideration.

#### FINDINGS

- 80% of our respondents accept the facts about the question are put up in Question Hour relating to working of Panchayati Raj Institutions.
- In every session, numbers of questions relating to Panchayati Raj Institution are in bumper stocks while the limited questions are put up before the Legislative in practical.
- Asked questions indicate the execution of computerization of Panchayati Raj Institutions and the mode of expenditure and area of action. The question asked regarding the Karishma Project disclosed that the Project was to be completed up to the end of financial year 2007. Study of records of schemes shows that the Project was not completed and the system

adopted for computerization didn't give any results. This may be concluded that the facts are disclosed by the questioning and replies there on but functioning of government is not affected at all. Even the speed of development is not stimulated by these questioning.

- In above questions and replies there-on-only disclose the fact regarding the misuse of power by Tehsildar and not conducting of general meetings according to rules and regulations. But the concerned minister didn't give any assurance to reform the system and no actions were proposed. In case of misuse of power by Tehsildar concerned Minister didn't accept the fact and declared that it was a false allegation, but no evidence were submitted in support of his reply.
- The question of alteration and determination disclosed the fact that of Panchayati Raj Institutions was under process but was not completed. Even today it is incomplete; Question didn't enhance the progress of process.

11. Proceeding of Rajasthan Legislative Assembly, 12th Vidhan Sabha, dated 13/03/2006
12. Proceeding of Rajasthan Legislative Assembly, question No.745 by Navratan Rajoria dated 13/03/2006
13. Proceeding of Rajasthan Legislative Assembly, Question by Sarwan Kumar, M.L.A. dated 26/07/2004
14. Vidhan Bodhni (2005-2006) by Dr. Kailash Saini, Vidhan Sabha Secretariat, Jaipur.
15. Sir Ivor Jennings, Parliament, P.103
16. Proceeding of Rajasthan Legislative Assembly, Question by Hariram Burdak, dated 11/4/2004
17. Rule 50 of the Rajasthan Rules of Procedure P.25
18. Brief Review of Vidhan Sabha, Secretariat
19. Rule 148 of Rules of Procedure and Conduct of Business P.63

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2. Selected Committee Report, 1954, also proceeding of the Rajasthan Legislative Assembly 20th December 1955.
3. V. Venkata Rao, Op, Cit, P.474
4. Subhash C. Kashyap, Our Parliament (Rule 32), P.114
5. Starred Question by Dr. Chander Shekhar Baid, Session on 1/3/2004, Sr.No.17
6. Starred Question No.1603/Gramin Vikas/By Sh. Hari Mohan Sharma, dated on 3/03/2006
7. Proceeding of Rajasthan Legislative Assembly, Question by Dr. N.S. Gurjar, dated on 10/3/2006.
8. Proceeding of Rajasthan Legislative Assembly, 12<sup>th</sup> session dated on 10/03/2006
9. Proceeding of Rajasthan Legislative Assembly,, Question by Hemraj Meena, 12<sup>th</sup> session, dated on 10/03/2006,
10. Proceeding of Rajasthan Legislative Assembly, 12th Vidhan Sabha session dated 10/03/2006