



The Functioning Of Gram Panchayats: A Study Of Gram Panchayats In Prakasham District

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ABSTRACT

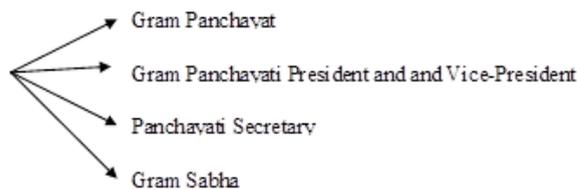
The lowest tier of rural local government i.e., Gram Panchayati (GP) is directly in contact with the citizens. It is responsible for a number of functions ranging from simple civic functions to complex development planning. The 73rd Constitutional Amendment Act of 1992 envisages and, indeed, mandates the preparation of a village area plan for economic development and social justice. The systematic and comprehensive village area development plan is deemed to develop the economic strength of the village and ensure social justice to the people.

KEYWORDS : Committee, Sarpanch, Reservation, Ward, Kolagaram.

Introduction The Gram Panchayati is the lowest unit of the local government. Every Gram Panchayati is known by the name of the particular village. The Andhra Pradesh Panchayati Raj Act of 1994 classified Gram Panchayats as notified and non-notified on the basis of the income of a particular Gram Panchayati.

Composition

There are four constituents in every Gram Panchayats. They are, Gram Panchayat Gram Panchayati President and and Vice-President Panchayati Secretary Gram Sabha



Panchayat

Panchayat is the deliberative legislative wing of the Gram Panchayat. It consists of a President, Vice-President and some ward members. It meets at least once in every month. Its members are elected by the registered voters of the village every five years. The membership of the Panchayat varies from five to twenty one. The following Table 1 gives a clear picture of the total strength of the Gram Panchayat on the basis of population.

Gram Panchayat Population	Strength of members as per population
Up to 300	5
Exceeding 300 but not exceeding 500	7
Exceeding 500 but not exceeding 1500	9
Exceeding 1500 but not exceeding 3000	10
Exceeding 3000 but not exceeding 5000	11
Exceeding 5000 but not exceeding 10,000	13
Exceeding 10,000 but not exceeding 15,000	15
Exceeding 15,000	Between 19 to 21

Source: A.P. Panchayat Raj Act, 1994.

The village is divided into wards, the members of the Gram Panchayat are elected by the voters of the village from the wards. The Gram Panchayat shall meet once every month. The meeting of the Gram Panchayat is presided over by the President.

Constitution of Gram Panchayats for village and their incorporation

1. A Gram Panchayat shall be deemed to have been constituted for a village on the date of publication of the notification under Section 3 in respect of that village and the special officer appointed under sub section (1) of Section 143 shall make arrangements for the

election of the members and of the President of the Gram Panchayat as provided in that Section.

2. Subject to the provisions of the act, the administration of the village shall vest in the Gram Panchayat.
3. Every Gram Panchayat shall be a body corporate by the name of the village specified in the notification issued under Section 3, shall have perpetual succession and a common seal, and subject to any restriction or qualification imposed by or under this act or any other law.

Election of Members to the Gram Panchayat

All members of the Gram Panchayat shall be elected by the registered voters in the ward by the method of secret ballot and in accordance with such rules as may be made in this behalf.

Reservation of seats of members of Gram Panchayati

In every Gram Panchayat, out of the total strength of elected members determined under section-VII, the Commissioner shall, subject to such rules as may be prescribed, by notification, reserve such number of seats to the Scheduled Castes and Scheduled Tribes subject to the condition that number of seats so reserved shall bear, as nearly as may be, the same proportion to the total number of seats to be filled by direct election to the Gram Panchayati, as the population of the Scheduled Tribes in that village bears to the total population of that village; and such seats may be allotted by rotation to different wards in a Gram Panchayat.

Not less than one third (including the number of seats reserved for Women belonging to the Scheduled Castes, Scheduled Tribes and Backward Classes) of the total number of seats to be filled by direct election to every Gram Panchayat shall reserved for women and such seats may be allotted by rotation to different wards in a Gram Panchayat.

In addition to the reservation of seats for Scheduled Castes and Scheduled Tribes, there shall be reserved for the Backward Classes such a number of seats as may be allocated to them in each Gram Panchayati in the manner prescribed; so however that the number of offices of members of Gram Panchayats in the State reserved for Backward Classes shall not be less than thirty four per cent of the total number of seats allocated to each Gram Panchayati shall be allotted by rotation to different wards in the Gram Panchayat.

Reservation of seats for Backward Classes

Through 73rd Constitutional Amendment, under Article 243-D(6) of the Indian Constitution, discretion is given to State governments for providing reservations to Backward Classes in Gram Panchayats whereas Article 243(1) and (2) mandates a specific percentage of reservations to be provided for SCs/STs, as far as possible, in proportion to their population in that area-in tune with provisions under Article 243-D(6) of Constitution Sub-section (1-A) of Section 9 of A.P. Act has introduced limit of reservation for Backward Classes at 34% of total number of offices of members of Gram Panchayats in

State and has provided that number of seats allocated to each Gram Panchayat shall be allotted by rotation to different wards in Gram Panchayat.

Division of wards

For the purpose of electing members to a Gram Panchayat, the Commissioner of Panchayat Raj shall, subject to such rules as may be prescribed, divide the village into as many wards as there are seats, determined under Section VII, on a territorial basis in such a manner that all wards shall have, as far as practicable, equal number of voters and allot not more than one seat for each ward.

Term of office of members

The term of office of members elected at ordinary elections shall be five years from the date appointed by the Commissioner for the first meeting of the Gram Panchayat after the ordinary elections. Ordinary vacancies in the office of elected members shall be filled at ordinary elections which shall be fixed (by the State Election Commission) to take place on such day or days within three months before the occurrence of the vacancies, as he thinks fit.

Gram Panchayat Functions (GP)

Andhra Pradesh Panchayat Raj Act (APPRA), 1994, Section 45 deals with the functions of GP within its limits. The important functions include construction, repair and maintenance of buildings, public roads, construction of drains and their maintenance, cleaning of streets, provision of public latrines, opening a maintenance of cremation and burial grounds, preventive and remedial measures connected with any epidemic diseases, primary education, agricultural development, maintenance of protected water for drinking, registration of births and deaths, establishment and maintenance of cattle ponds, etc. The GP has also the taxation powers like collecting the house tax, advertisement tax, professional tax, etc. It also receives funds/grants from the Mandal Parishad/Zilla Parishad. A part from the functions specified in Section 45(1) of APPR Act, 1994 the government may, subject to such rules as may be made in this behalf, entrust the GPs with any functions in relation to the subjects specified in Schedule 1 of 29 items.

The functions of the Gram Panchayat include mandatory functions and obligatory functions. The mandatory functions are maintenance of buildings, roads, bridges, culverts, etc., Lighting of road and public places, construction of drains, disposal of drainage, cleaning of streets, removal of rubbish, etc., and improvement of sanitary conditions, providing public lavatories, maintain cremation and burial grounds, prevention and remedy of epidemics, sinking and repairing of wells, preparation of compost, registration of births and deaths, maintenance of cattle ponds etc., The laws also specifies a list of 29 functions, which the Gram Panchayats may undertake depending on their convenience, and availability of funds. The list includes welfare as well as development functions, such as construction of rest houses, planting of trees, promotion of elementary education, maintenance of dispensaries, libraries, promotion of improved methods of cultivation, organization of voluntary labour for community development, maintenance of public markets, slaughter houses, implementation of land reforms, etc. In practice, Gram Panchayats with their meager funds available are not in a position to execute a number of obligatory functions. The 29 items listed in the Eleventh schedule are being reproduced in the Schedule-I of the Andhra Pradesh Panchayati Raj Act.

Different Committees of Gram Panchayat

There are different committees are formed to implement different functions they are at the Gram Panchayat Level, beneficiary committee and functional committees on agriculture, public health, water supply, sanitation, family welfare, education and communication can be formed. But Gram Panchayats are not able to constitute these committees since the government has not issued appropriate orders as mentioned in section 49 of the act.

Financial Resources of Gram Panchayat

In the three-tier Panchayat Raj system, only Gram Panchayats are empowered to levy taxes. Two types of taxation powers are given to the Gram Panchayats by the Andhra Pradesh Panchayat Raj Act, 1994 – obligatory and optional taxes. **Taxation Powers of Gram Panchayats** It is obligatory on the part of Gram Panchayats to levy the following taxes, viz.,

- a) House Tax.
- b) Kolagaram or katarusum, (tax on weight), that is to say a tax on the village produce sold in the village by weight, measurement or

number.

- c) Such other tax as the government may direct any Gram Panchayat or class of Gram Panchayat.
- d) Duty on transfer of Property.
- e) Advertisement Tax.
- f) Special Tax on houses for expenses connected with the construction, maintenance and repairs of water or drainage works or lighting up of public streets and public places or other similar works.

The Gram Panchayats may also levy the following optional taxes

- a) Vehicle tax.
- b) A tax on agricultural land for a specific purpose.
- c) A land cess at the rate of two paise in the rupee on the annual rental value of all occupied lands which are not occupied by or adjacent and appurtenant to buildings.
- d) Fees for the use of *Porambokes* or communal lands under the control of the Gram Panchayat.
- e) Fees for the use of buildings including *charvadies* and *sarais* and
- f) A duty in the form of a surcharge on the seigniorage fees collected by the government on minerals other than minor minerals quarried in the village.

The house tax continues to be a main source of income for Gram Panchayats. The government framed the rules governing the assessment and collection of the house tax. Panchayat are at liberty to levy the tax either on the capital value or on the annual rental value of the property. But in practice gram Panchayats are reluctant to levy tax on maximum rates for fear of antagonizing the electorate. The kolagaram tax is levied on various items of village produce like paddy, groundnut, etc.

Among the optional taxes that are being levied by Gram Panchayats tax on bicycles and carts is one, from which the income derived by gram Panchayats is negligible. Thus, it indicates that the vehicle tax is more in the nature of regulatory measure and not a revenue-yielding source. A Gram Panchayat shall levy a special tax on houses at such rates as may be prescribed, to provide for expenses connected with the construction, maintenance, repair, extension and improvement of water or drainage works or the lighting of the public streets and public places and other similar works.

The Gram Panchayats will also derive income from remunerative enterprises such as shopping complexes. The Gram Panchayats receive income from assigned revenues such as entertainment tax, professional tax and surcharge on stamp duty. Per capita grant of Rs.4 and salary grant for the provincialized Panchayats employed in the districts and JRY grants are some of the grants which are sanctioned to Gram Panchayats.

An examination of the second State Finance Commission Report reveals that the Gram Panchayats in the state receive income from the following sources:

1. House tax.
2. Vehicle tax.
3. Special tax.
4. Tax on immovable property.
5. Rents.
6. Income from remunerative enterprises.
7. Miscellaneous sources.
8. Property tax compensation.
9. Land cess.
10. Entertainment tax.
11. Seigniorage fee.
12. Surcharge on stamp duty.
13. Grants-in-aid.
14. SFC grant. (State Finance Commission).
15. TFC grant. (Twelfth Finance Commission).

Committees

The act provides for a beneficiary committee for execution of the work of the Gram Panchayat. The composition of the committee, including cooption of the members to it, its powers or functions and related matters shall be such as may be prescribed. The act also provides for setting up of functional committees of Gram Panchayat on various subjects like water supply, family planning, education, agriculture, public health, sanitation and communication. Andhra Pradesh is the only state which has provided for such committees in the act. These committees are expected to play a vital role in effectively discharging

the functions of the Gram Panchayat. Gram Panchayat and State Government Acts/Orders

Through the Andhra Pradesh Panchayat Raj Act of 1994 envisage huge responsibilities on GP for overall development of the village, powers, functionaries and finance are not adequately devolved to the Panchayats. The state government just before Assembly elections (2004) hurriedly issued a number of Government Orders (Gos), which is mostly related to the MP/ZP level; only few GOs are concerned exclusively with the GP. The other GOs overlap the MP/ZP functions. The field survey in two districts of Telangana region of Andhra Pradesh reveals that the powers and finances transferred to the Panchayats by the state are inadequate. Some of the Presidents maintained that the state government issued GOs granting powers to the Presidents review monitor the programmes and select beneficiaries for availing development schemes. The functional committees, which are constituted for development of the villages, in many instances, are not constituted. Even if constituted the members are not attending the meetings and not showing interest to participate in the development of the village, they said. The Panchayat leadership, which is mostly represented by the weaker sections, is not trained to understand their powers and responsibilities. The Panchayat leadership is mostly confined to fulfillment of legal formalities. i.e. convening Panchayat, Gram Sabha meetings and totally dependent on the higher level leadership or government line departments for developmental schemes and funds for development of the village.

Andhra Pradesh Panchayat Raj Act of 1994

In order to incorporate the mandatory provisions as envisaged in the 73rd Constitutional amendment, the Government of Andhra Pradesh enacted a comprehensive law on Panchayat Raj Institutions entitled, "Andhra Pradesh Panchayat Raj Act, 1994 and the salient features of this Act are as follows: There will be Gram Panchayats at the village level composed of members elected the wards carved out on territorial basis.

1. The Sarpanch for every gram Panchayat shall be elected by the persons, whose names appear in the electoral roll for the Gram-Panchayat and his term of office would be five years.
2. There will be a Gram Sabha consisting of all electors in the village, which will meet twice a year.

Gram Panchayats in Prakasham District

The Prakasham district with its headquarters at Ongole is bounded in the North by Guntur district, in the south by Nellore and YSR districts, in the west by Kurnool district and in the East by Bay of Bengal and spread over an area of 17,626 sq. km. Ongole District came into existence on 02-02-1970 with the blending of parts of areas from Kurnool, Guntur and Nellore Districts. The district has its headquarters at Ongole and administratively divided into 56 revenue mandals which are grouped under 3 revenue divisions Ongole, Kandukur and Markapur. As per the 2011 census the population of the district is 33,92,764. Agriculture is the backbone of the District's economy and major chunk of the working population depend on Agriculture. The major crops grown are tobacco, paddy, groundnut, cotton, and pulses etc. The District is endowed with Minerals like Iron Ore, Slate, Silica Sand, Barytes, Granite, Quartz and Building stone, Lime Kankar etc.

Section 11 of A.P. Panchayat Raj Act, 1994 and A.P.P.R. (Preparation and Publication of Electoral Rolls) Rules, 2000 issued in G.O.Ms. No. 254, P.R. & R.D. (Elec.) Dept., dt.04.8.2000 provide for adopting the latest Assembly electoral rolls in total for preparation of Gram Panchayat electoral rolls. The latest Assembly electoral rolls are rearranged Gram Panchayat-wise and published on the date notified by the State Election Commission. Any inclusions or deletions ordered under section 22 or 23 as the case may be of the Representation of People Act, 1950, by the ERO concerned in assembly electoral rolls up to the date of the election notification shall be carried out in the electoral roll of Gram Panchayat concerned. Any such inclusions are added to the part relating to the last ward and deletions are carried out at appropriate place in the Gram Panchayat electoral rolls by the District Panchayat Officers concerned. Table 2 gives the details of Gram Panchayats Sarpanch reservations in Prakasham district

Table 2: Social category Wise Reservation of Seats of Sarpanches (Village President) to Women in Prakasham District of Andhra Pradesh

Social Category	Male	Female	Total
Scheduled Tribes	24	24	48
Scheduled Castes	127	127	254
Backward Classes	113	114	227
Others	249	250	499
Total	513	515	1028

Source: 4th Ordinary Elections to Gram Panchayats in Andhra Pradesh 2013 Election Report, State Election Commission

It is evident from table 2 that among total Sarpanches reserved for Scheduled Tribes and Scheduled Caste half of the seats were reserved for women. Among the Backward Classes 49.78 per cent of seats were reserved for women. Among unreserved seats 49.90 per cent of seats were reserved for women. Among the total seats reserved for women 4.68 per cent were reserved for Scheduled Caste women. Around 24.76 per cent of total women reserved seats 24.76 per cent were reserved for Scheduled Caste women. Among the total women reserved seats 22.03 per cent were given to Backward Class women. The lion-share of seats among women was allotted to others.

Wards in Gram Panchayats

Table 3 gives the details of Gram Panchayat Wards reservations in Prakasham district.

Table 3: Social category Wise Reservation of Seats of Ward Members to Women in Prakasham District of Andhra Pradesh

Social Category	Male	Female	Total
Scheduled Tribes	197	150	347
Scheduled Castes	1369	1407	2776
Backward Classes	1066	1198	2264
Others	2472	2541	5013
Total	5104	5296	10400

Source: 4th Ordinary Elections to Gram Panchayats in Andhra Pradesh 2013 Election Report, State Election Commission

As per table 3 there are 10400 village wards in Prakasham district. Among these seats 49.08 per cent were reserved to women. Among the Scheduled Castes 56.77 per cent were allotted to women and the remaining 42.23 per cent were general ST seats, where male or female can contest. Among the Scheduled Castes 49.32 per cent were reserved to SC women. In case of Backward Classes 47.08 per cent were reserved to women. In un-reserved category 49.31 per cent were allocated to women in the district. The share of Scheduled Tribe ward members among total ward members stood at 3.34 per cent. In the same way the share of Scheduled castes among total ward members stood at 26.69 per cent. Around 21.77 per cent were reserved for Backward Classes in the district. With regard to un-reserved category there are 48.20 per cent of total ward members. In all 49.08 per cent of ward members were reserved for women in Prakasham district.

CONCLUSION

Article 243K of the Constitution of India, the State Election Commission is vested with the responsibility of conduct of elections to the Panchayat Raj Institutions. Further, Article 243E of the Constitution of India stipulates that an election to constitute a Panchayat shall be completed before the expiry of its term. As per the Article of the Constitution 4th Ordinary elections to Gram Panchayats in Prakasham district were held in 2013.

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