

## CHAPTER- III

### **Profile Of U.P. And Sant Kabir Nagar**

Uttar Pradesh is one of the biggest states of India which has been playing a major role in Indian politics for years, it has got success to remain its status in politics. In Uttar Pradesh PRIs are performing their role and improved the social, political and economic status of common man including women. Sant Kabir Nagar is a small district of Uttar Pradesh that is situated in eastern Uttar Pradesh and known all over world due to great social reformer and philosopher Sant Kabir Das.<sup>1</sup> A profile of U.P. and Sant Kabir Nagar district are required to analyze the panchayati raj system of Sant Kabir Nagar.

As to 2011 census, population of Uttar Pradesh is 19,98,12,341 and it is a largest state on the basis of population. It covered 2,40,928 sq.km area and it is 7.3 percent of the total area of the country therefore it is a fourth largest state of India. There are 75 districts, 80 parliament seats, 403 assembly seats. Uttar Pradesh was divided into two states in year 2000, when new State Uttarakhand was created with major Himalayan portion of the state.<sup>2</sup>

Three tier of panchayati raj system was organized, as to the guide line of 73<sup>rd</sup> amendment so that local government can perform unique for the development of common man including women that were gone to the periphery of development. Having covered 97,941 settled village, 51914 gram panchayats have come in existence, 821 kshetra panchayats and 75 zila panchayat are also running at the surface level.<sup>3</sup> 18 administrative divisions have been made from 75 districts. Moreover, Gram Sabha that is a legislative body of panchayati raj playing major role to develop rural area and women who is deprived from each angle.

Earlier than freedom, state regime had made the first village panchayat in 1920 that is organized by village stage institution to give meaning and force to local administration and maintaining law-in-order and developing programmes. Therefore, in village panchayat, the “panches” used to elect by the district collector. After realization of self determination Uttar Pradesh government had enacted the united provinces panchayat raj act, 1947. Through, act, besides increasing function and power of village panchayat, this act had made provision of election for the panchayat presidents under this act, three panchayats Gram Sabha including Gram Panchayat and panchayat adalat were generated.<sup>4</sup> To pass the budget of panchayat, the Gram Sabha was got essential to

assemble two times in a year behind to main harvests.it could eradicate the Gram panchyat pradhan and up- pradhan by a majority of two- third.

New panchyat raj act did not enact by Uttar Pradesh after 73<sup>rd</sup> constitutional amendment, however, most states of India had enacted separate law in favor of 73<sup>rd</sup> amendment act. Uttar Pradesh amended obtaining laws, that is, the united provinces panchyati raj act 1947, and uttar Pradesh kshetra panchyat and zila parishad adhiniyam,1961, to fulfill required of 73<sup>rd</sup> amendment act. On 22 april,1994, the amended laws had come into force. As these legislation, three tier panvhyati raj system organized to devolution of power and authority so that PRIs can remarkable contribution to common man and deprived section including women. Gram sabha at village level, kshetra panchyat at khand (block) level and zila panchyat at district level were organized.

**Table No. 3.1 showing classification for three tier of panchyats**

Level	Used Name
District	Zila panchyat
Intermediate	Kshetra panchyat
Village level	Gram panchyat

**Table No.3.2 Showing number of panvhyats at each level in up PRIs as to election of july 2010**

Gram panchyats	51914
Kshetra panchyats	821
Zila panchyats	75
Total	52810

### **3.3: Effectual devolution of functions in U.P. PRIs**

Article 243-G of Indian constitution and UP Panchyati Raj Act,1947 in which specific section 15 and UP kshetra panchyat and zila panchyat act,1961 in which specific section-30, in addition, administrative reforms and decentralized commission called Bajaj Ayog, all of above were provided devolution of functions so that PRIs can be performed their proper work through its capacity and authority, Bajaj Ayog appointed by Uttar Pradesh Government in 1994, it handed over many recommendations regarding devolution of functions to panchyats a high power driven committee had majored the recommendation of Bajaj Ayojg, after that, 16 functions have been transferred to PRIs so that PRIs can be powerful and create economic resources and to develop social and economic infrastructure of rural area. Which are devolved to PRIs, these are as following-

- Operation & maintenance of rural water supply schemes
- Poverty alleviation schemes
- Basic education including mid day meal
- Operation and maintenance of rural market and fairs
- Maintenance and supervision category veterinary hospital
- Rural sanitation programme
- Selection of pensioners and distribution of scholarship
- Welfare programme of related to SCs, STs and other weaker sections
- Food and civil supplies-supervision of PDS through out the state including kerosene programme
- Maintenance of assets created in panchyati raj area
- Rural library
- Youth welfare programme at village level, and
- Rural housing schemes, etc.

Above transferred functions to PRIs in Uttar Pradesh are related to twelve departments that are Minor Irrigation, Basic education, Drinking Water, Youth Welfare, Food and Civil supply, Rural Development, Panchyati raj, Social welfare, Animal husbandry, Health and agriculture.<sup>5</sup>

### 3.4 Effectual devolution of functionaries

Functionaries do major role in panchyati raj institutions without them, it can not maintain its basic goal. Garam panchayats are executives bodies of garm sabha so it is a very strong which can do verification of attendance of all functionaries who work at gram sabha level. It is a very unique initiative of panchyati raj's philosophy, however, village level personnel were appointed and transferred their parents departments. In 1999, village level functionary of eight department were enduringly transferred to gram panchyat. Because Uttar Pradesh Government want to create a village secretariat, therefore common man related problems can be removed at village level without any hardness and inconveniences.<sup>6</sup> Eight departments are like- Rural development, Panchyati raj, Cane, Land development and Water resources, Agriculture ,Health, Irrigation and social welfare has been transferred to village panchyat. as to section 25 of panchyati raj act 1947, a multi personnel who is known Gram Panchyat Vikas Adhikari was appointed. The state government keenly monitoring finctions of village secretariat. Three departments personnel handed over to panchyats, which are became work under the control of Gram sabha since 2006.

**Table No. 3.5 showing specific personnel of Garm panchyat**

Functionaries	Gram Panchyat Adhikari of Panchtai Raj Department
	Gram Vikas Adhakri of Rural Development
	Gram Vikas Adhikari(Samaj Kalayan ) of Social Welfare Depertment

On march 2006, U.P. government was made a order that president of kshetra panchyat and pradhan of Gram panchyat have been authorized to prove the attending of doctors in their area and validate the inspection notes of chief medical officer. It is clear that no separate personnel are panchyati raj. Therefore it only can monitor their functions. In other words, it can not punished, transferred and removed from their post.<sup>7</sup> As a result the personnel of panchyati raj were not dedicated towards basics philosophy of panchyati raj in which lack of integrity, honesty, empathy, tolerance and fairness have been seen. Panchyati raj insitutions of Uttar

Pradesh have been demanding for separate personnel so that they can be dedicated towards philosophy of panchyati raj.

### **3.6 Efficient devolution of Finances-**

Panchyati raj institutions and issue of finance is most considerable point from various point of views. Therefore, finance is a mandatory resource to create social and economical infrastructure. Panchyati raj institution of Uttar Pradesh have been facing economic hardness for year. Subject that were transferred to panchyat are not adequate to produce finance. Many subject of eleventh schedule of Indian constitution could not be developed to panchyats. Panchyat were developed on state government and central government. Secretarial cost of panchyat comes from various department budget.<sup>8</sup> Department related to panchyats separately release fund to panchyats. Funds related to poverty alleviation programme is related by Rural Development Department,. Funds related to scholarship comes from social welfare Department, fund for mid day meal comes from basic education department and much funds related to social- economic infrastructure as like constructions of pavement and drainage, panchyati raj bhawan and rural markets are released by panchyati raj department. Funds related to various centrally sponsored schemes as like total Sanitation Campaign, MANREGA and Mid-Day Meal are transferred by central government.

The first finance commission that is organized by state government, as to commission, 10 percent of total income of state need to be handed over to local government. In which 70 percent for urban bodies and remaining 30 percent for rural bodies, in which 20 percent for zila panchyats 80 percent for gram panchyat as to first finance commission of Uttar Pradesh, Ten percent share related to central taxes should be transferred to zila panchyat and eight percent in this context to kshetra panchyats, other hand, only two percent to gram panchyat that is playing major role to develop rural area.<sup>9</sup> Sale tax, luxury tax and purchase tax contribute fifty percent of revenue which should be transferred to panchyats in which 30 percent should be transferred to Gram panchyat, 15 percent to kshetra panchyat and five percent to zila panchyat. As to first finance commission, 35 percent of the professional duty should be transferred to panchyati raj institutions in which 20 percent to gram panchyats, 10 percent to kshetra panchyats and 5 percent to zila panchyats. Thirty two percent of agriculture tax and land revenue should be transferred to kshetra panchyats. Gram panchyat which is a first tier of panchyati raj system should be levied

taxes at the rate one percent of the worth of land and house yearly and gram sabha may charged one percent extra stamp duty.

### **3.7 following policy recommendations prepared by first finance commission**

For every level of panchyati raj institutions, home work of twenty- monthly plans need to be given particular emphasis. It should be implemented to the zila panchyat level without delay and in further, it policy should be implemented at kshetra panchyat and gram panchyat level in phased model. After that compulsory aid for the purpose, zila panchyat should be provided.<sup>10</sup> Hard cash incentive one lakh, 2 lakh and 3 lakh in that order, top three panchya. In every khand should be be prearranged. In same way, top three blocks should be prearranged hard cash at the rate 10 lakh`s, 5 lakh and three lakhs correspondingly, in addition, zila panchyat is a top tier of panchyati raj system and it play an important role to the development of village, the top zila panchyat should be prearranged hard cash at the rate of fifty lakhs, 20 lakhs and ten lakhs in order of presentation so that function of district level can be performed properly. This amount that provided to panchyati raj should be utilized mostly for establishment of social and economic infrastructure.

### **3.8 Made following recommendation by second finance commission of U.P.**

Second finance commission of Uttar Pradesh, Studied every financial issue related to local government that were hardness before local government. Net tax receipts ought to be divided between the urban local bodies and panchyats ought to be increased eleven percent to twelve point five percent in which 7.5 percent should be transferred to local bodies and five percent to panchyati raj institutions.

Second finance commission of Uttar Pradesh recommended that 75 percent revenue that come from fishing sectors at grass root level ought to directly to transferred in Gram Nidhi: and rest of 25 ought to be deposited in the `sanchit Gram Nidhi`. Seventy five percent revenue that come from river fishing, ought to be divided to Garm panchyats As to their population in district and rest of twenty five percent ought to be deposited in Sanchit Gram Nidhi. Land revenue is a major part of government receipts, fifty five percent of it ought to be transferred to gram panchyats source basics. Gram panchyats should to be used by village development. Rural property tax, tax

on theatre, cinema, land revenue, tax on animals and vehicles, goods, for sell and grades levy on seal of ground water ought to be became mandatory and that should garam panchyats.<sup>11</sup> Cleaning of street and sanitation ought to be provided by gram panchyat on the basis of tax contribution. Charged on tractors, tubules and pump set, tractors on animals ought to be became compulsory. Not obligatory charge could be charged that person who are houseless and belongings to weaker sections. Zila panchyat ought to be authorized to impose tax on news paper and hoardings in rural area, and for this legal initiative ought to be fulfilled ten percent surcharged should be levied by government (state) on minerals and that should be distributed among zila panchyat on the basis of source, and that amount ought to be deposited in rural infrastructure fund that should be established at zila panchyats level. The state government need to enact a law for profession tax,

Entertainment that is not part of divisible pool ought to be divided with local body. This tax need to be divided between state and panchyats in ratio of 50:50 percent at the basic source. As to second finance commission one percent finance ought to be became expenditure capacity building of elected functionaries and representative at grass root level so that they can performed their role perfectly half percent development charge collected by Mandi Samiti and these revenue ought to be put in zila panchyat level rural development fund. There are many gram panchyats have reported that audit fee and duties have not been deposited.

**3.9 Table showing finance released by 11<sup>th</sup> finance commission (Rs. In corers)**

Year	ZP	KP	GP	Collection mechanization and preservation of accounts	Total
2000-2001	46.6	00	123.5	63.1	233.41
2001-2002	46.5	00	165.66	21.06	233.40
2002-2003	46.68	00	165.66	21.07	233.40
2003-2004	46.67	00	165.66	21.07	233.40
2004-2005	00	00	00	00	00
Total	620.66	00	186.65	126.33	933.66

**Source-** department of panchyati raj,up



**3.10 Table showing as to state finance commission, year wise are of funds (Rs in corers)**

Year	ZP	KP	GP	Total
1997-98	46.91	00	187.70	234.61
1998-99	54.41	00	245.59	300.00
1999-2000	48.00	00	270.00	328.00
2000-2001	69.70	00	300.30	370.00
2001-2002	64.36	00	317.63	381.09
2002-2003	73.46	00	319.54	393.00
2003-2004	110.01	55	385	550.01
2004-2005	117.00	58.49	409.49	584.80
2005-2006	186.21	81.71	600.91	868.83
2006-2007	234.92	117.46	822.25	1174.65
Total	3858.37	312.67	1015.01	5186.01

Source- Department of panchyati raj U.P.

**3.11 Table showing released fund by 12<sup>th</sup> finance commission to Uttar Pradesh PRIs (Rs. In lakh)**

Allocation (2000-2010)	292800
Development in collection of bank account details	Bank account details of 52000 GPs, 820 KPs and 70, ZPs are finished at the state H.Q.
Delays of any release	No
Rate of interest	N/A
Amount of interest paid	N/A
Annual allocation	585,60

### 3.12 Table showing devolution index some states of India

Ranks	State of India	Mandatory devolution	Functions	finance	functions	capacity	accountability	Composite devolution India
1	Maharashtra	48.95	75.37	55.5	56.31	75	76.64	64
2	Karnataka	67.55	63.12	49.97	57.96	79.04	69.73	62.2
3	Kerala	41.34	68.55	48.52	52.86	58.77	64.64	55.4
4	Rajasthan	68.33	40.9	35.61	52.97	79.43	57.25	52.1
5	Tamil Nadu	69.84	39.23	46.26	52.33	63.4	52.97	52.1
6	West Bengal	56.84	37.67	35.41	50.57	81.18	53.96	49.8
7	Madhya Pradesh	60.37	39.45	34.44	52.61	51.41	62.5	47.3
8	Chhattisgarh	53.75	33.68	31.77	37.53	78.52	48.27	44.6
9	Haryana	70.39	50.19	36.91	31.14	42.68	46.09	43.6
10	Gujarat	54.58	53.18	26.55	38.92	46.61	43.76	40.8
11	Odisha	66.5	28.55	35.11	51.46	19.14	53.04	40
12	Uttarakhand	54	32.02	27.23	53.9	43.24	52.85	39.4
13	Uttar pradesh	60.02	28.57	26.17	41.04	45.88	41.06	37.3

Source- Empirical assessment, 2012-13, Indian institute of public administration

**3.13 Gram Sabha:** Gram sabha, is on intuitions that is organized at village are a group of village level, it is played role as legislature body at gram panchyat level in which all adult member of village participate and they made rule and regulation for village development and all of that plans are implemented by gram panchyat. The member of gram sabha can question and amend the decision of panchyats in its meetings. All major decision related to development of

village are taken by common man in gram sabha to session of gram sabha are compulsion each year. Annual financial statements is also passed by gram sabha. As to U.P. Panchyati Raj Act, gram sabha were established for a village or a group of village through up government notification , after this notification, list of created garm sabha send to district panchyati raj officer. Two meeting of gram sabha hold, one soon after harvesting Kharif crops that is called kharif meeting that is hold generally on 26 January which is decided by U.P. government through it is generally held in January- February and second meeting after the harvesting of the Ravi crops which is called Ravi meeting, generally held on 15 august as decided by U.P. government.<sup>12</sup> All meetingof gram sabha preceded over by gram pradhan who is elected by gram sabha members and head of Garm panchyat, also extra ordinated general meeting can be organized by pradhan after demanding of one fifth in written form to gram pradhan, within 30 days from the receipt of such requisition. Gram pradhan can be removed his office after passing proposal of gram sabha, but it can be after one years.

### **3.14 Gram panchyat:**

Gram panchyat is an executive organ of the gram panchyat, it is elected by gram sabha members from among them. Pradhan and member of panches playes major role in gram panchyat. They become undivided part of it. The number of panches are elected by gram sabha according to their population, as following.

### **3.15 Table showing way of determine of panches as to population**

Serial No	Population	Number of panches
1	Used for population up to 1000	09
2	Used for population beyond 1000 but not beyond 2000	11
3	Used for population beyond 2000 but not beyond 3000	13
4	Used for population beyond 3000	15

Each gram panchayat area is allocated regional regional constituencies for the aim to election of Gram panchayat. Each regional constituencies have unique feature and represented by one elected member in gram panchayat that is executive body of gram sabha. Each gram panchayat at grass root level shall create committees which shall have the function of gram panchayat, named one following:

**Niyojon Evam Vikas Samit-** it the called planning and development committee which is accountable for making gram panchayat paan and performed other functions related to poverty alleviation, animal husbandry and agriculture.

**Siksha Samiti-** it is called education committee also which is accountable for primary education, higher primary education, literacy and informal education.

**Niraman Karya Samit-** it is called construction committee which is accountable for each type of construction related activities.

**Prasashanic Samiti-** it is called administrative committee which is responsible for employees and ration shops.

**Jal Pravandhan Samiti-** it is called water management committee responsible for drinking water and taps.

**Swasthya Evam Kalyan Samiti-** it is called health and welfare committee which is accountable for health, family welfare related work. Medical treatment, social welfare, women and child welfare, other backward classes, SCs and STs.

Each committee have a chairman and six other members who are elected by gram panchayat member from among them self. Each member of gram panchayat, pradhan and U.P.. Pradhan can be appointed chairman of any committee however each committee shall have a minimum one women member from SCs, STs and one member belonging to the OBCs.

### **3.16 Nyay panchyat**

Nyay panchyat for every circle in Uttar Pradesh, as to, Uttar Pradesh Panchyati Raj Act, were instituted. 8135 Nayaya panchyat were organised by UP government. Every Nayaya panchyat had collected from member of gram panchayats. Ten to twenty five gram panchyat can be composed to Nayaya panchyat. Total members of the panches of nayaya panchyat are selected among the gram sabha. It nayaya panchyat are organized two gram sabha. Five panches ought to be chosen from every panchyat. Nayaya panchyat organized from their gram sabha. Three panches ought to be act first appointed from every gram panchyats and remaining panches of nayaya panchyats ought to be from the high population. If nayay panchyats organizing of more than twelve gram sabhas, firstly one panch should be chosen from every gram panchyat, remaining panches ought to be appointed as of gram sabha as to their population. In other class, two panches ought to be appointed from every gram panchyat, remaining should be chosen as to their population.<sup>13</sup> A man or women can be chosen as a panch of Nayaya panchyats. If she/he capable to write and read in Hindi and in other hand he/she is to be more than 30 years old. The duration of service is equal as to a member of Panchyati Raj. The district magistrate should be set up a list of circle of nayaya panchyat and put out it at the tehsile, office of the panchyat secretary and office of district panchyat Raj officer, as to act panches of every nayaya panchyat should choose among the them to people as the sarpanch and the sayahak sarpanch. They should have capability to evidence trial. Every sarpanch has been specified the power and authority to create benches consisting of five persons for removal of class civil and criminal class were heard within six weeks.

### **3.17 Kshetra Panchayat**

In Uttar Pradesh, rural area of each district, have been separated in to blocks, all blocks have special feature like socially and economically. A pramukh who is a chairman of kshetra panchyat, was elected by member of kshetra panchyat. Members of kshetra panchyat are following-

- All gram pradhan of area of block or khand
- Member of legislative assemblies and member of Lok Sabha, who have relation to their relative block.

- Elected members who are elected from territorial constituencies

A block development officer was appointed as a executive officer of khand. Following committee constituted by Kshetra panchyat.

- Niyojan evam vikas samiti
- Shiksha samiti
- Nirman karya samiti
- Swasthya evam kalian samiti
- Prasashanik samit
- Jal prabhandhan samiti

**3.18 Zila Panchyat:** it is a top tier of panchyati raj system. Each district have a zila panchyat, in which a zila panchyat adhyaksha and some member was elected for it. District was divided in many constituencies to elect members, each constituency have single member, in zila panchyat, following member are participated

- All pramuks in the kshetra panchyat in the district.
- Members of the Rajya Sabha and member of legislative council of UP. Who are voter in zila panchyat area.
- Member of Lok Sabha and legislative assembly of zila panchyat area.
- Elected members that elected from territorial constituencies.

Each zila panchyat constitute following committees

1. Niyojan Evam Vikas Samiti
2. Siksha Samiti
3. Nirman Kalyan Samiti
4. Swasthya Evam Kalyan Samiti
5. Prasashnik Samiti
6. Jal Pravandhan Samiti

**3.19 Planning:-** on july,29 1999, the up district planning committee enacted notified. Nevertheless, it has still not been setup at district level. Therefore absence of district planning committee annual plans are prepared by panchyats.<sup>14</sup>

The provision of panchyats (elections to the scheduled area) act, 1996(PESA)- it is a initiative to expansions of panchyati raj institutions. However, PESA does not apply to UP.

### **3.20 Reservation for women:-**

As to article 243d, in state of UP as to panchyati raj Act. Reservation for women should not be less than one third of total seat, as the state law, percentage of elected women is as following in the table No. 3.21

**Table No.3.21 Reservation for women**

1	Members of ZPs	40 percent
2	Adhyaksha of ZPs	76 percent
3	Member of KP	37 percent
4	Pramukh of KP	51 percent
5	Member of GP	38 percent
6	Pradhan of GP	50 percent

Table no.3.21 show that 40 percent women had elected for member of Zila Panchayat and 76 percent women elected for Adhyaksha of Zila Panchayat.in other hand 37 percent women had elected for member of ksherta panchayat,51 percent women had elected for Pramukh of Kshetra panchayat.as to table,38 percent women was elected for member of Gram Panchayat and 50 percent women had elected for Pradhan of Gram Panchayat.it is a positive indicator for PRIs.



### 3.22 References:

1. See web site at:[http://planning.up.nic./articles/Povertyatleviation\\_through\\_RD.pdf](http://planning.up.nic./articles/Povertyatleviation_through_RD.pdf)
2. Section 3, U.P Panchayat Raj Act, 1947.
3. Rule 3, U.P. Panchayat Raj Rules, 1947.
4. “ Section 11 (1), U.P. Panchayat Raj Act, 1947.
5. Section 12, U.P Panchayat Raj Act, 1947.
6. Section 29, U.P. Panchayat Raj Act, 1947.
7. Rule 85, U.P Panchayat Raj Rules, 1947.
8. Rule 88, U.P. Panchayat Raj Rules, 1947.
9. Section 7, The Uttar Pradesh Kshettra Panchayat and Zila Panchayat Adhiniyam, 1961 .
10. Section 91, The Uttar Pradesh Kshettra Panchayat and Zila Panchayat Adhiniyam, 1961 .
11. Section 17(6), The Uttar Pradesh Kshettra Panchayats and Zila Panchayats Adhiniyam, 1961.
12. Section 18, The Uttar Pradesh Kshettra Panchayats and Zila Panchayats Adhiniyam, 1961 .
13. Section 19, The Uttar Pradesh Kshettra Panchayats and Zila Panchayats Adhiniyam, 1961 .
14. Section 91, The Uttar Pradesh Kshettra Panchayats and Zila Panchayats Adhiniyam, 1961 .