

**STATE OF PANCHAYATS**

**STATE PROFILE - BIHAR**

## Introduction:

The Bihar Panchayat Raj Act, 1993 was passed pursuant to the 73<sup>rd</sup> Constitution Amendment Act, 1992. Subsequently the State has carried out major changes through the instrumentality of the Bihar Panchayati Raj Ordinance, 2006. Panchayats at all the three levels have been entrusted with duties and functions in respect of all the 29 matters listed in the Eleventh Schedule of the Constitution. Bihar has also established Nyaya Panchayats, known as Gram Katchahries. These have jurisdictions that are larger than Gram Panchayats, but smaller than Panchayat Samitis. The nomenclatures used for the three levels of Panchayats in Bihar are:

**Table 1: Nomenclature used for the three tier Panchayati Raj system**

| Level of Panchayat     | Name used        |
|------------------------|------------------|
| District Panchayat     | Zilla Parishad   |
| Intermediate Panchayat | Panchayat Samiti |
| Village Panchayat      | Gram Panchayat   |

*Source: Government of Bihar*

## Basic Statistics concerning Panchayati Raj in Bihar

**Table 2: Number of Panchayats at each level**

|   |                   |             |
|---|-------------------|-------------|
| 1 | Zilla Parishads   | 38          |
| 2 | Panchayat Samitis | 531         |
| 3 | Gram Panchayats   | 8471        |
|   | <b>Total</b>      | <b>9040</b> |

*Source: Government of Bihar*

## Number of Elected Panchayat Representatives at each level:

Elections to the Panchayats in Bihar already held in May-June 2006. It is to be noted that reservations for women were enhanced to 50% and reservations have also been provided for the category of Extremely Backward Classes. As of October 18, 2006, the latest details of elected representatives to Panchayats are as follows:

**Table 3 A:**

### Gram Panchayat:

|   | Unreserved | SC | ST | Total | Women |
|---|------------|----|----|-------|-------|
| 1 | 2          | 3  | 4  | 5     | 6     |

#### (a) Elected members

|            |       |       |      |        |       |
|------------|-------|-------|------|--------|-------|
| Total      | 92998 | 15256 | 716  | 108970 | 59933 |
| Percentage | 85.34 | 14.0  | 0.66 | 100.00 | 55.0  |

#### (b) Mukhiyas, (Chairpersons)

|            |       |      |      |      |       |
|------------|-------|------|------|------|-------|
| Total      | 6674  | 1685 | 68   | 8427 | 4219  |
| Percentage | 79.20 | 20.0 | 0.80 |      | 50.06 |

**Table 3 B:  
Panchayat Samiti**

|            |       |      |      |        |       |
|------------|-------|------|------|--------|-------|
| Total      | 9139  | 2307 | 91   | 11537  | 5671  |
| Percentage | 79.21 | 20.0 | 0.79 | 100.00 | 49.15 |

**Table 3 C:  
Zilla Parishad**

|            |       |       |      |        |       |
|------------|-------|-------|------|--------|-------|
| Total      | 956   | 192   | 09   | 1157   | 577   |
| Percentage | 82.63 | 16.60 | 0.77 | 100.00 | 49.87 |

*Source: Government of Bihar*

The following number of seats are vacant and election was due on 12<sup>th</sup> November, 2006 to fill up the vacancies

**Table 3 D:  
Number of vacant seats of Elected Representatives at each level**

|                         |      |
|-------------------------|------|
| Gram Panchayat Member   | 6906 |
| Gram Panchayat Mukhiya  | 36   |
| Panchayat Samiti Member | 29   |
| Zilla Parishad Member   | 05   |

*Source: Government of Bihar*

Details of elections to Gram Katchaharies are as follows:

**Table 3 E:  
Gram Katchahary**

|                          | Unreserved | SC    | ST   | Total | Women |
|--------------------------|------------|-------|------|-------|-------|
| <b>(a) Panch Members</b> |            |       |      |       |       |
| Total No                 | 76710      | 14776 | 875  | 92352 | 51717 |
| Percentage               | 83.05      | 16.00 | 0.95 |       | 56.00 |

**(b) Sarpanch (Chairperson)**

|            |       |       |      |      |       |
|------------|-------|-------|------|------|-------|
| Total No.  | 7027  | 1351  | 68   | 8446 | 4008  |
| Percentage | 83.20 | 16.00 | 0.80 |      | 47.45 |

*Source: Government of Bihar*

Elections were to be held on 12<sup>th</sup> November, 2006 to fill up 23524 vacancies of Gram Katchahary Panches and 17 Sarpanches.

### **Dimension 1: Effective Devolution of Functions**

The Bihar Panchayati Raj Act, 1993 devolves 22 functions to the Gram Panchayats under Section 22 of the Act. 30 functions have been given to the Panchayat Samitis under Section 45 and 25 functions to the Zilla Parishads under Section 71. The State Government is also in the process of devolving more functions to the Panchayats.

Activity mapping exercise was conducted by CENCORED, an NGO in two districts, namely, Patna and Vaishali involving 19 departments. The quality of activities mapping appears reasonable. However the rest of the districts remain uncovered. No steps have been taken to get the same approved or notified at the State level.

## **Dimension 2: Effective Devolution of Functionaries**

Devolution of functionaries have not been patterned as per devolution of functions, but provisions have been made to assign the work of supervision and control to chief Executive Officer (DDC) for Zilla Parishad, Chief Executive Officer to (BDO) to Panchayat Samiti and Gram Panchayat. Respective line departments of education, health, rural development, engineering (PHED), agriculture and watershed and social welfare have assigned to their officers posted in District and Block offices the duty to guide and assist PRI units to implement functions. Respective departments retain administrative control including payment of salaries. Only casual leave is granted by the head of the PRIs in respect of the notified departments. Disciplinary action is taken in respect of these departmental functionaries on the basis of the recommendations of the PRIs. No separate Panchayati Raj administrative and technical service has been constituted.

### **Status of DRDAs:**

DRDAs continue to exist as separate entities outside the Zilla Parishad. The DRDA is managed by the District Magistrate as its Chairman. It maintains separate accounts and all schemes and proposals of PRI units are considered by DRDA before their finalization.

## **Dimension 3: Effective Devolution of Finances**

There is no separate delegation of financial power to Panchayats. However, in Gram Panchayats, expenditure is met through the issue of cheques under the joint signatures of the Mukhiya and Panchayat Sewak. In Panchayat Samitis the Pramukh and BDO are the joint signatories and in the Zilla Parishad it is the Adhyaksha and the CEO (the DDC).

### **District Sector/Panchayat window in the budget:**

There is no district sector / Panchayat window in the budget. Budget is prepared district- wise by the Rural Development Department in the State. It is reported that Central and State grants are shared in the proportion of 84% by the Gram Panchayats, 6% by the Panchayat Samitis and 10% to Zilla Parishad on basis of population. Funds of the Gram Panchayats are placed in the bank accounts and operated by Mukhiya and Panchayat Sewak through joint signatures. The State Finance Commission has recommended transfer of funds to the Gram Panchayats through banks.

## **Dimension 4: Gram Sabha**

Powers and responsibilities of the Gram Sabhas (listed as functions) in the Bihar Panchayati Raj Act 1993 are as follows:

- To assist in implementation of village related development schemes.
- To identify beneficiaries for the implementation of village related development schemes.
- To seek assistance in cash or/and kind and procure voluntary labour for community welfare schemes.
- To assist in Adult Education and Family Welfare schemes.
- To seek clarification from Mukhiyas and other members of the Gram Panchayats about any particular activity, scheme income and expenditure.
- To review reports of the vigilance committee.

Rule 3, 4 and 5 of the Bihar Panchayati Raj rules provide for the guidelines regarding the conduct of Gram Sabha. There is no provision for the Ward Sabha at the Ward level. The Gram Sabha meets at intervals of a minimum of three months, i.e., four times in year. It can also meet more frequently in special circumstances. There are no fixed days of meeting, though circular instructions suggest that they meet on 26<sup>th</sup> January, 1<sup>st</sup> May, 15<sup>th</sup> August and 2<sup>nd</sup> October. A quorum of 10 per cent is prescribed in the meeting of the Gram Sabha, but in case of meetings postponed due to lack of quorum, the further question of quorum does not apply. There are no special provisions regarding quorum in respect of women, SC/ST, landless labourers, etc. Under the Act there is no provision for Mahila Sabha meetings.

### **Dimension 5: Planning**

There is a provision for the District Planning Committee (DPC) under the legislation. It has also been reported that DPCs have been “provisionally” constituted. It has been reported that in a High Court Judgment of 2004, the words ‘District Panchayat’ in Article 243 ZD has been interpreted to mean all members of all Panchayats in the district. Therefore, the conduct of elections to the DPCs would mean virtually a mini-election. This is the only State where such an interpretation has been followed. It is not known whether such ‘provisional’ constitution of the DPC was through elections from the Zilla Panchayats and the urban local bodies of the district as prescribed under the Constitution. DPCs meet as per the requirement and are chaired by the Zila Parishad Adhyakshas. In his absence, the Chief Executive Officer-cum-DDC presides over the meeting. Draft plans have been prepared on a consolidated basis for the districts and guidelines have also been evolved. The DPCs draw expert advice from the line departments and other experts wherever necessary.

All Panchayats plan their Annual Plans. However, these are reportedly works plans, rather than a consolidated plan of all works being taken up in a district. Information is not available regarding resources given to each Panchayat to facilitate planning. There is provision for various Standing Committees, which are to assist in planning in all levels of PRIs.

### **Dimension 6: Implementation**

The Gram Panchayat Chairperson (Mukhiya) is directly elected. In the absence of information on how the Standing Committee functions, it is difficult to ascertain if Mukhiyas function as Chairpersons in Council. Citizen’s charters have not been issued.

### **Dimension 7: Parallel Bodies**

DRDAs have not been merged with the Panchayats. The Water User’s Association, the Mahila Samakhya Groups, etc. are all independent from the Panchayats. Therefore, parallel bodies continue to exist and flourish in the State.

### **Dimension 8: The Provisions of Panchayats (Extension to the Scheduled Areas) Act, 1996 (PESA)**

This legislation is not applicable in Bihar

### **Dimension 9: Reservations for Women**

The percentage of elected women representatives was 34% against a reservation ratio of 33% under the BPR Act, 1993. Currently, 50 per cent of the seats has been reserved for women A

total of 1881 women were elected against non-reserved posts in the last election. Actual number of women elected in the election held in May-June 2006 exceeds 50 percent. Reservation is rotated at the time of Panchayat election, i.e., every five years. In Bihar, the two-child norm is not in force. No special safeguards are available against the removal of women Sarpanches and they are treated at par with male Mukhiyas.

#### **Dimension 10: Reservations for Scheduled Castes and Scheduled Tribes**

Reservations for SCs and STs in Panchayats are made in accordance with their percentage of population in Panchayats. The Percentage of SC representation is 16.29 and ST representation, 0.75%. It was reported that 43 SC Chairpersons and 19 ST Chairpersons were elected on non-reserved seats to GPs, in the previous term.

#### **Dimension 12: Panchayati Raj Jurisprudence:**

No effort has been made to harmonize any laws with State PR Acts. An interesting feature of the Panchayati Raj system in Bihar are the Nyaya Panchayats, also established through elections, known as Gram Katchahries.

#### **Dimension 13: Annual Reports on the State of the Panchayat (including preparation of a Devolution Index)**

Annual Reports are prepared. However, no State of the Panchayats report has been prepared.

#### **Dimension 14: Elections**

Bihar did not conduct elections to local bodies since the period 1978 - 2001. Even after the coming into force of the 73<sup>rd</sup> Constitutional Amendment Act, elections to Panchayats in Bihar were delayed because of Court litigation concerning reservation of leadership positions in Panchayats. Finally, elections were held for the first time in 2001, albeit without reservations provided for leadership positions in Panchayats. For preparation of electoral rolls, delimitation of constituencies, reservation and rotation, qualification of candidates and trying of election disputes, it is reported that these powers are exercised by District Magistrates under the guidance of State Election Commission as per Bihar Panchayat Election Rules 1995. However, further details are being ascertained.

A model code of conduct for Panchayats is enforced from the date of the election schedule. The electoral rolls used for Panchayat elections are separately named as the Pradeshiik Nirvachan Suchi (regional electoral roll), but are solely based on Assembly or Parliamentary Electoral rolls. Though there were no provisions for disclosure of election expenses and for filing annual property statements for elected representatives for the last election, such provisions have been enacted now and will apply to the present election. The State Election Commission is an independent autonomous body entrusted with the conduct of Panchayat elections and settling of election related disputes, in respect of delimitation of constituencies, reservation, allotment of election symbols, and location of polling booths.

#### **Dimension 15: Audit**

Audit of Panchayats is to be conducted by Chartered Accountants. The State has accepted the TGS system of the C&AG and it has been reported that CAG formats have been adopted for Panchayat accounting. The internal audit system is extremely weak. There is no separate audit

wing for the Panchayats. There is no separate Fiscal Responsibility Act for elected local authorities. There is no separate Public Accounts Committees (PACs) for reviewing audit paras of Panchayats. Panchayat accounts are maintained by the Mukhiya and Panchayat Sevak. Normally the Panchayat Sevak caters to several Panchayats. There is no outsourcing of responsibilities regarding accounting. The extent of automation and computerization of Panchayat accounts is negligible.

#### **Dimension 16: Social Audit**

There are no provisions for social audit in the law. No rules or guidelines have been issued for social audit.

#### **Dimension 17: IT enabled e-Governance**

IT - enabling of Panchayats is still under consideration. Progress is negligible.

#### **Dimension 18: Capacity Building & Training**

It is reported that the State Government provides training through District Panchayat Officers. At other levels, NGOs are providing training at their own initiatives, for about two days. Two NGOs, namely, CENCORED and THP (The Hunger Project) are conducting functional literacy courses, especially for women elected representatives. No common curriculum has been adopted. The training curriculum used by NGOs mostly comprises awareness creation regarding the provisions of the Act and functions, roles and responsibilities of elected representatives. Innovative training strategies include participatory simulation, role-play, group discussion, and debriefing exercises and play simulation. There are federations of Mukhiyas and Pramukhs in each district, but not particularly of women members. At some places some Panchayat members have become resource members for training.

#### **Backward Districts Initiative — Rashtriya Sam Vikas Yojana**

##### **Central Assistance to the Districts under Backward Regions Initiatives (Rashtriya Sam Vikas Yojana) through the State Governments**

|   |                |
|---|----------------|
| 21 Districts are under Backward Regions Initiatives |                |
| Total allocation of fund                            | Rs. 945 Crores |
| Total Fund released                                 | Rs. 525 Crores |