

CHAPTER XIV

LOCAL GOVERNMENT

HISTORICAL BACKGROUND

The history of development of local government in the State of Haryana, as in other states of India is of two kinds; the Urban Local Government and the Rural Local Government. The major units of the Urban Local Government are the municipal corporations/councils whereas minor ones are *nagar* Panchayats. The major units of the Rural Local Governments are Zila Parishads, Panchayat Samitis, and Gram Panchayats. These institutes act within the framework set up by a state government and draw their powers from legislative enactments. These are manned and managed by persons drawn from among the public and are aimed to create harmonious coordination in keeping the administration smooth. The main purpose of these self-government institutions is to provide civic amenities to the people of area, and to promote a responsibility or will to participate in matters of local administration. The major step towards the establishment of local government in the area now comprising the Panipat district was the constitution of municipal council of Panipat under the Punjab Municipal Act, 1867. The Samalkha Municipal Committee came into existence on 20th August, 1981.

Municipal government in Haryana has its roots in ancient times. Some form of municipal authority appears to have been well established even during the period of Harappan Civilization. Positive evidence of highly developed urban civilization is provided by the archaeological excavations at Harappa, Montgomery district and Mohanjodaro (Larkana, Sindh), now in Pakistan. The streets were well planned with obvious town planning restrictions on sporadic buildings. Most impressive were the system of drainage. They testify to the vigilance of some regular and effective municipal government. On the other hand the village was the unit of State in ancient India. There was, however, no clear line between a village (*Gram*) and a town (*Nagra*). *Gramin* was the head of village as well as of the town. Gradually villages developed in to large towns and a city culture was evolved and reached its high watermark during the 'Mauryan' and 'Gupta' period of Indian history. Cities had their councils and also most probably had municipal administrations on the pattern of the metropolitan city of Patliputra as described by Magasthenes, the great ambassador at the court of the Mauryan Emperor Chandragupta. These councils were elected bodies but during the

medieval and Mughal periods, there were no regular municipal institutions enjoying powers of self-government. Although, the existence of city councils in ancient India as well as in Haryana region cannot be denied, there is no doubt that the foundation of modern system of municipal government state was laid by the British particularly after the transfer of power from the East India Company to the Crown.

As in other parts of India already under the British rule, the administration of local services and affairs was entrusted to a bureaucratic district administration in Haryana, after it came under the British rule in the forties of the nineteenth century. Later on, however, it was decided by the British to decentralize the administration gradually and this process of decentralization began to result in the establishment of a new political-administrative organization called municipal bodies, side by side with the existing district administration in a few towns.

The earliest Acts in Haryana dealing with the municipal administration was the Punjab Municipal Act, 1867 which gave a great fillip to the growth of municipal bodies. This Act was repealed by the Punjab Municipal Act, 1873, which aimed at providing conservancy, local improvements and education in towns of the Haryana and for levying taxes therein. In 1882, Lord Ripon, made the historic statement which has since been acclaimed as the *magna-carta* of the local self-government in India. He realized the importance of the local self-government and made every effort to develop it as political and popular instrument of public administration. He advocated for greater fiscal autonomy and control for the local bodies to make them stronger and more capable of taking decisions. The Punjab government agreed with his proposals and issued a resolution in September 1882 in which it was stated that the objective of the reforms introduced by the resolution was to educate the people to manage their own affairs and that the enlightenment policy of Lord Ripon should be given a real and genuine trial. Acts were passed in 1883 and 1884 (Punjab Local Boards Act and the Punjab Municipal Act, respectively), which greatly enlarged the constitution, powers and functions of the municipal authorities. Further development of municipal administrations took place under the Municipal Act, 1891, which repealed the Act XIV of 1884 and introduced such desirable changes as were revealed by the experience. It introduced communal representation. The Act of 1884, however, continued to be the foundation of municipal administration in the State.

In 1909, in order to decentralize the powers of local self-government the Royal Commission recommended that the government control upon the local self-government should be relaxed. The Punjab Municipal Act, 1911, which was passed on the recommendation of Royal Commission with certain modifications, is still the basis of Municipal Government in the State. In the period 1911-1937, the British developed a system known as 'diarchy'. Under these arrangements, official control was gradually relaxed and local bodies were made completely elective. It was desired to establish local government whereby the people would be free to manage their own affairs. Government of India Act, 1919 prescribed a few schemes of taxes which could be levied by or for the local bodies. This measure not only enlarged the sphere of taxation but also enabled the local bodies to feel relatively independent. The Punjab Small Town Act, 1922 simplified the machinery for the municipal administration of the small towns each with a population of less than ten thousand. The Punjab Municipal (Executive Officers) Act, 1931 invested the provincial government with powers to appoint executive officers in the municipalities.

After the independence, the Act was amended to provide for wholly elected municipal committees with democratically elected Chairpersons. Provision was also made for the appointment of official advisers who were entitled to participate in the deliberations of municipal committees but without right to vote. New election rules were framed for elections on the basis of Universal Adult Franchise and the system of nominations was abandoned. Provisions were also made for the reservation of seats for Scheduled Castes.

The East Punjab Local Authorities (Restriction of Functions) Act, 1947 (Punjab Act IX of 1947) was passed to cope with the problems created by the influx of refugees on account of communal disturbances before and after the 'Partition', which empowered the State Government to notify certain areas and to assume functions of any local authority that was not able of performing or did not adequately perform such functions. Expenses for discharging such functions were to be paid by the local authority concerned.

After independence, till the existence of Haryana as an independent State in November 1966, the local self-government by and large functioned under the enactments done by the erstwhile Government of Punjab, namely; the Punjab Local Authorities Act, 1953, the Punjab Municipal Act, 1954 and the Punjab Municipal (Amendment) Act, 1956. With the formation as a separate State the Directorate of Local Bodies was set-up in 1966.

With the enforcement of Haryana Municipal Act, 1973, all the municipal committees were superseded in Haryana and administrators were appointed to look after the affairs of local bodies which were later restored. The Haryana Municipal Act, 1973 has been amended in the year 1994 and further in 2009 for efficiency and integrity in municipal administration.

FUNCTIONS OF MUNICIPAL CORPORATION/COUNCIL

As per Haryana Municipal (Amendment) Act, 1994, Municipal bodies in Haryana have two types of functions namely; obligatory functions and optional functions. Obligatory functions are those functions which every municipal committee shall perform and in the event of non-performance of these or non-provision of funds, the State Government is competent not only to compel for performance of such functions, but also to even supersede the committee and place the Municipal Committee under the charge of its own officer i.e. Administrator. Obligatory functions are of four types, viz. public safety and convenience, medical relief, public works and public health. These functions include such activities as regulating or preventing the abetting of offensive or dangerous trades, removing of obstructions and projections in public streets, lighting and cleaning of public streets, provision for regulation of slaughter houses, maintaining burial and cremation grounds, public latrines, maintenance of a fire brigade and protection of life and property in case of fire, drainage and sewerage, registration of births and deaths, arrangements for public vaccination, survey of buildings and lands etc. The list of optional functions is comprehensive and include such activities as cultural and physical education, establishment and maintenance of libraries, museums, art-galleries, botanical and zoological collections, registration of marriages, organization and management of fairs and exhibitions, maintenance of public streets, public parks, gardens, planting and maintenance of roadside trees, maintaining dairy farms and breeding studs etc.

As on March 31, 2011 there were two Municipalities in the district at Panipat and Samalkha. The sources of income of the municipalities include house tax, fire tax, motor tax, rent, development charges, stamp duty, *tah-bazzari*, excise duty, lease of land, Central/State Finance schemes, entertainment tax and electricity duty etc. A brief account of Panipat Municipal Corporation and Samalkha Municipal Council is given under relevant titles in the forthcoming paragraphs of this chapter.

PANIPAT MUNICIPAL CORPORATION

The Municipal Committee was first constituted in 1867. It was reconstituted in 1886 as a Class-II Municipal Committee. In 1959, the Panipat New Township was also included in the municipal limits. Municipal Committee was converted into Municipal Council during the year 1994 after the city of Panipat was given the status of Class-I city. The area of limit was extended again in 1997 making it to a total of 22 square kilometres approximately. The status of Municipal Council, Panipat was elevated to that of Municipal Corporation in March, 2010, after including the adjoining area of some villages. Presently, the area of Municipal Corporation, Panipat is 56 square kilometres, approximately.

The basic civil amenities provided by the Municipal Corporation, Panipat include water supply, street lights, drainage, brick paving of streets, cleanliness of the city and disposal of refuse/garbage etc. The Municipal Corporation maintains 135 kilometres of roads under its territorial jurisdiction. It also runs 1 library, 1 reading room and maintains 165 parks. The year-wise details of income and expenditure of Municipal Council/Corporation during 1991-92 to 2010-11 are provided in the Table-XXXIV of Appendix.

SAMALKHA MUNICIPAL COMMITTEE

The Municipal Committee was constituted in August, 1981. Before the constitution of Committee it was a *Gram* Panchayat. The town Samalkha was divided into two parts through the Grant Trunk Road (NH-1). During the year 2010-11, the area of the town within the municipality limits was 4.48 square kilometres. As on March 31, 2011 the Municipal Committee had 15 non-official members. The drainage system in the town was started in first decade of the 21st century.

The basic amenities provided by the municipality include *pucca* roads, water supply, sewerage, street lights, drainage, hand pumps, public urinals etc. It also maintains a library and a reading room. This municipality maintains 20.45 kilometres of roads in its municipal limits. The functions of the committee include such activities as regulating or preventing of abetting of offensive or dangerous trades, protection of life and property in case of fire, flood or other natural calamities, registration of births and deaths and marriages, maintenance of fire-brigade, burial and cremations grounds,

removal of obstructions and projections on public streets; their lighting and cleaning, regulation of slaughter houses, arrangements for public vaccinations, survey of buildings and lands etc. The other functions include establishment and maintenance of libraries, museums, art-galleries, botanical and zoological collections; providing infrastructure for cultural and physical education; organization and management of fairs and exhibitions; maintenance of roadside trees; maintenance of dairy farms and breeding studs etc.

The income and expenditure figures of Municipal Committee, Samalkha during 1991-92 to 2010-2011 are given in the Table-XXXV of Appendix.

TOWN AND COUNTRY PLANNING

Panipat district falls under the jurisdiction of the Divisional Town Planner, Karnal. He is responsible for initiating programmes for city development and controlling the town planning of the district. Divisional Town Planner is assisted by District Town planner and other staff etc. The officer prepares master plans for towns as well as for other areas, which serve as a blue print for future development. Besides, he prepares lay out plans for the various schemes, viz., town planning schemes for the Municipal Councils, development schemes for the improvement of trusts etc.

Controlled area of Panipat was declared by Town and Country Planning Department, in 1971 and 1982 followed by declaration of controlled area of Samalkha in 1983 with addition of area in 2006 and further addition of six smaller controlled areas in 2007; of Baholi in 1993 and of Madlauda in April, 2010. There are 142 licensed colonies in Panipat as on March 31, 2011. During 2010-11, the department tendered technical advice in 244 plans and granted approval in 17 cases of Change of Land Use (CLU), 26 cases of NOC and issued 19 Occupation Certificates. Fifteen demolitions have been effected and 23 notices under Act No. 41 of 1963, 11 notices under the Urban Area Act, 1975 have been issued against the defaulters in the district.

HOUSING BOARD

The Housing Board Haryana was set up in August, 1971, under the Haryana Housing Board Act, 1971, with the objective to provide for measures to be taken to deal with and satisfy the need of housing accommodation in the State. The board functions under the general administrative control of the Chief Administrator at the State Headquarter level. In order to reduce the cost

of houses, rate of interest has been reduced in the costing of houses in accordance with the market trend. The board has provided 33% reservation for women applicants as commitment to Economic Empowerment.

At field level, in Panipat, the work of the Housing Board is under the general control of Estate Manager. In the district, 926 houses for economically weaker sections, 1402 for Low Income Group, 952 for Medium Income Group, 82 houses for Higher Income Group and 127 houses for other categories of persons, amounting to a total number of 3489 houses, have been constructed by the Board up to March 31, 2011.

PANCHAYATI RAJ

The *Panchayat* system has been an integral part of Indian village system through ages. The importance of village with its headman called *Gramin* could be traced to Rigvedic times and this headman figures in later *vedic* literature as one of the jewels or *rattans* of the village administration. In early ages, the proprietary body possessing rights of ownership in the common land of the village formed the nucleus around which the subsidiary parts of community were grouped. Such bodies would seldom wholly confine to one single family as strangers almost always obtained admission in one way or the other. Very often the community consisted of two distinct tribes or the sections of the same tribe holding more or less equal share in the village. The community, however, was sub-divided into *pannas* (wards), each *panna* embracing a branch of the family descended from some common ancestor, with some strangers settled by that branch who were not sufficiently numerous to constitute a separate *panna* by themselves. The *pannas* were very commonly again sub-divided into *thulas* which were also based upon community of descent.

The village was represented by one or more headmen for each *panna* or *thula* according to its size; and these again were assisted by *thuladars*, a kind of assistant headmen who were not officially recognized. The headman had a considerable discretion in the choice of his *thuladars* but the later were chosen carefully to represent the various genealogical branches of the community. The headmen and the *thuladars* together with such men as had gained influence by age or ability constituted the *panch* or village council. Such councils sometimes known as *thapas*, exercised considerable authority and successfully settled a large number of disputes. The distribution of the revenue was also wholly in the hands of the *thapas* and village councils. The

institutions represented not only the collective will but also the collective wisdom of the entire rural community. These looked to all the needs of the village and administered justice irrespective of the caste, creed and faith¹. These traditional village councils of old continued during the Muslim period. The Muslim rulers being indifferent in the matter, the village communities were left to manage their own affairs undisturbed except for the payment of land revenue to the ruling power. The *Qazi* and the *Kotwal* were no doubt vested with some powers, which had previously been exercised by the Panchayats, but no direct steps were taken to abolish the *Panchayats*.

The village *Panchayats* were, however, partially revived in the Sikh regime for helping the government in administration, collection of taxes and maintenance of law and order. The ancient traditions of village *Panchayats* began to crumble during early British rule. British influence, dominant and all embracing, almost killed all village institutions and the foremost amongst them was the village *Panchayats*. An average villager realized that under the regime of village officials, the *Panchayat* was completely ignored. Under these circumstances, the headmen, hitherto not so prominent, acquired considerable power and prestige.

As the *Panchayats* became ineffective in community life, it was realized that for the routine administration of common affairs of the village some kind of organization was necessary. The Decentralization Commission of 1908 concluded that it was desirable that an attempt be made to constitute village *Panchayats* for the administration of local affairs. The attempt made in 1912 to revive the *Panchayat* system failed to inspire any confidence or respect in the people because only those persons could find a place in the *Panchayats* who had ingratiated themselves with the authorities. The Village Panchayat Act, 1922, abolished the *Panchayats* created by the Act of 1912 and provided for the re-constitution of *Panchayats* consisting of elected *panches* who would hold office for 3 years. The *Panchayats* were given administrative functions and judicial powers both criminal and civil though to a nominal extent. The Panchayat Act of 1939 consolidated and extended the law relating to *Panchayats* and gave them wider judicial powers and powers of taxation.

The necessity to establish village *Panchayats* throughout the country was fully recognized after the Independence and this was laid down in the Constitution of India as one of the Directive Principles of the State Policy. In

pursuance of this, the Gram Panchayat Act of 1952 (Punjab Act IV of 1953) was passed. In all 968 Panchayats were elected covering the entire rural population of the district Karnal of which the area that now constitute the District Panipat was a part. The final step toward the implementation of the Panchayati Raj was enactment of the Punjab Panchayat Samitis and Zila Parishads Act, 1961. Under the Act, the Panchayat Samitis and Zila Parishads were constituted at the blocks and district level respectively. But the Institution of Zila Parishad was abolished in June 1973 and its powers were vested in the Deputy Commissioner concerned.

A new Act, viz. the Haryana Panchayati Raj Act has been enacted in 1994 that has replaced the Gram Panchayat Act of 1952, the Punjab Panchayat Samitis and Zila Parishads Act, 1961. The Act came into force on 22nd April, 1994. Under this Act the three-tier system of Panchayati Raj has been established, namely; the *Gram Panchayat* at village level, *Panchayat Samiti* at Block level and *Zila Parishad* at district level.

Gram Panchayat.—Under the Haryana Panchayati Raj Act, 1994 a *Gram Panchayat* is required to be established at each village having a minimum population of 500. The Government may, by notification, declare any village or a part of a village or group of contiguous villages with a population of not less than five hundred to constitute one or more sabha area provided that such area is not part of any municipality constituted under the Haryana Municipal Act, 1973 or a cantonment. Every male or female of the village who is entered as a voter on the electoral roll of the State Vidhan Sabha is a member of the *Gram sabha* of the respective village. These members of *Gram sabha* elect the members of *Panchayats* from amongst themselves.

The number of panches in any *Gram Panchayat* varies from 6 to 20, excluding sarpanch, according to the size of population of *Gram sabha*. To provide due representation to Scheduled Castes, Women and Backward Classes a number of seats for offices of *panches* and *surpanches* have been reserved under the provisions of section 9 the Haryana Panchayati Raj Act, 1994. Section 13 of the Act, enforces an obligatory duty on the Gram Panchayats to meet at least twice a month within the *Gram sabha* area. The majority of panches for the time holding office form a quorum under section 13(2) of the Haryana Panchayati Raj Act, 1994. All the decisions of Panchayat are taken by majority and when the voting is equal, the sarpanch or panch can give his casting vote. In 2011, there were 173 Panchayats with

2183 elected members in the Panipat district (including 721 Scheduled caste members and 727 women members). Number of elected sarpanches belonging to scheduled castes was 57 and of women sarpanches was 54. The main functions of the Gram Panchayats include general functions (such as preparation of annual plans, annual budget, etc.), constructions, repair and maintenance of community assets, development of agriculture, animal husbandry, dairy, poultry, fisheries, forestry, social and farm, minor forest produce, fuel and fodder, khadi and village cottage industries, improvement in rural housing, non-conventional energy resources, poverty alleviation programmes, social welfare including welfare of the handicapped and mentally retarded, welfare of weaker sections and in particular the scheduled castes and public distribution system. Besides improvement in facilities for public health, family welfare, education including primary and secondary schools, adult and non-formal education, promotion of adult literacy, cultural activities like fairs and festivals, women and child development, etc. are also included in the functions of the Panchayats. In fact, Panchayats are to work in almost all spheres for betterment of the village community.

The main sources of income of a Panchayat are grants-in-aid from government, grants-in-aid from local bodies, a percentage of land revenue collection, donations, taxes, duties, cesses and fees imposed and realized under the Act, income from village common lands, sale proceeds of dust, dirt and dung, lease of ponds for fisheries etc. The fines and penalties which the Panchayat imposes are also transferred to its funds. The income of Panchayats in the district during the period 2000-01 to 2010-11 is as follows:-

(₹ in lakh)			
Year	Grants from Government	House tax	Total
2000-01	1315.00	8.73	1323.73
2001-02	1441.00	9.61	1450.61
2002-03	1671.00	9.92	1680.92
2003-04	1582.00	10.05	1592.05
2004-05	1701.00	11.39	1712.39
2005-06	1378.04	10.61	1388.65
2006-07	1428.30	11.25	1439.55
2007-08	1001.56	11.96	1013.52
2008-09	2133.87	12.10	2145.97
2009-10	3228.86	13.55	3242.41
2010-11	1794.30	117.11	1911.41

Panchayat Samitis.—Panchayat Samitis, constituted at the block level, form the second tier of the Panchayati raj system under the Haryana Panchayati Raj Act, 1994. This tier of local self government acts as a bridge between the Zila Parishad and village Panchayats. Panipat district has been divided into five blocks. The number of members of the Panchayat Samitis has been determined under section 58 of the Act and the reservation of the seats has been done under section 59 of the Act of 1994.

The Chairman and the Vice-Chairman are elected from amongst the elected members and their term of office is of 5 years. The main functions of the Panchayat Samiti are: to provide for and to make arrangements for carrying out the requirement of the area under its jurisdiction, in respect of the following matters, namely agriculture, land improvement and soil conservation, minor irrigation, water management and watershed development, poverty alleviation programme, animal husbandry and poultry, fisheries, village and cotton industries, rural housing, drinking water, fuel and fodder, buildings, roads and water ways. Other duties of the Panchayat Samiti include promotion of primary and secondary education; cultural activities including social education; markets and fairs; health and family welfare and rural sanitation; woman and child development; social welfare for handicapped and mentally retarded; public distribution system and such other functions as may be entrusted by the State Government.

The main sources of the income of the Panchayat Samiti are: local levies, fees derived from schools and markets, fee from fairs, exhibitions and shows, rents and profits accruing from the properties vested in it, and such money and grants which Government may place at their disposal. Besides this, each panchayat samiti, with the permission of the zila parishad, can impose any tax which the State legislature has power to impose under the Constitution of India.

Zila Parishad.—In the beginning of twentieth century, prior to formation of zila parishads in the State, their functions were performed by the ‘District Boards’. These were constituted and administrated under the Punjab District Boards Act, 1883. The District Boards used to attend to the development activities of the rural areas, just as the municipality looked after the urban areas. With the enactment of the Punjab Panchayat Samitis and Zila Parishads Act, 1961, the district boards were replaced by the newly constituted Zila Parishads in 1964. In 1973, zila parishads were abolished and their powers were vested in the Deputy Commissioner of the district concerned. Enactment

of Panchayati Raj Act, 1994 paved way for constitution of present day zila parishads.

Zila Parishad, Panipat was reconstituted in 1995. Its duties include advice/supervision and coordination of the plans prepared by the Panchayat Samitis, examination of budget of Panchayat Samitis, and extending advice to the Government about Panchayats and Panchayat Samitis. It also keeps a watch over the agricultural produce, construction works, education, health etc. in area under its jurisdiction.

The income of the Zila Parishad accrues from the funds allotted by the Central or the State Government grants under various schemes. The Income of Zila Parishad, Panipat under Sampoorana Grameen Rozgar Yojana (SGRY) and grant in aid received under Panchayati Raj Institutions (PRI) schemes during 2002-03 to 2010-11 is given in the Table-XXXVI of Appendix.

Notes and References

¹ Karnal district Gazetteer, 1883-84, pp.114-15.