Appointment of Government Servants as Gram Panchayat Administrator

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Why in News

Recently, the Bombay High Court passed an interim order directing that a **government servant of the local authority** be appointed as an **administrator** of <u>gram panchayats</u> in Maharashtra.

- It is for the 15,000 panchayats where the terms of these officers have ended or would be ending.
- These administrators include **sarpanch, secretary of the panchayats** and **gram sevaks.**

Key Points

- **Petition Against Recent Decisions:** The order came after petitions were filed against a recent **Government Resolutions (GR)** issued by the State Rural Development Department and **Maharashtra Village Panchayat (Amendment) Ordinance, 2020.**
    - Through these, the Maharashtra government **ordered appointment of administrators to all gram panchayats** by zilla parishad chief executive officers (CEO) in consultation with their **respective district ministers.**
    - The resolution and ordinance **were challenged on various grounds** related to the **appointment of private individuals** as administrators of gram panchayats.
    - It also challenged the **section 151 of the Maharashtra Village Panchayats Act** by allowing **appointment of administrators** in case the <u>**State Election Commission**</u> (SEC) could not hold <u>**elections**</u> due to a **natural calamity, <u>pandemic</u>** financial emergency or administrative emergency.

- **High Court's Argument:**
  - **Questioned Private Appointments:** The Court ordered that the **administrator to be appointed, should be a government servant** or an officer from the local authority.
    - If not available and the appointment of a **private individual is to be made,** then each such order **shall record the reasons** because of which such officer was not available.
    - The criteria that administrators have to be "a resident of the village and on the voters' list" is **directory,** not **mandatory** in nature.
  - **Local Authority Officers:** The court emphasised that **local authority offices** should be the first choice for appointment as an administrator.
  - **Impact on Local Governance:** The Court admitted that **working of the gram panchayat** will be affected if the administrator is not appointed, however it also emphasised the need to address the concerns regarding the appointment of the private individual.
    According to the court **private individuals appointment** is not warranted in law and such mass appointments will **have a lasting adverse impact** on the local governance in **terms of efficiency, impartiality** and **effectiveness** of the work.
- **State Government's Argument:**
  - **Urgent Need:** It stated that there is an urgent need for administrators to run the panchayats as pandemic has halted the election process.
  - **Overburdened Officers:** There are a large number of gram panchayats in the State and the government servants are already overburdened. So, it is difficult to appoint them as administrators.

Gram Panchayat

- These are the part of the **Panchayati Raj System** which has been granted constitutional status by the **rd Amendment act.**
- This scheme of the PRI system increases cooperation among people, **democratic participation and decentralization.**
- The 2.5 lakh Gram Panchayats (GPs) in the country have been entrusted to provide basic services in the villages and plan for local economic development and **good governance.**
- The **Gram Sabha (GS)** discusses the development work plans of the GP called **Gram Panchayat Development Plan (GPDP)** and the elected representatives execute the plans.

Gram Sabha

- Gram Sabha is a body consisting of **all persons whose names are included in the electoral rolls** for the Panchayat at the village level.
- The term is defined in the Constitution of India under **Article 243(b).**
- All eligible voters of the village can participate in the Gram Sabha.
- The **decisions** taken by the Gram Sabha **cannot be annulled by** any other body except itself.

Source: TH