

(1997) 02 SC CK 0206

In the Supreme Court Of India

Case No : Writ Petition No. 719 Of 1995

Rural Litigation and Entitlement Kendra and Another

APPELLANT

Vs

Govt. of U.P. and Others

RESPONDENT

Date of Decision : 24-02-1997

Acts Referred:

Citation : (1997) 7 SCC 756

Hon'ble Judges : G. N. Ray, J;G. B. Pattanaik, J

Bench : Division Bench

Final Decision : Disposed Of

Judgement

G.N. Ray and; G.B. Pattanaik, JJ.-The election of the Gram Panchayats in the State of Bihar had taken place long back in the year 1978 and the election of Block/Panchayat Samitis and the Zila Parishads had also taken place in 1979 and 1980. Although re-election of such bodies ought to have been held long back, no such election has been held. We are informed that without deciding the question of vires the Bihar Panchayati Raj Act, 1993, after considering the correctness or otherwise of the judgment passed by the Patna High Court, no election can be held immediately. As it appears to us that members elected about 20 years back should not be permitted to remain in office for further indefinite period and administer the management of Gram Panchayats, Block/Panchayat Samitis and Zila Parishads, we feel that it will be only proper if the duties and functions of such bodies are carried on by the officers of the State of Bihar who are primarily concerned with the administration of such bodies with the help of other officers of the State Government till fresh elections are held and charges of administration are handed over to the elected members of such bodies.

2. Mr D.D. Thakur, learned Senior Counsel appearing for the State of Bihar, has submitted that there are 55 districts in the State of Bihar and there are about 726 Blocks and 12071 Gram Panchayats. About 54 crores of rupees are to be disbursed on account of Jawahar Rozgar Yojna through such bodies. As funds earmarked for the current financial year are to be disbursed by 31-3-1997, it will

be difficult to administer all the Gram Panchayats, Block/Panchayat Samitis and Zila Parishads by the government officials without holding elections of such bodies. Hence, status quo should be maintained. He has submitted that although the administration of the Panchayats are overseen by the Collectors of Districts through Block Development Officers and Panchayat Sewaks but the implementation of schemes under Jawahar Rozgar Yojna within the time frame involving considerable amount of money will be a difficult task and it may not be expedient to have such bodies administered by the officers of the State Government with immediate effect.

3. Such contention of Mr Thakur has, however, been disputed by the learned counsel appearing for the petitioner and it has been submitted by the learned counsel that the election had taken place as far back as in 1978. The constitutional mandate to hold election of such panchayat bodies has been deliberately frustrated by not holding elections over such long span of time. The members elected in 1978 or 1979 and 1980 have no authority to remain in office and to administer the functions of the said bodies and deal with funds concerning such bodies and to take any policy decision concerning the administration of such bodies. This Court should take note that it is quite likely that vested interest has grown with such elected members on account of remaining in office for such a long time. It is, therefore, only desirable that until a fresh election is held, during the interregnum period, the administration of the Gram Panchayats, Block/Panchayat Samitis and the Zila Parishads should be better run by the government officials. The learned counsel for the petitioner has submitted that besides Panchayat Sewaks, Block Development Officers and District Collectors, there are two other government officials, namely, Assistant Development Officer and Assistant Agricultural Officer who even though may not be in the hierarchy of administrative set-up of such bodies, may also render assistance in the administration of the said bodies if they are directed to give such assistance by this Court so that during the interregnum period, the service of such officers who are primarily concerned with Rural developments may be gainfully utilised.

4. Considering the facts and circumstances and the submissions of the learned counsel for the parties, we direct that with immediate effect, the administration of all Gram Panchayats, Zila Parishads and Block/Panchayat Samitis in the State of Bihar will be under the overall charge of District Collectors. Such authority will administer the duties and functions of the said bodies in the district under his jurisdiction through Block Development Officers and Panchayat Sewaks and such government officials under his control as he may deem expedient and proper. The elected members of all such bodies will cease to function and be held to have vacated their respective offices. Liberty is given to take further direction from this Court, if necessary.

5. The matter stands adjourned for six weeks.