

CHAPTER - 2

Organisational Structure of Local Self Government in Bihar

2.0 INTRODUCTION

Bihar is located in the eastern part of the country. It is an entirely land - locked state, which is bounded by Nepal in the north and by Jharkhand in the south. Bihar has been divided in 9 divisions and 38 districts. It is one of the large states in the country with 45,103 revenue villages in the state and 8,463 panchyats. As per the census data of 2001, the total population of the state is 8,28,78,796 out of which the population of female is 3,97,24,832.

According to the provisional Census 2011 data for Bihar shows a 20 per cent rise in the State's female literacy rate. The data indicates that literacy rates for women in Bihar have risen from 33.12 per cent in 2001 to 53.33 per cent this census year 2011. The overall sex ratio has dropped to 916 females per 1,000 males from 919 in 2001, with a sharp fall in the child population (aged 0-6 years) from 942 girl children in 2001 to 933. In the comparatively urban Patna, Bihar's most populous district, the girl child (0-

6 years) ratio has dropped to an alarming 899 girls per 1,000 boys from the erstwhile 923 in 2001.

Visit a nearby panchayat, talk to the leaders and try to find out what the panchayat is doing in the area. Also talk to the people and enquire whether they are aware of the panchayat schemes and their functioning. What has been the role of the panchayat in the development of your village or villages nearby.

2.1 ORGANIZATIONAL STRUCTURE OF PANCHAYATI RAJ INSTITUTIONS

For our understanding of Panchayati Raj in India, two important committees deserve special mention. These are the Balwant Rai Mehta Committee in 1957 and the Ashoka Mehta Committee in 1978.

The Balwant Rai Mehta Committee (1957) suggested ways of democratic decentralization in a three – tier structure of panchayati raj. This meant that panchayatiraj should be setup at three levels. They should be furnished with sufficient powers and resources. These three – tiers of panchayatiraj are:

- Zila Prishad as District Level,
- Panchayat Samiti at intermediate or Block
- Village or Gram Panchayat at Village Level,

In this scheme, panchayat samiti was to be the most important. It was expected to undertake development programmes in the village relating to agriculture, minor irrigation, primary education etc. Village Panchayats were to act as agents of panchayat samitis in developmental work. Maintenance of roads, sanitation, water supply, health education etc. were to be performed by it. Zila Parishad above panchayat samitis was a body to

co-ordinate functions of panchayat samitis. These three bodies were interlinked as the lower body was represented in the higher body through its chairperson.

Panchayatiraj of the Balwant Rai Mehta Committee pattern was first introduced by Rajasthan in 1959. Later, other state also followed. Initially both the people and the states were inthusiastic about panchayatiraj. The people also participated in various development programmes however, panchayatiraj institutions began to decline very soon. This committee had insisted on people managing rural development programmes but the Central and State governments started launching special poverty alleviation programmes which were managed by government officials. Panchayats had no role in them. Powerful groups in villages as landlords and moneylenders obstructed of the functioning of panchayats because their control over poor was loosening.State government also did not hold panchayat elections for many years.

The Ashok Mehta Committee set up by the government to review panchayatiraj submitted its report in 1978. This Committee felt that panchaytiraj had incalculated political awareness among rural masses. However , it had not been successful in carrying out economic development trhe committee stressed that for extention of democracy to the grassroots, strengthening of the panchayatiraj was absolutely essential. Unlike the Balwant rai Mehta Committee , the Ashoka Mehta Committee suggested a two-tier structure of panchayatiraj which was the main difference between the two reports. These two-tiers were:

- Zila Prishad at District Level,

- Mandal panchayat, an administrative unit between village panchayat and panchayat samiti.

In the two-tiers system, the main emphasis was laid on Zila Parishad and not on panchayat samiti as in the case of earlier committee report. In general, the states were not very keen to institute panchayats or to give them more functions, powers and finances. The states like Bihar , U.P. and Tamilnadu did not hold elections two panchayats for long. At the same time , many new agencies were setup by the central government, as district rural development agency, to take up development programmes collaboration with the state governments. with panchayats having no role in these programmes. They themselves hardly had any money to take up development projects in the villages.

In the 1980's some states like Karnatak and Andhrapradesh tried to review panchayats. However, it was gradually being felt that panchayatiraj must be firmly placed in the constitution. It should be mandatory for the states to hold periodic elections to panchayats. The central government had setup some committees on the revival of panchayatiraj. They also recommended that local self government should be constitutionally recognized.

2.2 73RD AND 74TH (CONSTITUTIONAL AMENDMENT) ACTS, 1992 .

The 73rd and 74th Amendment to the Constitution of India is a milestone in the process of establishing democratic decentralised administration through local bodies and taking administration to the door -steps of the people to ensure economic and social justice. The State Election Commission (Commission) is a creation of the 73rd amendment of the Constitution of

India. The Commission was created with the responsibility to conduct election to the Panchayats at various levels. Article 243-K provides for the powers and responsibilities of the State Election Commission.

2.3 URBAN LOCAL BODIES

Municipal Corporations in big cities, Municipalities in medium and small towns and Nagar Panchayats in semi-urban localities. All types of urban local governments are democratically elected by the people on the basis of electoral wards. Urban local bodies frame policies for the cities and towns, raise revenue and pass their own budgets. The most important source of revenue of urban local bodies is the property tax imposed on land and buildings. Grants-in-aid from the Government constitute another-major source of revenue. Urban local government is the major supplier of essential civic services and facilities in our urban areas and it represents grassroots democracy at the local level. Panchayat is the most ancient institution at the village level in our country. Panchayats have been functioning as primary institutions of democracy at the grassroots level. The 73rd amendment gave them constitutional status. The task of rural development now rests on panchayati raj institutions. The involvement of hitherto underprivileged sections, scheduled castes, scheduled tribes, backward classes and women in the participatory process will further strengthen the grassroots institutions.

Although the panchayat raj system in the entire country is not the same but, by and large, Structure of Government most of the States have the three-tier structure: zila parishad at the district level, panchayat samiti at the

intermediate or block level and gram panchayat at the bottom or village level. Active participation and vigilance on the part of the rural public is a must for the sustenance of democratic decentralisation.

2.4 RURAL LOCAL BODIES

The Panchayati Raj system, as established in accordance with the 73rd Amendment, is a three-tier structure based on direct elections at all the three tiers : village, intermediate and district.

All members in a panchayat are directly elected. However, if a State so decides, members of the State Legislature and Parliament may also be represented in district and middle level panchayats. The middle level panchayats are generally known as Panchayat Samitis. Provisions have been made for the inclusion of the chairpersons of the village panchayats in the block and district level panchayat.

2.5 THREE TIER STRUCTURE OF PANCHAYATI RAJ

The 3-tier structure of Panchayati Raj consists:

Village-level, Panchayats level, Block-level, Panchayats District-level Panchayats.

2.6 Panchayats at Village Level

This is the basic or grassroots level of panchayati raj. The panchayat for a village or a group of villages includes (a) Gram Sabha, the symbol of direct democracy; (b) Gram Panchayat and (c) Nyaya Panchayat.

2.6.1 GRAM SABHA

Recognition to Gram Sabha, an institution of direct democracy, is an important feature of the 73rd amendment. Gram Sabha consists of all adult

residents within a village or group of villages. Thus it is the only institution of direct democracy in the country.

Generally, two meetings of Gram Sabha are held every year. In these meetings, the Gram Sabha as the general body of the people hear annual statement of accounts, audit or administrative report of panchayats. It also recommends new development projects to be undertaken by panchayats. It also helps in identifying poor people of the village so that they may be given economic assistance.

Gram Sabha constitutes the lowest level of Panchayati Raj. Each village with a population of 200 or more has a Gram Sabha. For a group of very small villages, a common Gram Sabha exists. Composition of Gram Sabha: A Gram Sabha consists of all the adults i.e. voters (persons above the age of 18 years) living in the area of a Gram Panchayat i.e., village or a group of small villages. The Gram Sabha has been now recognized as a legal body.

2.6.1.1 FUNCTIONS OF GRAM SABHA

The main functions of Gram Sabha are to review the annual accounts of Panchayat. Discuss audit, administrative reports of its Panchayat and schemes for Panchayat works. Discuss the tax proposals and accept community service and voluntary labour. The members of Gram Sabha elect the members of Gram Panchayat. In one year at least two meetings of the Gram Sabha are held. In its first meeting the Gram Sabha considers the budget of the Gram Panchayat. In its second meeting it considers the reports of the Gram Panchayat. A Gram Sabha elects the members of its Panchayat and also the Chairperson of Panchayat. It is a real grassroots level institution. The states have now tried to ensure a continued operation of all

the Gram Sabha in their areas : Powers and responsibilities are delegated to panchayats at the appropriate level:

Preparation of the economic development plan and social justice plan.
Implementation of schemes for economic development and social justice in relation to 29 subjects given in the Eleventh Schedule of the Constitution.
To levy and collect appropriate taxes, duties, tolls and fees.

2.6.2 GRAM PANCHAYAT

In most States the power of levying taxes is vested in gram panchayats. House tax, tax on cattle, immovable property, commercial crops, drainage tax, sanitation fee, tax on produce sold in village, fee for supply of water to households, lighting tax are some of the taxes and fees levied by panchayats. Panchayats can also levy entertainment tax on temporarily stationed theatres, taxes on animals and non-mechanically propelled vehicles plied for hire. Gram panchayats also receive funds as income from property owned by them as common grounds, jungles, cattle ground etc. The sale proceed of dung, refuse and carcasses (dead bodies of animals) is also retained by gram panchayats. They also receive their share in land revenue from the State.

2.6.2.1 POWER AND FUNCTIONS OF GRAM PANCHAYAT

A village Panchayat works for satisfying the needs of its area in respect of the following matters to upkeep of public places, sanitation and drains. Wells, water pumps, springs, ponds and tanks for the supply of drinking water and washing and bathing ghats. To burial and cremating the grounds. Building is public places and streets. It is relief for poor. It is public health and sanitation. It also organized and Celebrate of public festivals other than

religious festivals. It is improve of the breeds of animals used for agricultural or domestic purpose. Public gardens, playgrounds, establishment and maintenance or recreation parks, organization of game sand spots, supply of sports materials and holding of tournaments. It Libraries and read the rooms. Register of the sales or cattle's. It develops the agriculture and village industries and Start and maintains a grain found for the cultivators and lending them seeds for sowing purposes. It is construct, repair and maintenance of public places and buildings of public utility. In is respect of allotment of places for preparation and conservation of manure. A village Panchayat has the power to make necessary rules. It can levy some taxes and collect some fees. It also earns income form Panchayatproperty. Gram Panchayat has also the power to settle small disputes among the people of the village.

2.6.2.2 SOURCES OF INCOME FOR VILLAGE PANCHAYATS

Panchayats can discharge their functions efficiently only if they have sufficient financial resources. For resources, panchayats depend mainly on grants from State Government. They also have taxation powers and have some income from owned or vested assets. They may get a share in the taxes, duties, tolls and fees that are levied and collected by the State Government. Let us now see what financial resources panchayats have to perform their functions.

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The lower tier of the panchayati raj system in the country is the village level panchayat. It is known in most of the States as Gram Panchayat:

The members of a Gram Panchayat are directly elected by the people. The number of members of a Gram Panchayat is fixed on the basis of village population. Hence, it differs from panchayat to panchayat. Election is held on the basis of single-member constituency. As already mentioned, one-third of the total number of seats are reserved for women; and some for Scheduled Castes and Tribes including one-third for women of Scheduled Castes and Tribes. Chairpersons of Gram Panchayats are called by different names in different States as ‘Sarpanch, Pradhan or President. There is a Vice-Chairperson also. Both are elected by members of the panchayat. Gram Panchayats generally hold their meetings once a month. Panchayats at all levels constitute committees for transaction of their business.

2.6.3 QUORUM AND METHOD OF TAKING DECISIONS

The village Panchayat is the executive committee of Gram Sabha. It is the most important unit of rural local self-government. All the voters living in the area of the Panchayat directly elect its members. Infact, members of each Gram Sabha elect the members of the Panchayat. It acts as the local

government of the village. There are approximately 2,25,000 Gram Panchayats in India.

2.6.4 NYAYA PANCHAYAT

The membership of a Village Panchayat is Between 5 to 31. In most of the states, a village Panchayat has 5 to 9 members. The members of the Panchayat are called Panches. All the voters of a village elect them by a secret ballot. In every Panchayat, 1/3rd of seats are reserved for women. Seats are also reserved for persons belong Scheduled Castes and Schedule Tribes.

These are judicial panchayats and reminder of ancient village panchayat that settled local disputes. They are set up to provide speedy and inexpensive justice. Jurisdiction of Nyaya Panchayat varies from State to State – one such panchayat is set up for five or more gram panchayats. Their tenure is between 3 and 5 years, as determined by State law. Nyaya Panchayats generally deal with petty civil and criminal cases, and can impose fine upto.....There are no lawyers to plead the cases in Nyaya Panchayat. Parties to the disputes argue their own cases.

2.7 PANCHAYAT SAMITI

Panchayat Samiti is the second and middle tier of the Panchayati Raj. In different states it is known by different names. Madhya Pradesh calls it the Janapada Panchayat, Assam the Anchalik Panchayat, Tamil Nadu, the Panchayat Union Concil, and U.P. the Kshetra Samiti. The Taluka level body is known in Gujrat as the Taluka Panchayat and in Karnataka as the Taluka Development Board. Uts most popular name however, happens to

be Panchayat Samiti. A Panchayat Samiti is created at the block level. Each block consists of the areas of several Panchayats.

2.7.1 POWERS OF A PANCHAYAT SAMITI

Development of Animal Husbandry, Agriculture, Fisheries, Rural health, Sanitation Program, It helps Construction, repairs and maintenance of inter village roads and culverts on such roads and other means of communication. It establish the community information, recreate centers, establish youth organizations, Mahila Mandals, Farmer Clubs, Villages Clubs and establish popularization of libraries. It promotes the co-operation by helping the establishment and strengthening of service co-operative, industrial, irrigation, farming and other cooperative societies.

2.7.2 MEMBERSHIP OF PANCHAYAT SAMITI

Six or ten members of a Panchayat Samiti are elected directly by the voters of all the constituencies falling within the area of the Panchayat Samiti. One member of the Panchayat Samiti is elected for a population unit of 15000, elected representatives of the Sarphanchs of the Panchayats of the Block; Local MLAs and MLCs and persons representing women, Scheduled Castes and Scheduled Tribes whose seats stand reserved.

2.7.3 RESERVATION OF SEATS

In every Panchayat Samiti, seats are reserved for women and persons belong to SCs and OBCs. Not more than 1/3rd of all seats stand reserved for SCs, are reserved for women belong to SCs. 1/3rd or seats, out of the total number of directly elected seats of a Panchayat Samiti are reserved for woman.

2.7.4 MEETINGS AND TENURE

The term of each Panchayat Samiti is five years in all states. A Panchayat Samiti usually meets at least six times in one year. There cannot be a gap of more than two months between its two meetings. A meeting of Panchayat Samiti is either ordinary or special. The date of every meeting is fixed by the Chairman of the Panchayat Samiti and in his absence by the Vice-Chairman.

2.7.5 CHAIRMAN AND VICE CHAIRMAN OF THE PANCHAYAT SAMITI:

Its very first meeting, each Panchayat Samiti elects two of its members as Chairman and Vice-Chairman. Chairmanships of at least 1/3rd Panchayat Samitis stand reserved for women members. Likewise, some of the offices of Chairman stand reserved for members belonging to SCs. The tenure of the Chairman is equal to the tenure of the Panchayat Samiti. The members of a Panchayat Samiti can remove the Chairman by passing a resolution supported by 2/3rd majority.

2.7.6 QUORUM

Quorum means the minimum number of members who must be present in a meeting of the Panchayat Samiti. If the presence is less than the minimum required, the meeting of the Panchayat Samiti cannot take any decision. Block Development and Panchayat Officer and a team of Block Extension officers who are specialists in various fields help every Panchayat Samiti in its work.

A Panchayat Samiti is a local government body at the Block level in India. This body works for the villages of the tehsil or taluka that together are

called a Development Block. The panchayat samiti is the link between the gram panchayat and the district administration. There are a number of variations of this institution in different states. It is known as Mandal Praja Parishad in Andhra Pradesh, Taluka panchayat in Gujarat, Mandal Panchayat in Karnataka, Panchayat Samiti in Maharashtra etc. In general, the block panchayat is a form of the Panchayati raj but at a higher level.

2.7.7 CONSTITUENCY

The constituency is composed of ex-official members (all sarpanchas of the panchayat samiti area, the MPs and MLAs of the area and the SDO of the subdivision), co-opt members (representatives of SC/ST and women), associate members (a farmer of the area, a representative of the cooperative societies and one of the marketing services), and some elected members. The samiti is elected for 5 years and is headed by the Chairman and the Deputy Chairman. The common departments in the Samiti are as follows: General administration, Finance, Public work, Agriculture, Health, Education, Social welfare, Information technology, Water Supply Dept. Animal Husbandry and others.

There is an officer for every department. A government appointed Block Development Officer (BDO) is the executive officer to the Samiti and the chief of its administration. BDO is responsible for his work to the CEO of ZP.

2.7.8 FUNCTIONS

Implementation schemes for the development of agriculture.

Establishment of primary health centres and primary schools. Supply of drinking water, drainage and construction/repair of roads. Development of cottage and small-scale industries, and the opening of cooperative societies. Establishment of youth organisations.

2.7.9 FUNDS OF A PANCHAYAT SAMITI

Their resources mainly consist of a share in the land or local fee and duty on transfer of property, community development grants and funds allotted by the State government or Zilla Parishad for various schemes these resources are grossly inadequate. The main source of income of the panchayat samiti are grant s-in-aid and loans from the State Government.

2.8 DISTRICT LEVEL PANCHAYAT

The governing system at district level in Panchayat Raj is also popularly known as "Zila Parishad". Chief of administration is an officer from IAS cadre.

2.8.1 ZILA PARISHAD

It is the top tier of the Panchayati Raj. It operates at district level. It looks after the development of the rural areas of the district. Zila Parishad is a legal body. It has the power to acquire, hold and dispose of property. It can enter into contracts.

2.8.2 COMPOSITION OF ZILA PARISHAD

It has the 10 to 25 directly elected members from all the constituencies falling within the rural area covered by a Zilla Parishad. Approx. 50000 rural people elected one representative. All chairmen of Panchayat Samities are falling within the area of the Zilla Parishad. MPs and MLAs whose

names stand registered as voters in any constituency of the area of Zilla Parishad.

2.8.3 RESERVATION OF SEATS

In every Zila Parishad some seats are reserved for SCs, STs, OBCs, and women. The ratio of reserved seat is in proportion to the population of SCs. 1/3rd directly elected seats are reserved for women. In the case of OBCs, one seat is reserved in case their population living in the Zilla Parishad area in 20% or more of the total population.

2.8.4 CHAIRMAN AND VICE CHAIRMAN OF ZILA PARISHAD

The main function of the Zilla Parishad Chairman is to preside over the meetings of the Zilla Parishad. He exercises administrative supervision and control over the chief executive officer and other officials of the Zilla Parishad. The Zilla Parishad can assign him any duty. He supervises the financial administration of the Zilla Parishad.

2.8.5 QUORUM FOR MEETINGS

The majority of total membership of a Zilla Parishad is the quorum for its meeting. The Zilla Parishad meets once in three months. Its special meeting can also be held when requested in writing by 1/3rd of its members. The Chairman has to call such a special meeting within 15 days of receipt of such a request.

2.8.6 COMMITTEES OF THE ZILA PARISHAD

The Zilla parishad functions through a number of standing committees. Each committee is in charge of specified subjects. The members of these committees are elected from amongst the members of the Zilla Parishad.

The Chairman of the Zilla Parishad is a member of all the Standing committees.

2.8.7 FUNCTIONS OF THE ZILA PARISHAD

Provide essential services and *facilities to the rural population*. Supply improved seeds to farmers. Inform *them of new farming techniques*. Set up and run schools and libraries in the rural areas, Start Primary Health Centers and hospitals in villages. Start *vaccination drives against epidemics* Execute plans for the development of the scheduled castes and tribes. Run ashramshalas for adivasi children. Set up free hostels for them, Encourage entrepreneurs to start small-scale industries and implement rural employment schemes, Construct bridges, roads & other public facilities and their maintenance Provide employment

Main functions of Zilla Parishad are development of agriculture, setup and maintain warehouses, train the farmers, land reclamation and conservation, development of Irrigation, water utilization in an optimum way, rural electrification, development of animal husbandry, develop of cold storage facilities, small scale and cottage industries, spreading of education, Celebration of national festivals, encouragement of small savings and to perform such functions as may be given to it by the state government.

2.8.8 SOURCE OF INCOME OF ZILA PARISHADS

All money received constitutes a fund called the Zilla Parishad Fund. Funds of the Zilla Parishad are kept in the government Treasury or Sub-treasury or in a bank. The Secretary of the Zilla Parishad signs all order of expenditure or cheques against the Zilla Parishad Funds. Zila Parishads are also authorised to impose taxes. They may impose taxes on persons carrying on

business in rural areas for six months, taxes on brokers, commission agents in markets established by them, also tax on sale of goods in these markets. Tax on land revenue can also be imposed by Zila Parishads. When development schemes are entrusted to them, necessary funds are also provided. They also receive grants from the State, donations from charitable institutions, and may also raise loans.

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The Amendment provides for continuous existence of panchayats. The normal term of a panchayat is five years. If a panchayat is dissolved earlier, elections are held within six months. There is a provision for State level Election Commission, for superintendence. All money received constitutes a fund called the Zilla Parishad Fund. Funds of the Zilla Parishad are kept in the government Treasury or Sub-treasury or in a bank. The Secretary of the Zilla Parishad signs all order of expenditure or cheques against the Zilla Parishad Funds.

2.9 COMPUTERISATION OF FUNCTIONING OF GRAM PANCHAYATS

Government of India formulated e-Panchayat Mission Mode Project(MMP) for e-enablement of all the Panchayats, to make their functioning more

efficient and transparent. The Project received in principle approval from the Planning Commission in August 2007. Under the e-Panchayat MMP, 11 Core Common Software applications were planned. Four of these applications namely PRIASoft, PlanPlus, National Panchayat Portal and Local Governance Directory have been rolled out. Six more applications except Geographic Information System (GIS) namely Area Profiler, ServicePlus, Asset Directory, ActionSoft, Social Audit and Trainings Management have also been launched on 24 April 2012 on the occasion of National Panchayat Day. Software Application used for PRIASoft an online cash-based double entry accounting software that implements the Model Accounting System for PRIs. PlanPlus Facilitates planning by Panchayats, Urban and rural Local bodies and line departments. Under the National Panchayat Portal over 2,36,500 dynamic websites have been created for Panchayats (95% adoption) and 30,000 of these websites are seeing an active content upload. Local Governance Directory captures details of local governments and assigns unique code to all Panchayats to ensure interoperability amongst all applications of Panchayat Enterprise Suite (PES). It also maps Panchayats with Assembly and Parliamentary Constituencies.

2.10 ENQUIRY OF PANCHAYAT

2.10.1. ENQUIRY INTO THE AFFAIRS OF THE PANCHAYATS BY THE GOVERNMENT

The Government may, at any time for reasons to be recorded, cause an inquiry to be made by any of its officers in regard to any Gram Panchayat, Panchayat Samiti, or Zilla Parishad on any matters with respect to which the

sanction, approval, consent or orders of the Government is required under this Act.

2.10.2 DIRECTIONS FROM GOVERNMENT

Notwithstanding anything contained in this Act it shall be lawful for the Government to issue directions to any Panchayat in matters relating to State and National policies and such directions shall be binding on the Panchayat.

The Government may:

- (a) call for any record or register or other document in possession or under the control of any Panchayat;
- (b) require any Panchayat to furnish in return, plan, estimate, statement, account or statistics; and
- (c) require any Panchayat to furnish any information or report on any matter connected with such Panchayat.
