

## Gram Panchayat in Orissa

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Gram Panchayats are at the bottom of the three-tier organisation of Panchayati Raj. Gram Panchayats for a village or group of villages were established earlier. The Gram Panchayat in Orissa constitutes the basis of rural local government. 86.6% of people in Orissa live in rural areas. The Gram Panchayat was started in Orissa as per the Orissa Grama Panchayat Act, 1948. According to the recommendations of the Balwant Rai Mehta Committee, the Grama Panchayats in Orissa were re-designed and Orissa Grama Panchayat Act was passed in 1964. However, the Janata Government in 1991 brought a sea change in the working of Panchayati Raj in Orissa. The 73rd Amendment Act 1992 of the Indian Constitution is very remarkable. This Act empowers the State Legislature to make laws for the organisation of village panchayats. Article 243-G of the Indian Constitution states that, the Legislature of a state by law, endow the Panchayats with such powers and authority as may be necessary to enable them to function as institutions of self-Government and such law may contain provisions for the devolution of powers and responsibilities upon Panchayats at the appropriate level, subject to such conditions as may be specified therein with respect to the preparations of plans and implementation of schemes for economic development and social

justice and other matters listed in the Eleventh Schedule.

### **Composition of Grama Panchayats :**

The State Election Commission is authorised under the Act to fix the number of members of a Panchayat. The number varies between 11 and 25, and their nature is five years. Officers of the Panchayat are Sarapanch and Naib-Sarapanch. All the members of the Panchayat are directly elected by the people. The 73rd Constitutional Amendment made drastic changes in the Panchayati Raj. Part-IX of Constitution envisages a three-tier system of Panchayats, namely (a) Grama Panchayat at the village level (b) Panchayat Samiti at the block level, which stands between the village and district panchayats in states where the population is above 20 lakh and (c) Zilla Parishad at the district level.

All the seats in a Grama Panchayat shall be filled by persons chosen by direct election. The electorate has been named the Grama Sabha consisting of persons registered in the electoral rolls, relating to a village comprised within the area of a Panchayat. In this way participatory democracy is introduced at the grassroots. The chairperson of each Panchayat is to be elected according to the law passed by a State and such state law shall also provide for the representation

of a chairperson of village and intermediate panchayats in the district Panchayat as well as members of the Union Parliament and State Legislature in the Panchayats above the village level.

Article 243 D provides that seats are to be reserved for scheduled castes and scheduled tribes. The reservation shall be in proportion to their population. Out of the seats so reserved not less than 1/3rd of the seats are to be reserved for women belonging to scheduled castes and scheduled tribes respectively. Not less than 1/3rd of the total number of seats to be filled by direct elections in every Panchayat shall be reserved for women.

A State may by law make provision for similar reservation of the offices of chairpersons in the panchayats at the village, intermediate and district levels.

Every Panchayat shall continue for five years from the date of its first meeting. But it may be dissolved earlier in accordance with the procedure prescribed by state law. Elections must take place before the expiry of its term. In case it is dissolved earlier, then the elections must take place within six months of its dissolution. A Panchayat reconstituted after premature dissolution (i.e. before the expiry of the full period of 5 years) shall continue only for the remaining period. But if the remaining period is less than six months, it shall not be necessary to hold elections.

Article 243 F provides that all persons are qualified to be elected as a member of a Panchayat. The only difference is that a person who has attained the minimum age of 21 years will be eligible to be a member (in case of state legislature the prescribed age is 25 years). If a question arises as to whether a member has become subject to any disqualification, the question shall be decided by such authority as the State Legislature may provide by law.

### **Functions :**

The main objective of the Grama Panchayat is to ensure rural development. Section 44 and 45 of the Orissa Grama Panchayat Act specify the functions and power of Grama Panchayat. The functions of the Grama Panchayat have been divided in to two, like obligatory or compulsory and optional or discretionary.

#### **(i) Compulsory :**

- It constructs, repairs, maintains and improves the public roads.
- It constructs, maintains and cleanses public roads and other important public places.
- It constructs, maintains and cleanses drains and public latrines, urinals etc.
- Construction, cleaning and lighting of public streets.
- Provision of medical relief, sanitations and prevention of diseases.
- Registration of birth and death.
- Construction and maintenance of common grounds, public wells, tanks etc.
- Preparation of the census reports of human being and animals and registration of animal sold.
- Regulation of Melas, fairs and festivals.
- Provision of primary education.
- Maintenance of village police.
- Implementation of schemes for agricultural extension.
- Minor Forest Produce.
- Taking steps for small scale industries, food processing industries.
- Taking measures for rural housing.
- Undertakes poverty alleviation, women and child welfare programmes.

- Taking steps for social welfare including welfare of the handicapped and mentally retarded persons and public distribution system.

**(ii) Optional :**

- Promotion of co-operative farming.
- Establishment of cow-sheds and dairy farms.
- Relief from famine and other calamity.
- Improved breedings and medical treatment of cattle, construct of slaughter house.
- Planting trees by the sides of the public streets.
- Agricultural development and social conservation.
- Establishment of maternity and child welfare centres.
- Organisation of cottage industries.
- Establishment and maintenance of libraries, reading rooms.
- Collecting statistics of the unemployed.
- Prevention of gambling and implementation of the programme of prohibition, etc.

**Power, Functions and Duties of Sarpanch :**

Section 19 of the Orissa Grama Panchayat Act deals with power, duties and functions of Grama Panchayat. The followings are the functions of Sarpanch. All the executive powers of the Grama Panchayat are vested in him.

- He convenes and presides over the meetings of the Gram Panchayat.
- He is responsible for the proper maintenance of the record and proceedings of the meeting.
- He is responsible for all securities, properties, asset, records and documents

of the grama sasan. He has control over it.

- He prepares all required statements and reports.
- He exercises supervision and control over the acts, rules and proceedings of the officers and employees of the Grama Panchayat.
- If the Sarpanch feels that any decision of the Grama Panchayat is subversive of place and order in the area, he has to refer the matter to the concerned Sub-Collector.

**Sources of Revenue of the Grama Panchayats :**

As per section 93 of the Orissa Grama Panchayat Act, for every Grama Panchayat, there shall be a fund known as 'Grama Fund'. Grama Fund is placed to the Grama Panchayat. All money received from the government and income of the Grama Panchayat shall be deposited in the Grama Fund. The Grama Fund shall be deposited in any Nationalised Savings Bank or nearest Post Office or Treasury. Followings are the sources of revenue of the Grama Panchayat. It raises money through taxes, fees and Government taxes.

- Collection of taxes in the rural areas like water tax, lighting tax, toll tax, tax on profession.
- Fees on private markets, cart sheds.
- Fees on animals sold in a public market controlled by a Grama Panchayat.
- Fees for regulating the movement of cattle for the protection of crops.
- Fees for use of any building, shops, stalls, and stands in the market.
- Rent from contractor's occupying (temporarily) open grounds or any

building maintained by the Grama Panchayat.

- Any other tax, fee as may be decided by the Grama Panchayat subject to the approval of the State Government.

According to Article 243H, a State may by law authorise a Panchayat to levy, collect and appropriate taxes, duties, toll etc. The law may lay down the procedure to be followed as well as the limits of these taxes. It can also assign a Panchayat various taxes, duties etc. collected by the State Government. Grants-in-aid can be given to the Panchayats from the consolidated fund of the State. As per 73rd Amendment Act, 1992 inserted in the Article 243-I of the Constitution, the Governor has to constitute a Finance Commission to review the financial position and to make recommendations for maintaining sound financial position of Grama Panchayat.

### **Conclusion :**

The Grama Panchayat functions under the control and supervision of the Orissa Government. On behalf of the Government the Collector or any officer authorised by the Collector has the power to inspect, supervise and control over the Grama Panchayat. Besides the MLA of the area, Chairman of the Panchayat Samiti and President of the Zilla Parishad have the power to inspect their respective Grama Panchayats. As per section 112 of the Orissa Grama Panchayat Act, the Collector has the power to depute any officer related with developmental work within the district to attend any meeting to advise and assist the Grama Panchayat.

Moreover, the establishment of Grama Panchayat at the bottom is a praise-worthy step to facilitate decentralisation of power. The democratic decentralisation took its shape for better administration and developmental perspectives for quick rural development and cooperation of local people. State government does not possess adequate wisdom of local affairs and problems. In this sense, it constitutes a significant contribution to the theory and practice of nation-building activities in the developing areas.

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