

Grama Panchayat in Orissa

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"The State shall take steps to organise village Panchayats and endow them with such powers and authority as may be necessary to enable them to function as units of Self-Government" -Article 40 of the Indian Constitution.

A democratic political system involves the decentralisation of power to the Local Government. Local Government is the representative political institution, which is concerned with the local conditions, local needs, local opinions. It is an essential part of the fabric of democratic Government. It is not possible on the part of the Central Government situated at Delhi or any State Government situated at State capital to understand seriously and properly the problem of rural areas. The decision makers should hand over power to solve local problems and implementation of the local developmental programmes in the hand of the elected leaders of the local area. Power must not be concentrated in the hands of a few persons in a democratic system. According to Lord Acton, "Power corrupts and absolute Power corrupts absolutely." Considering this statement the Government decided for the decentralisation of power. It implies the extension of democracy depends on the popular and active participation of its people in the process of administration.

The System of Local Administration through people's popular bodies especially Gram Panchayat is not new. It had its origin in the ancient times. In the ancient times, Village Panchayats were consisting of five elected elderly members

of the village. They were deciding the disputed issues and solving local problems in the villages. During Rig Vedic period "Grama" was formed by a number of families. It had popular bodies called the "Sabha" and "Samities". During later Vedic period there was also "Sabha" and Samities". The presiding officer was known as "Sabhapati" and its members were known as "Sabhasad". People were ventilating their grievances through discussions in the Sabha and Samities. Kautilya has described the autonomy of the village communities in "Artha Sastra". The idea of Rural Local Self-Government was revived seriously by the Government after Independence. Gandhiji was strongly in favour of the revival of village Panchayats. He wanted for the establishment of democratic decentralization through devolution of power. During drafting of the Constitution, the members of the Constituent Assembly were in favour of the introduction of Panchayati Raj Institutions to make the dreams of Mahatma Gandhi fruitful.

According to the recommendations of the Balwant Rai Mehta Committee, the Government decided to delegate more power, responsibility and finance for planning and execution of the developmental programmes to the Grama Panchayats. The main objective of establishing rural local bodies like Grama Panchayat in India is based with the principle of democratic decentralization and direct participation of the people in administration. Grama Panchayat is at the bottom of the three tier Panchayati Raj

Institutions. It is situated at village level. The village is an integrated and viable economic, social, cultural and political unit. It is the only effective organ of people's power.

The Grama Panchayat in Orissa constitutes the basis of rural local government. 86.6% of people in Orissa live in rural areas. The Grama Panchayat was started in Orissa as per the Orissa Grama Panchayat Act, 1948. According to the recommendation of the Balwant Rai Mehta Committee, the Grama Panchayats in Orissa were re-designed and Orissa Gram 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 organization 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 preparation of plans and implementation of schemes for economic development and social justice and other matters listed in the Eleventh Schedule.

Structure

Grama Panchayat is the bottom of three tier Panchayati Raj System in Orissa. It was constituted as per the Orissa Grama Panchayat Act, 1964. A Group of contiguous villages constitute one Grama. The population of a Grama is more than 2000 and less than 10,000 for each Grama there shall be a Grama Sasan. The Grama Sasan is a corporate body. The office and headquarters' of the Grama Sasan is situated within the limits of the Grama. Grama Sasan is otherwise

known as 'Grama Sabha' in Orissa. It meets at least two times, one in February and the other in June, every year. The quorum for the meetings is one-tenth of the total members of the Grama Sasan. There is one Grama Panchayat for each Grama Sasan. It is the executive authority of the Grama Sasan. After the constitution of a Grama the Collector of the District determines about the number of wards in accordance with Article 243(C) of the Constitution. Normally a village is composed of one or more than one ward. The total number of wards of a Grama Panchayat cannot be less than 11 and more than 25. Each Panchayat area is to be divided into different territorial constituencies (wards). It should be divided in such a manner that the ratio between the population of each constituency and the number of seats allotted to it shall be same throughout the Panchayat area. Grama Panchayat is constituted with one Sarpanch, one Naib-Sarpanch and Ward Members. Sarpanch is elected by the electors of whole Gram Panchayat. One Ward Member is elected from each ward by the electors of the ward from among themselves. Soon after the publication of election result of Sarpanch and Ward Members a special meeting is convened to elect one Naib-Sarpanch. Naib Sarpanch is elected from among the Ward members. If the post of Sarpanch of the Grama Panchayat is not reserved for woman then the post of Naib-Sarpanch shall be reserved for woman of that particular Panchayat. One-third seats (including the number of seats reserved from S.C. and S.T. Women) shall be reserved for woman. This reservation of seats shall be allotted by rotation of different wards of a Gram Panchayat. Besides these elected members, one Secretary is being appointed by the State Government for maintaining the records.

Qualification

Any person to be eligible to contest for election of the Grama Panchayat must be: -

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| (a) a citizen of India, | (e) Drainage tax, |
| (b) an elector of that Grama Panchayat and ward, | (f) Fees on private markets, cart sheds, |
| (c) Attained 21 years or above, | (g) Fees on animals sold in a public market controlled by a Grama Panchayat, |
| (d) Able to read and write Oriya, | (h) Fees for regulating the movement of cattle for the protection of crops, |
| (e) Not an unsound mind, | (i) Fees for use of any building, shops, stalls, pens of stands in the market, |
| (f) Not a deaf-mute or suffering from tuberculosis or leprosy, | (j) Rent from contractor's temporarily occupying open grounds or any building maintained by the Grama Panchayat. |
| (g) Not holds any office of profit under Central or State Government, | (k) Any other tax, fee as may be decided by the Grama Panchayat subject to the approval of the State Government. |
| (h) Not a teacher in any School, | |
| (i) Not a defaulter from Co-operative Societies, | |
| (j) Not having more than one spouse living, | |
| (k) Not having more than two children, | |
| (l) Having any arrear dues payable by him to the Grama Panchayat. | |
| (m) Not disqualified by or under any law made by the State Legislature. | |

Sources of Revenue/ Finance

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. Following are the main sources of revenue of the Grama Panchayat. It raises money through taxes, fees and Government taxes.

- (a) Vehicles tax,
- (b) Latrine or conservancy tax,
- (c) Water- rate where water is supplied by the Gram Panchayat.
- (d) Lighting taxes, where the lighting of public streets are provided,

According to Article 243 H, the legislature of a State may authorise a Panchayat to levy, collect and appropriate such taxes, duties, tolls and fees. Besides this the Grama Panchayat receives funds like Jawahar Rojgar Yojana, Kendu Leaf Grant for developmental works. The Sarpanch prepares a budget and place before the Grama Panchayat for consideration in the financial year. The Grama Panchayat after consideration submit the budget to each Palli Sabha and then to the Grama Sasan for recommendations. After this process of modification and recommendation the budget is being submitted to the concerned Panchayat Samiti for approval. If the Panchayat Samiti is not satisfied with the budget then it has power to modify the budget. As per 73rd Amendment Act, 1992 inserted in the Article 243-1 of the Constitution the Governor have to constitute a Finance Commission to review the financial position and to make recommendations for maintaining sound financial position of Grama Panchayat.

Control Over Grama Panchayat

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. They can inspect any book, register, record or document of the Grama Panchayat. Besides the M.L.A of the area, Chairman of the Panchayat Samiti and President of the Zilla Parishad have the power to inspect their respective Grama Panchayat. As per section 11 (i) of the Orissa Panchayat Act, the Grama Panchayat is bound to provide all registers, documents and records to the above mentioned personnel. The Panchayat Raj department through Collector, Sub-Collector and District Panchayat Officer controls the Grama Panchayat. If the State feels a Grama Panchayat is not working as per the Orissa Grama Panchayat Act and Rules, then by notification the State Government can dissolve it. If the Sarpanch or Naib-Sarpanch refuses to carry out or violates the provisions of the Orissa Grama Panchayat Act or rules or abuse the powers vested in him than the District Collector after inquiry have the power to suspend the Sarpanch or Naib-Sarpanch and send a report to the State Government. 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.

Functions, Power and Duties of the Grama Panchayat

The main objective of the Grama Panchayat is 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 into two, like obligatory or compulsory and optional or discretionary. The following are the obligatory or compulsory functions of the Grama Panchayat.

1. It constructs, repairs, maintains and improvises the public roads.
2. It makes provision for lighting and cleanse of public roads and other important public places.
3. It constructs, maintains and cleanse drains and public latrines, urinals etc.
4. For the purposes of supply and storage of drinking water, it constructs, repairs and maintains tanks, wells or tube wells etc.
5. It makes adequate arrangements for scavenging, removal and disposal of filth, rubbish and other obnoxious polluted matters.
6. It takes steps for preventing and checking the spread of epidemic or infected diseases.
7. It maintains records of birth, death and marriages.
8. It prepares the census reports of human being and animals and registration of animal sold.
9. It protects, maintains and develops all properties entrusted to the management of the Grama Panchayat.
10. It regulates and controls the movement of cattle for protection of crops.
11. It demolishes the stray and ownerless dogs.
12. It renders all reasonable assistance to the Panchayat Samiti for establishing and maintaining primary education.
13. It supervises and maintains social conservation work.
14. It regulates 'melas', fairs, and festivals and maintains markets, hats and cart stands.
15. It implements schemes for agricultural extension.
16. Minor forest produce.
17. It takes steps for Small Scale Industries, food-processing industries.

18. It takes measures for rural housing.
19. It undertakes poverty alleviation, women and child welfare programmes.
20. It takes steps for social welfare including welfare of the handicapped and mentally retarded persons and public distribution system.

Optional or Discretionary Functions

The main optional functions of the Grama Panchayats are as follows:

1. Maintenance and Planting of trees on both side of the public streets and maintenance of village forests.
2. Establishment and improvement of livestock.
3. Construction, maintenance and regulation of slaughter houses.
4. Steps for assisting and advising farmers in reclaiming waste lands and cultivating fellow lands.
5. Management and development of different Co-operative Stores.
6. Relief from famine or other natural calamities.
7. Opening and maintenance of Libraries and Reading Rooms for villages.
8. Organisation of fire services and protection of life and property in case of fire.
9. Establishment of maternity and child welfare centers.
10. Establishment and maintenance of Akharas, clubs and other recreation centers.
11. Establishment and maintenance of works for providing employment in time of scarcity and establishment of Grainaries.
12. Promotion of cottage industries.
13. Maintenance and construction of Dharmasalas and rest houses.

14. Maintenance and organisation of agricultural industrial exhibitions.
15. Collecting statistics of unemployed.
16. Provisions for adult education, Establishment of Primary Schools with the prior approval of the concerned Panchayat Samities.
17. It can organize a body known as Grama Swechha Sevaka for assisting the Grama Panchayat during the time of emergency.
18. Prevention of gambling and implementation of the programme for prohibition.

Besides the above mentioned functions it has to perform such other functions, which are given on compulsory basis or optional basis by the State Government.

Power, Functions and Duties of Sarpanch

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

1. He convenes and presides over the meetings of the Grama Panchayat.
2. He is responsible for the proper maintenance of the record and proceedings of the meeting.
3. On behalf of the Grama Sasan, the Sarpanch execute documents relating to contracts.
4. He is responsible for all securities, properties, asset, records and documents of the Grama Sasan. He has control over it.
5. He is responsible for proper working of the Grama Panchayat.
6. He prepares all required statements and reports.

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

Sarpanch have to exercise such other power, discharge such other duties and perform such other functions as may be assigned to by the Government from time to time.

Power and Functions of the Naib-Sarpanch

The Naib-Sarpanch shall exercise such powers, discharge such duties and perform such function as delegated by the Sarpanch from time to time. In the absence of the Sarpanch the Naib-Sarpanch presides over the meetings of the Grama Panchayat. If the post of Sarpanch falls vacant the Naib-Sarpanch performs the functions of the Sarpanch until a new Sarpanch is elected.

Power of the Ward Members

Every ward member of the Grama Panchayats have the following right. Those are right to (a) access to the records of the Grama Panchayat after giving due notice to the Sarpach during office hours, (b) right to move resolutions and question any office bearer about the administration of the Grama Panchayat, (c) right to inspect all works undertaken by the Grama Panchayat. The members have the right to inspect all the institutions, controlled, managed and directed by the Grama Panchayat and to brought to the notice of the Sarpanch about any irregularities. In the absence of Sarpanch and Naib-Sarpanch at a meeting, any other member of the Grama Panchayat present may be elected to preside over the meeting.

Conclusion and Suggestions

The establishment of Grama Panchayat at the bottom is a praise-worthy step to facilitate

decentralization of power. The system of participation of the people in solving their own problem makes democracy more democratic. Steps taken as per 73rd Amendment Act of 1992 like constitution of rural local bodies by directly elected representatives on identical pattern of rural local government, an uniform term of five years, elections in time, adequate representation of women, S.Cs, and S.Ts for constitution of Election Commission and Finance Commission are laudable. It brought a sea change in the structure and working of rural local bodies in Orissa. No doubt it has achieved a lot. Still more freedom, power and financial autonomy should be given to Grama Panchayats for greater efficiency and competence. That will be entirely in keeping with our professed goal of democratic decentralisation. The primary objective of the rural local government is to protect democratic values and ensure social justice to people.

Some suggestions may be forwarded for the successful working of Grama Panchayat.

1. The success of the Grama Panchayat depends on the good and harmonious relationship between the elected representatives and other office bearers. The office bearers like District Panchayat Officer, Grama Panchayat Officer, and the Secretary of the Grama Panchayat should render guidance and help for better implementation of the developmental programmes.
2. Control over the Grama Panchayat by the Government and Collector or Sub-Collector should not be excessive, as this will kill the zeal and initiative of the members.
3. Grama Panchayat should be entrusted with power to collect almost all taxes of the area to strengthen its financial position.
4. After getting elected and assuming office of Sarpanch, Naib-sarpanch and Ward

Members, they should be given special training about the proper implementation of different developmental programmes. Training should be given to both elected representatives and other office bearers related with the Grama Panchayat activities jointly.

5. Minimum standard of education is required for successful working of rural local Government. So Government should take steps to prescribe a minimum standard of educational qualification for Sarpanchs and Ward Members.
6. Government should provide all the Acts, Rules and directions in Oriya to the Sarpanchs and Ward Members for successful working and implementation of programmes.
7. The Sarpanch, Naib-Sarpanch, Ward members should work honestly and sincerely as they are the representatives of their own local people. They should not waste time for their respective party politics. They should be thorough about the rules, regulations, instructions, direction and Grama Panchayat manual for better participation in the meeting and supervision of developmental programmes.
8. As in several other States like Gujarat, Kerala and Tamil Nadu, Panchayats in Orissa should be endowed with more financial power. The Panchayats should be empowered to collect holding, rural water supply and other taxes.
9. The various developmental programmes, which are now being carried out through rural development department, like rural water scheme and sanitation programme and the center-sponsored Swajaladhara Yojana should be transferred to the

Panchayati Raj Department, to empower the local rural bodies.

The life of the people is very complex at present. Hence, there is necessity of rural local government to solve local problem/ complexity. Local people can know better about the problem and if entrusted it can be solved by them properly. As it is stated that "The wearer of the shoe know better where it pinches". Since Grama Panchayats work as grass-root of democracy at the rural level, they should be given proper care.

Here it can be concluded with the words of Jaya Prakash Narayan that " Unless people realize that they and not the Government can take the country forward, no matter what amounts are spent on plans, the goal will not be achieved".

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