CHAPTER – 3

TERMS, THEORIES AND
CONCEPTUAL FRAMEWORK
Decentralized Planning:

Decentralized planning is defined as that from of planning where the task of formulating, adopting, executing and supervising the plan is placed not only a central authority but also on different planning authority of appropriate levels. In this method of planning local bodies are given greater freedom to formulate and implement the plan. Planning in India is decentralized. Here planning is done at central, state, district, block and Panchayat level. Decentralization of planning process makes planning more meaningful. Because in this process, local bodies are makes plan as per their needs. Functions also performed at appropriate level with greater efficiency.

According to S. N. Jha (1999) “Decentralized planning refers specifically to the involvement of institutions below the state level, necessitated both by administrative developmental exigencies and the constitutional status of local institutions after the 1992 Amendments.” The process of national planning was centralized planning process since 1950s. The bureaucratic plan implementation practice becomes failure due to lack of people’s participation in the planning and implementation process. The 73rd Amendment provide power, authority and responsibility to Panchayat Raj Institution to prepare plan and execute those plans at local level by ensuring people’s participation.

Decentralization of planning process would be fruitful and effective only when the levels of planning have to clear idea about their functions. One of the important steps in decentralized planning is to divide clearly and precisely the local planning functions among various area levels where they can be performed most efficiently.

Every planning level to which particular functions have been assigned must be providing with adequate financial resources so that the functions can be performed with greater efficiency.

Decentralization will have no mining if there is no such adequate power and responsibilities to different levels. Without adequate power different area level will not be able to perform their functions properly.
Top-down and bottom-up approaches

Top-down planning approaches describes the conventional procedure of systematic surveys on the basic of which plans are devised centrally and worked out in detail by professional staffs to meet goals that are also decided centrally. Implementation is again typically the responsibilities of line ministries or other Government agencies. Bottom-Up planning approaches describe that type of planning which is initiated locally and processed through the active participation of the community. The pooled experience and local knowledge of the land users and local technical staff are mobilized to identify the development project on priority basis, then draw up the plans and implement them.

Gram Panchayat

A Gram Panchayat (GP) normally covers a cluster of villages. This is the lowest tier of Panchayati Raj Institution. On an average each GP covered a group of villages with a population 10,000 – 12,000 people. The members of GP are directly elected by through the vote given by the all adult voters of that respective area or sansad. The Chairman of GP in known as Pradhan, Deputy-chairman is called Upa-pradhan. The GP members elect these two functionaries from amongst themselves and they can be removed by majority resolutions in the GP. The Act of 1973 provides administrative power to endow the GP with three sets of powers and functions: obligatory, delegated and discretionary.
The total elected members would vary between seven and twenty-five depending on the number of voters in the area. There would be a Secretary, a Job Assistant, a Technical Assistant, one or two Assistant and Tax Collectors, Village Chowkidars and a Gram Sebak as the officials of the GP.

**Panchayat Samity**

The middle tier of Panchayati Raj Institution is Panchayat Samiti. This tier is converged with development block. This tier replaced the earlier Anchalik Parishads. According to the West Bengal Panchayat Act., this consisted with the following representatives:

(a) Maximum of three members elected from each GP area on the basis of adult franchise,

(b) Two persons belonging to SC/ST and two women to be nominated by the state government

(c) Pradhans of the GP within the block area,

(d) Members of Lok Sabha and Bidhan Sabha within the block area (not minister)
The PS gives emphasis on direct election of members by voters, and at the same time, it provides for co-option and integration with other bodies. The combination enables the PS to emerge as the focal point of people representation in the block.

Panchayat Samiti headed by Sabhapati (chairperson) and a Sahokari Sabhapati (Vice-chairperson). The BDO is now the executive officer of the PS.

**Zilla Parishad**

In the three-tier Panchayat system, the Zilla Parishad is the highest tier at the District Level. According to the West Bengal Gram Panchayat Act of 1973, ZP had constituted by the following categories of members.

(a) Two persons to be directly elected from each block of the district,
(b) The Sabhapaties of all the PSs of the district (ex-officio)
(c) All the MPs and MLAs excepting the ministers from the district,
(d) Two persons from the SC/ST and two women members nominated by the state government.

The chairperson of ZP is called Sabhadhipati and deputy-chairperson is known as the Sahokari Sabhadhipati. The members of the ZP elect these two functionaries from amongst the directly elected members only. The DM is the executive officer of the ZP and ADM is its additional executive officer. All district level officers are statutorily linked to the corresponding standing committees.

Source: Prabhat Dutta and Payel Sen (2009)
A Schematic presentation on structure of Panchayati Raj Institution in West Bengal is given below. This structure can give an idea about the liaison between the three tires of Panchayati Raj Institution in West Bengal:

Gram Sabha

The Gram Sabha has been regarded as the ‘soul’ of Panchayati Raj. A Constitutional status was given to the Gram Sabha for the first time in 1993. Gram Sabha have given power to the people to ensure transparency and accountability in the system. All the adult voters of the gram Panchayat area is the member of gram sabha. All State Panchayat Acts have provided for the constitution of the Gram Sabha. In West Bengal Gram Sabha meeting held in the month of December to prepare the next year plan and budget, beneficiary selection etc.

The West Bengal government provided for a 2-tier structure for facilitating direct democracy. Village (Sansad) based bodies are named as Gram Sansads. In every Gram Sansad there is a Gram Unnayan Samiti which is responsible for scheme selection on the basis of local need and priority. Gram Unnayan Samiti...
makes the scheme list and in the Gram Sansad meeting sansad wise scheme selected. Two meetings of the Gram Sansad guides and advises the Gram panchayats about schemes for economic development, identifying the beneficiaries for poverty alleviation programmes, giving suggestions regarding budget, audit report, yearly administration report and recording objections regarding failure to implement development schemes. After making the sansad wise plans the gram Panchayat make draft plan as per upa-samiti. In the Gram Sabha the final plan prepared as per priority. And finally after approval of gram sabha, the gram Panchayat make the final plan and budget and send those to the upper level for approval.

**UPA-SAMITI:**

According to 73rd Amendment of Panchayat Act., there are five Upa-samities (sub-committees) at gram Panchayat level. Those are

i) Artho O Parikalpana Upa Samiti (Finance and Planning sub-committee)

ii) Krishi O Prani Sampad Vikas Upa Samiti (Agriculture and Animal husbandry development sub committee)

iii) Siksha O Janaswartha Upa-Samiti (Education and Public Health Sub-Committee)

iv) Nari Sishu Unnayan O Samaj Kalyan Upa-Samiti (Women child Development and Social Development Sub-Committee)

v) Silpa O Parikathamo Upa-Samiti (Industry and Infrastructure Sub-Committee)
Upa-Samiti Formation

After Pradhan selection of Gram Panchayat, within three months Gram Panchayat has to form Upa-Samiti. Pradhan and Upa-Pradhan (Ex-Officio) and directly elected member of Gram Panchayat and Ex-Officio member of Panchayat Samiti will be member of Upa-samiti but not more than three. BDO will issue a notice after deciding Date, Place and Time before minimum 7 days to call a meeting to select those three members of Upa-Samiti. After member selection BDO also call a meeting in the same way to select “SANCHALAK”. But no members will be selected for Artho O Parikalpana Upa-Samiti. Other Sanchalak of rest four Upa-Samiti will be Ex-Officio members of Artho O Parikalpana. Leader of opponent party member also will be member of Artho O parikalpana Upa-samiti. Minimum half of total member of Nari Sishu Unnayan O Samaj Kalyan Upasamiti must be women and also sanchalak also should be women. If the numbers of Gram Panchayat member is below or equal 10 then the number of upa-samiti member should be 1. In case of number of GP member 11 to 20 then the upa-samiti member should be 2 and upa-samiti member will be 3 when the number of GP member 21 or more. Upa-samiti will take plans and execute them at Gram Panchayat level. To execute under taking plans Artho O Parikalpana Upa-Samiti can expend upto Rs. 1,00,000/- and other upa-samiti can expend upto Rs 25,000/-

GRAM UNNAYAN SAMITI:

With the objectives of mandatory people’s participation, the West Bengal Government established the Gram Unnayan Samiti. Its formation, responsibility and duties inched in West Bengal Panchyat rules 70 to 74, 2004

All the voters of Gram Sansad area elect the Gram Unnayan Samiti. This Samiti is called as working committee of Gram Panchayat. It is mandatory to form Gram Unnayan Samiti in each Gram Sansad area. This samiti plays a vital role in executing a small scheme at local level.
Steps for Gram Unnayan Samiti formation :-

- Gram Panchayat will call a special Sansad meeting for GUS formation

- This meeting should be called before 15 days of the meeting mentioning date and time and also should disseminate the information about the meeting by mikeing, leafleting, drums beating etc.

- Gram Panchayat pradhan will be Chairman and in case of his/her absence Upa-Pradhan can or in absence of both, Gram Panchayat member of that particular Sansad can chair that meeting.

- 20% corum is must for that special meeting. If corum is not fulfilled in adjourned meeting then this meeting again adjourned and this process will go until the Gram Unnayan Samiti is formed.

- Gram Panchayat technical assistant or executive assistant or secretary or job assistant should act as presiding officer. And she/he will responsible for proceeding.

- If Block Development officer till needs, then BDO can recruit for an invigilator at block level for that special Gram Sansad meeting.

There are two categories of membership in the GUS, Reserve posts and unreserved posts. In reserve post following member can be held –

1. Elected Gram Panchayat member from that particular Gram sansad area.

2. That person who gets second highest votes in last election from that Gram Sansad area.

3. Three representative from three Govt. registered NGOs or CSOs or other group wise organizations.

4. Total three SHGs member from three SHGs of that Sansad area (one from each group)
5. One Government employee (Retd. or working) of that particular Gram sansad area.

6. One teacher (Retd. Or working) who resides of that particular Gram sansad area

Ten voters or one percent of the total voters of Gram Sansad area (which is maximum) will be selected as members in unreserved post.

Gram Unnyan Samiti shall meet three to four times in month to active the Samiti. In annual Gram Sansad meeting, the Sansad members shall evaluate the Gram Unnayan Samiti’s work progress and renew their membership.

Gram Unnayan Samiti shall prepare a five year plan and an Annual Action plan and necessary budget for economic and social development.

Samiti shall identify the local needs after discussion with local people especially rural poor. Those needs are food security, natural resource and employment, education, health and nutrition, women and child development and infrastructure and service delivery.

The activities of GUS can be divided into three categories like-

1. Without expense like – look after that all children are going to school or not. Public ration system working properly or not. Etc.

2. Low expensive work like forestation.

3. High expensive work like SSK building construction.

**People’s Participation:**

“Decentralized government and people’s participation in decision-making can cover a very wide range of public activities, it is useful to divide the possibilities
of decentralization into various categories: functional decentralization (in terms of administrative powers and responsibilities); financial devolution of both and resources and some powers of resource mobilisation; and planning and developmental activities. In addition, of course, there are other potential responsibilities which can be placed upon local government bodies, such as mobilisation for particular purposes. Discussions on decentralization have been heavily based on the principle of “subsidiarity”, which broadly can be interpreted to mean that all decisions which can feasibly be taken at lower levels should be taken at these lower levels, and that at every level there should be active participation of people, or of people’s representatives of the lower level, in decision-making.” (West Bengal Human Development Report, 2004)

**Principle of people’s participation -**

The greatest advantage of multilevel planning lies in its ability to reach the people and draw this affective participation for development. In these content two views on participation may be mentioned –

a) Mobilizing view

b) Empowering view.

Mobilizing view – This view considers participation as mobilization of people the success of development project.

Empowering view – According to this view people are empowered to take their own decision on the planning issues. It is this later view of participation which is relevant in multilevel planning. In this participatory strategy the megority of poper characterized by low income, low education level and non existent or restricted opportunities are empowered to express their views in forms devised by their participation.

(Source:West Bengal Human Development report 2004)
SALIENT POINTS OF WEST BENGAL PANCHAYAT ACT, 1973 AND 73RD CONSTITUTION AMENDMENT ACT.

In this Act, unless there is anything repugnant in the subject or context—

(1) “auditor” means an auditor appointed under section 186 and includes any officer authorised by him to perform all or any of the functions of an auditor under Chapter XVIII;

(2) “Block” means an area referred to in section 93;

(3) “Block Development Officer” means an officer appointed as such by the State Government

(4) “Case” means a criminal proceeding in respect of an offence triable by a Nyaya Panchayat

3(4a) “Collector” means an officer appointed as such by the State Government;

4(4b) “Council” means the Darjeeling Gorkha Hill Council constituted under the Darjeeling Gorkha Hill Council Act, 1988

(5) “District Magistrate” includes an Additional District Magistrate, a Deputy Commissioner, an Additional Deputy Commissioner and any other Magistrate appointed by the State Government to discharge all or any of the functions of a District Magistrate under this Act;

5(6) “Director of Panchayats” means the Director of Panchayats and Rural Development, Government of West Bengal, and includes a Joint Director of Panchayats and Rural Development, a Deputy Director of Panchayats and Rural Development and an Assistant Director of Panchayats and Rural Development;

(7) “District Panchayat Officer” means a District Panchayat and Rural Development Officer appointed as such by the State Government;
(8) “District Planning Committee” means the District Planning Committee established by the State Government for a district;

(9) “Extension Officer, Panchayats” means an officer appointed as such by the State Government;

(9a) “general election” means an election of members held simultaneously for constitution of Gram Panchayats, Panchayat Samitis, Mahakuma Parishad, or Zilla Parishads or any two or more of Gram Panchayats, Panchayat Samitis, Mahakuma Parishad, or Zilla Parishads in such area as the State Government may by notification specify;

(10) “Gram” means an area referred to in section 3;

(10) “Gram Panchayat” means a Gram Panchayat constituted under section 4;

(11a) “Gram Sabha” means a body consisting of persons registered in the electoral rolls pertaining to a Gram declared as such under sub-section (/) of section 3;

(11b) “Gram Sansad” means a body consisting of persons registered at any time in the electoral rolls pertaining to a constituency of a Gram Panchayat delimited for the purpose of last preceding general election to the Gram Panchayat;

(11c) “hill areas” has the same meaning as in the Darjeeling Gorkha Hill Council Act, 1988;

(12) “Karmadhyaksha” means the Karmadhyaksha of a Sthayee Samiti of a Panchayat Samiti elected under section 125 or of a Sthayee Samiti of a Zilla Parishad elected under section 172, as the case may be;

(12a) “Mahakuma Parishad” means the Mahakuma Parishad for the subdivision of Siliguri in the district of Darjeeling constituted under section 185B;

(13) “mouza” means an area defined, surveyed and recorded as such in the revenue record of a district and referred to in clause (g) of article 243 of the
Constitution of India as the lowest unit of area for the purpose of public notification for specifying a village;

3(13a) “Municipality” means an institution of self-government constituted under article 243Q of the Constitution of India;

(14) “notification” means a notification published in the Official Gazette;

(15) “Nyaya Panchayat” means a Nyaya Panchayat constituted under section 51;

4(15b) “Panchayat” means an institution of self-government constituted under article 243B of the Constitution of India, and includes Gram Panchayat, Panchayat Samiti, Mahakuma Parishad or Zilla Parishad;

(16) “Panchayat Samiti” means a Panchayat Samiti constituted under section 94;

6(16a) “population” means the population as ascertained at the last preceding census of which the relevant figures have been published;

(17) “Pradhan” means a Pradhan of a Gram Panchayat elected under section 9;

(18) “prescribed” means prescribed by rules made under this Act;

(19) “prescribed authority” means an authority appointed by the State Government, by notification, for all or any of the purposes of this Act;

(20) “public street” means any street, road, lane, gully, alley, passage, pathway, bridge, square or court, whether a thoroughfare or not, over which the public have a right of way, and includes side drains or gutters and the land up to the boundary of any abutting property, notwithstanding the projection over such land or any verandah or other superstructure;
(20A) “recognised political party” means a national party or a State party recognised as such by the Election Commission of India by notification for the time being in force;

(21) “Sabhapati” means a Sabhapati of a Panchayat Samiti, elected under section 98;

(22) “Sabhadhipati” means a Sabhadhipati of a Zilla Parishad [elected under section 143, and includes the Sabhadhipati of Mahakuma Parishad];

(23) “Sahakari Sabhapati” means a Sahakari Sabhapati of a Panchayat Samiti, elected under section 98;

(24) “Sahakari Sabhadhipati” means a Sahakari Sabhadhipati of a Zilla Parishad, [elected under section 143, and includes the Sahakari Sabhadhipati of the Mahakuma Parishad];

(25) “Scheduled Castes” means such castes, races or tribes or parts of, or groups within, such castes, races or tribes as are deemed to be Scheduled Castes, in relation to the State of West Bengal under article 341 of the Constitution of India;

(26) “Scheduled Tribes” means such tribes or tribal communities or parts of, or groups within, such tribes or tribal communities as are deemed to be Scheduled Tribes in relation to the State of West Bengal under article 342 of the Constitution of India;

(27) “State Planning Board” means the West Bengal State Planning Board established by the State Government;
Constitution of Panchayats:-

As per 73rd Constitutional Amendment Act, article 243B, ‘There shall be constituted, in every State, Panchayats at the village, intermediate and district levels in accordance with the provisions of this Part.’

Panchayats at the intermediate level may not be constituted in a State having a population not exceeding twenty lakh.

Composition of Panchayats:-

As per 73rd Constitutional Amendment Act, article 243C,

(1) ‘Subject to the provisions of this Part, the Legislature of a State may, by law, make provisions with respect to the composition of Panchayats:

Provided that the ratio between the population of the territorial area of a Panchayat at any level and the number of seats in such Panchayat to be filled by election, shall, so far as practicable, be the same throughout the State.

(2) All the seats in a Panchayat shall be filled by persons chosen by direct election from territorial constituencies in the Panchayat area, and for this purpose, each Panchayat area shall be divided into territorial constituencies in such manner that the ratio between the population of each constituency and the number of seats allotted to it, shall, so far as practicable, be the same throughout the Panchayat area.
(3) The Legislature of a State may, by law, provide for the representation—

(a) of the Chairpersons of the Panchayats at the village level, in the Panchayats at the intermediate level or, in the case of a State not having Panchayats at the intermediate level, in the Panchayats at the district level;

(b) of the Chairpersons of the Panchayats at the intermediate level, in the Panchayats at the district level;

(c) of the members of the House of the People and the members of the Legislative Assembly of the State representing constituencies which comprise wholly or partly a Panchayat area at a level other than the village level, in such Panchayat;

(d) of the members of the Council of States and the members of the Legislative Council of the State, where they are registered as electors within—

(i) a Panchayat area at the intermediate level,

(ii) a Panchayat area at the district level, in Panchayat at the district level.

(4) The Chairperson of a Panchayat and other members of a Panchayat whether or not chosen by direct election from territorial constituencies in the Panchayat area shall have the right to vote in the meeting of the Panchayats.

(5) The Chairperson of—

(a) a Panchayat at the village level shall be elected in such manner as the Legislature of a State may, by law, provide; and

(b) a Panchayat at the intermediate level or district level shall be elected by, and from amongst, the elected members thereof.
Reservation of seats:-

As per 73\textsuperscript{rd} Constitutional Amendment Act, article: 243D

(1) Seats of Panchayats shall be reserved for

(a) the Scheduled Castes ; and

(b) the Scheduled Tribes,

in every Panchayat and the number of seats so reserved shall bear, as nearly as may be, the same proportion to the total number of seats to be filled by direct election in that Panchayat as the population of the Scheduled Castes and Scheduled Tribes in that Panchayat area and such seats may be allotted by rotation to different constituencies in a Panchayat.

(2) Not less than one-third of the total number of seats reserved under clause (1) shall be reserved for women belonging to the Scheduled Castes or, to the Scheduled Tribes.

(3) Not less than one-third (including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes) of the total number of seats to be filled by direct election in every Panchayat shall be reserved for women and such seats may be allotted by rotation to different constituencies in a Panchayat.

(4) The offices of the Chairpersons in the Panchayats at the village or any other level shall be reserved for the Scheduled Castes, the Scheduled Tribes and women in such manners as the legislature of the state, by law, provide;

i) Provided that the number of offices of Chairpersons reserved for the Scheduled Castes and the Scheduled Tribes in the Panchayats at each
level in any State shall bear, as nearly as may be, the same proportion to the total number of such offices in the Panchayats at each level as the total population of the Scheduled Castes or of the Scheduled Tribes in the State bears to the population of the state;

**Duration of Panchayats :-**

As per 73rd Constitutional Amendment Act, article: 243E.

‘Every Panchayat, unless sooner dissolved under any law for the time being in force, shall continue for five years from the date appointed for its first meeting and no longer.’

Irregular election of Panchayat Raj Bodies was the general characteristics for some of the states. This provision resists the same.

**Powers, authorities and responsibilities of Panchayats. :-**

As per provision of the article 243G of the 73rd Amendment of the Constitution, “the legislature of a state may, 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—

(a) the preparation of plans for economic development and social justice

(b) the, implementation of schemes for economic development and social justice as may be entrusted to them including those in relation to the matters listed in the Eleventh Schedule.”
Constitution of Finance Commission:-

As per provision of the article: 243-I of the 73rd Amendment of the Constitution.

‘The Governor of a State shall, as soon as may be within one year from the commencement of the Constitution (Seventy-third Amendment Act, 1992), and thereafter at the expiry of every fifth year, constitute a Finance Commission to review the financial position of the Panchayats and to make position, recommendations to the Governor as to—

(a) the principles which should govern—

(i) the distribution between the State and the Panchayats of the net proceeds of the taxes, duties, tolls and fees leviable by the State, which may be divided between them under this Part and the allocation between the Panchayats at all levels of their respective shares of such proceeds;

(ii) the determination of the taxes, duties, tolls and fees which may be assigned to, or appropriated by, the Panchayats;

(iii) the grants-in-aid to the Panchayats from the Consolidated Fund of the State;

(b) the measures needed to improve the financial position of the Panchayats;

(c) any other matter referred to the Finance Commission by the Governor in the interests of sound finance of the Panchayats.
Elections to the Panchayats:-

As per article 243K

(1) The superintendence, direction and control of the preparation of electoral rolls for, and the conduct of, all election to the Panchayats shall be vested in a state election commission consisting of a State Election commissioner to be appointed by the governor.

(2) Subject to the appointed of, law made by the Legislature of a State, the conditions of service and tenure of office of the State election commissioner shall be such as the Governor may be rule determine. Provided that the state election commissioner shall not be removed from his office except in like manner and on the like grounds as a judge of a high court and the conditions of service of the state election commissioner shall not be varied to his disadvantages after his appointment.

(3) The governor of a state shall, when so requested by the state election commission, make available to the state election commission such staff as may be necessary for the discharge of the function conferred on the state election commission by clause (1)

(4) Subject to the provisions of this constitution the Legislature of a state may, by law, provision with respect to all matters relating to, or connection with, elections to the Panchayats.

Addition of Eleventh Schedule:-

As provided by the Section 243-O, after the Tenth Schedule to the Constitution, the following addition of Schedule shall be added, namely ELEVENTH SCHEDULE (as per Article 243-G) which are as follows.

1) Agriculture including agricultural extension.

2) Land improvement and land conservation.

3) Minor irrigation, water management and watershed development.
4) Animal husbandry, dairying and poultry.
5) Fisheries.
6) Social forestry and farm forestry.
7) Minor forest produce.
8) Small Scale industries including food processing industries.
9) Khadi, Village and cottage industries.
10) Rural Housing.
11) Drinking Water.
12) Fuel and Fodder.
13) Roads, culvert, bridge, ferries, waterways, and other means of communication.
14) Rural Electrification, including distribution of electricity.
15) Non conventional Energy sources.
16) Poverty alleviation programme.
17) Education including primary and secondary schools.
18) Technical training and vocational education.
19) Adult and Non formal education.
20) Libraries.
21) Cultural activities.
22) Markets and fairs.
23) Health and sanitation including hospital primary health centers and dispensaries.
24) Family Welfare.


26) Social Welfare including welfare of the handicapped and mentally retarded.

27) Welfare of the weaker sections and in particular, Scheduled Caste and Scheduled Tribes.

28) Public Distribution System.

29) Maintenance of Community assets.

From the Eleventh Schedule it is unambiguously stated that the Constitution of India delegate a large task upon the shoulder of Panchayats in order to establish an active and ‘real’ government on local areas.

As this study is on the basis of West Bengal Panchayat Raj Institution, now, discussion has made in some important provision of West Bengal Panchayats.

**Duties and responsibilities of gram Panchayat:-**

As per West Bengal Panchayat Act 1973, Section-19 the Obligatory duties of Gram Panchayat are:

1) A Gram Panchayat shall function as a unit of self-government and, in order to achieve economic development and secure social justice for all, shall, subject to such conditions as may be prescribed or such directions as may be given by the State Government,—

   (a) Prepare a development plan for the five-year term of the office of the members and revise and update it as and when necessary with regard to the resources available;

   (b) Prepare an annual plan for each year by the month of October of the preceding year for development of human resources, infra-structure and civic amenities in the area;
(c) Implement schemes for economic development and social justice as may be
drawn up by, or entrusted upon it.

(2) Without prejudice to the generality of the provisions of subsection (1) and subject
to such conditions as may be prescribed or such directions as may be given by the
State Government, the duties of a Gram Panchayat shall be to provide within the
area under its jurisdiction for:-

i. Sanitation, conservancy and drainage and the prevention of public
nuisances;

ii. Curative and preventive measures in respect of malaria, small pox,
cholera or any other epidemic;

iii. Supply of drinking water and the cleansing and disinfecting the sources
of supply and storage of water;

iv. The maintenance, repair and construction of public streets and the
protection thereof;

v. The removal of encroachments of public streets or public places;

vi. The protection and repair of buildings or other property vested in it;

vii. The management and care of public tanks, subject to the provisions of
the Bengal Tanks Improvement Act, 1939, common grazing grounds,
burning ghats and public graveyards;

viii. The supply of any local information which the District Magistrate, the
Zilla Parishad’ the Mahakuma Parishad, the Council or the Panchayat
Samiti within the local limits of whose jurisdiction the-Gram Panchayat
is situated may require;

ix. Organizing voluntary labour for community works and works for the
upliftment of its area;

x. The control and administration of the Gram Panchayat Fund established
under this Act;
xi. The imposition, assessment and collection of the taxes, rates or fees leviable under this Act;

xii. The maintenance and control of Dafadars, Chowkidars and Gram Panchayat Karmees within its jurisdiction and securing due performance by the Dafadars, Chowkidars and Gram Panchayat Karmees of the duties imposed on them under this Act;

xiii. The constitution and administration of the Nyaya Panchayat established under this Act; and

xiv. The performance of such functions as may be transferred to it under section 31 of the Cattle-trespass Act, 1871.

(3) A Gram Panchayat shall not omit or refuse to act upon any recommendations of a Gram Sansad relating to prioritization of any list of beneficiaries or scheme or programme so far as it relates to the area of the Gram Sansad unless it decides in a meeting for reasons to be recorded in writing that such recommendation or recommendations are not acceptable or implementable under the provisions of the Act or any rule, order or direction there under; such decision of the Gram Panchayat shall be placed in the next meeting of the Gram Sansad.

As per Section-20 of West Bengal Panchayat Act 1973 other duties of Gram Panchayats are as follows:

(1) A Gram Panchayat shall also perform such other functions as the State Government may assign to it in respect of—

(a) Primary, social, technical, vocational, adult or non-formal education;

(b) Rural dispensaries, health centers and maternity and child welfare centres;

(c) Management of any public ferry under the Bengal Ferries Act, 1885;

(d) Irrigation including minor irrigation, water management and watershed development
(e) Agriculture including agricultural extension and fuel and fodder;

(f) Care of the infirm and the destitute;

(g) Rehabilitation of displaced persons;

(h) Improved breeding of cattle, medical treatment of cattle and prevention of cattle disease;

(i) Its acting as a channel through which Government assistance should reach the villages;

(j) Bringing waste land under cultivation through land improvement and soil conservation

(k) Promotion of village plantations social forestry and farm forestry

(l) Arranging for cultivation of land lying fallow;

(m) Arranging for co-operative management of land and other resources of the village;

(n) Assisting in the implementation of land reform measure in its area;

(o) Implementation of such schemes as may be formulated or performance of such acts as may be entrusted to the Gram Panchayat by the State Government;

(p) Field publicity on matters connected with development works and other welfare measures undertaken by the State Government;

(q) Minor forest produce;

(r) Rural housing programme;

(s) Rural electrification including distribution of electricity;

(t) Non-conventional energy sources; and

(u) Women and child development.
(2) If the State Government is of opinion that a Gram Panchayat has persistently made default in the performance of any of the functions assigned to it under subsection (7), the State Government may, after recording its reasons, withdraw such function from such Gram Panchayat.

Discretionary duties of Gram Panchayat; Section-21 of West Bengal Panchayat Act 1973 :-

Subject to such conditions as may be prescribed, a Gram Panchayat may, and shall if the State Government so directs, make provision for—

(a) the maintenance of lighting of public streets;

(b) planting and maintaining trees on the sides of public streets or in other public places vested in it;

(c) the sinking of wells and excavation of ponds and tanks;

(d) the introduction and promotion of co-operative farming, co-operative stores, and other co-operative enterprises, trades and callings;

(e) the construction and regulation of markets, the holding and regulation of fairs, melas and hats and exhibitions of local produce and products of local handicrafts and home industries;

(f) the allotment of places for storing manure;

(g) assisting and advising agriculturists in the matter of obtaining State loan and its distribution and repayment;

(h) filling up of insanitary depressions and reclaiming of unhealthy localities;

(i) the promotion and encouragement of cottage Khadi, village and small-scale including food processing industries;

(1) promotion of dairying and poultry;

(2) promotion of fishery;
(3) poverty alleviation programme;

(j) the destruction of rabbit or ownerless dogs;

(k) regulating the production and disposal of foodstuffs and other commodities in the manner prescribed;

(l) the construction and maintenance of rest houses, cattle sheds and cart stands;

(m) the disposal of unclaimed cattle;

(n) the disposal of unclaimed cropses and carcasses;

(o) the establishment and maintenance of libraries and reading rooms;

(p) the organization and maintenance of clubs and other places for recreation or games; (1) cultural activities including sports and games; (2) social welfare including welfare of the handicapped and mentally retarded; (3) welfare of socially and educationally backward classes of citizens and, in particular, of the Scheduled Castes and the Scheduled Tribes; (4) public distribution system; (5) maintenance of community assets;

(q) the maintenance of records relating to population census, crop census, cattle census and census of unemployed persons and of other statistics as may be prescribed;

(r) the performance in the manner prescribed of any of the functions of the Zilla Parishad or the Mahakuma Parishad or the Council, as the case may be, with its previous approval, calculated to benefit the people living within the jurisdiction of the Gram Panchayat;

(s) rendering assistance in extinguishing fire and protecting life and property when fire occurs;

(t) assisting in the prevention of burglary and dacoity; and

(u) any other local work or service of public utility which is likely to promote the health, comfort, convenience or material prosperity of the public, not otherwise provided for in this Act.
Gram Panchayat Meeting:-

Every Gram Panchayat shall hold a meeting at least once in a month in the office of the Gram Panchayat. Such meeting shall be held on such date and at such hour as the Gram Panchayat may fix at the immediately preceding meeting

1) The Pradhan or in his absence the Upa-Pradhan shall preside at the meeting of the Gram Panchayat; and in the absence of both or on the refusal of any or both to preside at a meeting, the members present shall elect one of them to be the President of the meeting.

2) One-third of the total number of members subject to a minimum of three members shall form a quorum for a meeting of a Gram Panchayat and no quorum shall be necessary for an adjourned meeting.

3) All questions coming before a Gram Panchayat shall be decided by a majority of votes and in case of equality of votes the person presiding shall have a second or casting vote:

Meetings of Gram Sansad (Section-16) :-

In terms of Section 16A of West Bengal Panchayat Act, 1973

➢ Every constituency of a Gram Panchayat shall have a Gram Sansad consisting of electors of the concerned constituency

➢ Every Gram Panchayat shall hold within the local limits of the Gram an annual and a half-yearly meeting for each Gram Sansad at such place, on such date and at such hour as may be fixed by the Gram Panchayat

➢ The annual meeting of the Gram Sansad shall be held ordinarily in the month of May and the half-yearly meeting of the Gram Sansad shall be held ordinarily in the month of November every year.

➢ A Gram Panchayat may, in addition to the annual and the half-yearly meeting, hold extraordinary meeting of a Gram Sansad at any time if the situation so
warrants or if the State Government, by order, so directs for the purpose of holding such extraordinary meetings.

- Every meeting shall be presided over by the Pradhan and, in his absence, by the Upa-Pradhan and in the absence of both, the member or one of the members, as the case may be, elected from the constituency comprising the Gram Sabha or, in the absence of such member or members, any other member of the Gram Panchayat shall preside over the meeting:

- One-tenth of the total number of members shall form a quorum for a meeting of a Gram Sansad

- A Gram Sansad shall guide and advise the Gram Panchayat in regard to the schemes for economic development and social justice undertaken or proposed to be undertaken in its area and may, without prejudice to the generality of such guidance and advice,—

(a) Identify, or lay down principles for identification of, the schemes which are required to be taken on priority basis for economic development of the village,

(b) Identify, or lay down principles for identification of, the beneficiaries for various poverty alleviation programmes,

(c) Mobilize mass participation for community welfare programmes and programmes for adult education, family welfare and child welfare.

(e) Promote solidarity and harmony among all sections of the people irrespective of religion, faith, caste, creed or race,

(f) Record its objection to any action of the Pradhan or any other member of the Gram Panchayat for failure to implement any development scheme properly or without active participation of the people of that area.
Gram Sabha Meeting (Section 16-B)

Every Gram shall have a Gram Sabha consisting of all electors pertaining to the area of the Gram Panchayat.

(1) Every Gram Panchayat shall hold within the local limits of the Gram Panchayat an annual meeting, ordinarily in the month of December every year, of the Gram Sabha after completion of the half-yearly meeting of the Gram Sansads.

(2) The Gram Panchayat shall, at least seven days before the date of holding the meeting give public notice of such meetings by beat of drums as widely as possible, announcing the agenda, place, date and hour of the meeting. A notice of such meeting shall also be hung up in the office of the Gram Panchayat. Similar publicity shall also be given in the case of an adjourned meeting.

(3) A meeting of the Gram Sabha shall be presided over by the Pradhan of the concerned Gram Panchayat or, in his absence, by the Upa-Pradhan.

(4) The Gram Sabha shall deliberate upon, recommend for, and adopt resolution on, any matter referred to in sub-section (6) of section 16A and section 17A:

(5) The Gram Panchayat shall, on considering and collating the resolutions of the Gram Sansads, place before the Gram Sabha the resolutions of the Gram Sansads and the views of the Gram Panchayat together with its report on the actions taken and proposed to be taken on them for deliberation and recommendation by the Gram Sabha.

In pursuance of the provision of 73rd constitutional amendment Act, West Bengal Government lays more emphasis on meeting of Gram Sabha meeting.

(Source-West Bengal Panchayat Act,1973)
Constitution of Upa-Samitis:-

As per West Bengal Gram Panchayat Administration Rules, 2004, every Gram Panchayat shall, as soon as may be within three months following the first meeting, constitute Five Upa-Samitis under sub-section (2) of section 32A of the West Bengal Panchayat Act1973.

Sanchalak:– Within one week from the date of constitution of the Upa-Samiti, the members of the respective Upa-Samity elect in a meeting one member from themselves as Sanchalak of each Upa-Samiti. The most important aspects in this regard is that the Sanchalak of the Nari O Sishu Unnayan Upa-Samity should be women.

Subjects to be dealt by Upa-Samitis.

The Upa-Samiti of a Gram Panchayat shall deliberate upon and deal with the subjects as specified in the next page.

As per West Bengal Gram Panchayat Administration Rules, 2004.

(l) Every Upa-Samiti shall prepare schemes and perform the functions of the Gram Panchayat in relation to the subjects allotted to it within its budgetary provisions. It shall also be responsible for implementation of the works and schemes of the Gram Panchayat and those assigned to it by different departments of the State Government relating to the subjects as specified in the above table.

Provided that the financial limits to which an Upa-Samiti is competent to execute works and schemes undertaken by the Gram Panchayat, shall be such as may, from time to time, be fixed by the Gram Panchayat or by the State Government.
(2) For every item of expenditure exceeding its financial limit, each Upa-Samiti shall prepare proposal and place to the Gram Panchayat for approval. It shall be the duty of each Upa-Samiti to carry out the decision of the Gram Panchayat on such proposal.

(3) An Upa-Samiti shall not alter the budgetary allocation of funds made by the Gram Panchayat according to the subjects allotted to it.

(Source:- West Bengal Gram Panchayat Administration Rules, 2004)