Administrative pattern of the Panchayat in West Bengal

A structure without a foundation is a myth. The theory is as true as the "sun rises in the east and sets in the west". The pyramidal structure of Panchayat rests in the Gram Sabha - the very basic organ of the Panchayat. Thus the Gram Sabha is the very base and foundation of the edifice of Panchayat. The growth of democratic ideas and the fulfilment of the ideals of "democratic decentralisation" recommended by the Balwantrai Mehta Committee prompted the national government to set up a society where Athenian type of democracy will have its first appearance and a positive role to play. A proto-type of the Swiss Lands-gemeinde - popular assembly of all adult male citizens - and the Indian village assembly of the ancient type were necessary to confer benefits to every adult to participate in the affairs of administration and legislation.

One may eulogise the comprehensive character of the Gram Sabha which includes all the adult members, residing within the jurisdiction and campus of the Gram Sabha. The persons who are excluded from the membership of the Gram Sabha are those who have been denied the legal right of franchise by the national Parliament.

The constitution of the Gram Sabha, its area and


* Foot note: Only five cantons in Switzerland out of 22 have still retained "Lands - gemeinde". They might be called democracies of the open air type. Their chief characteristic is the fact that the superior power is not only vested in the people as in all other cantons, but is effectively

Contd....
Jurisdiction are generally determined by the state Government. In constituting a Gram Sabha the practice of the State Government shows that the latter generally follows the criterion of population. The prescribed rule in this context is that the population of a Gram Sabha must always vary between 750 and 1500. Moreover, a Gram Sabha must fulfil another qualification: it must have at least 250 voters.

The requisite qualifications for membership in Gram Panchayat (equivalent organisation of Gram Sabha) in Bihar are the maturity and residence qualifications but the Act does not make it clear whether he (the member concerned) is to be a voter or not. Of course, the disqualifications for membership enumerated under section 4 of the Act are more or less tantamount to the disqualifications of voters in the election of the state and Union Parliament. But the section in guaranteeing all adult residents of the village or a part of a village the right to membership fail to enumerate the citizenship qualifications which is a 'must' for conferring voting right to any person. The U.P. Panchayat Raj Act, 1947 is an improvement in this respect because Section 5

*exercised by them in an annual open air meeting" (vide F. Rappard W.P. - The Government of Switzerland, 1936, PP 35-36.)

of the Act lays down :-

(i) A gram sabha shall consist of all adults ordinarily resident within the area for which it is established but a person shall be disqualified for being a member of the gram sabha if the (a) is not a citizen of India, or
(b) is of unsound mind and stands so declared by a competent court.

(ii) A person shall be deemed to be ordinarily resident in a village if he has been ordinarily residing in such village or towns, or is in possession of a dwelling house therein, ready for occupation."

In other words, the ..,. Panchayat Raj Act, 1947 in its Section 5 lays down that all adult residents of sound mind who are citizens of India will enjoy the benefit of membership of the Gram Sabha.

To sum up the minimum requisites for the constitution of a Gram Sabha in West Bengal are that, firstly, a Gram Sabha must have at least 750 people and; secondly, it must have at least 250 voters. The analogous organ of our West Bengal Gram Sabha in Great Britain is the Parish meeting which is an assemblage of all local government electors. John P.R. Haud observes that 'this is the only form of direct government existing in England.'

Meetings of the Gram Sabha:

It is obligatory on the part of every Gram Sabha to

1. Local Govt. in Modern England, 1932, Ch. IV, P-73.
hold each year one annual and another half-yearly general meeting in the months of January and October respectively. Apart from the aforesaid ordinary meeting extraordinary general meeting of the Gram Sabha may also be convened by the Adhyaksha of the Gram Panchayat at any time; and upon a requisition in writing by not less than one fifth of the total members of the Gram Sabha, the extraordinary general meeting shall be convened by the Adhyaksha within twenty-one days from the receipt of such requisition.

Duties of the Gram Sabha:

Just as the Loke Sabha or Rajya Sabha has been the "checking valve" against the excesses of the executive machinery in the democratic set up of the Indian administration, the basic organ of local democracy - Gram Sabha happens to be such "checking valve" of the local executive i.e., the Gram Panchayat. At the annual general meeting of the Gram Sabha has been given the power of considering the budget for the following year and the report of work done during the previous year by the Gram Panchayat and the work proposed to be done during the following year. Furthermore, the Act has empowered the Gram Sabha to give such directions to the Gram Panchayat as it may deem necessary. At the half-yearly general meeting the Gram Sabha will consider the latest report on the audit of accounts of a previous year and statement of accounts of the previous year and also the supplementary budget estimate of the current year, if any.

2. Sec.8 sub/sec.(1) of the W.B.Panchayat Act,1957.
3. Sec.8, sub-sec.(1) of the W.B.Panchayat Act,1957.
The meeting of the Gram Sabha shall be presided over by the Adhyaksha of the Gram Panchayat and in his absence the same duty would fall upon the Upadhyaksha of the said organ. In the absence of both Adhyaksha and Upadhyaksha meetings will be presided over by a member of the Gram Sabha elected by the members present therein. It is also laid down in the Act that one-tenth of the total number of members of the Gram Sabha must be present to form a quorum.

On analysis it is found that it is obligatory on the part of the Gram Sabha to hold two meetings in a year but in England the meeting of the Parish may be held once or twice a year to make decisions and to elect the Chairman. Every member of the Gram Sabha has the right of demanding from the Gram Panchayat information on all matters relating to the administration of the Gram Panchayat at the annual general meeting of the Gram Sabha; so also the Parish meetings in England have means of calling attention to default on the part of superior authorities where the authority (e.g. the Rural District Council) is not performing its statutory duties in relation to the Parish. It is also found that Parish Meetings have power to preserve local amenities and special privileges which are apt to be overlooked in the administrative work of the superior authorities.

1. Sec. 9 sub sec(3) of the W.B.Panchayat Act, 1957.
2. Sec. 10. Sub sec.(1) Ibid.
3. Finer - English Local Govt. 1950 P-119.
4. Sec. 9, sub-sec.(2) of the W.B.Panchayat Act, 1957.
5. Finer - English Local Govt. 1950, P-119.
The Parish meeting in England is more powerful organ than its corresponding organ Gram Sabha in West Bengal. If we enumerate the powers of the Parish meeting we find the organ 'can provide allotments, and vote any stopping or diversion of public rights of way'.

More important is its power to make complaints to the County Council that the Rural District Council is in default with regard to housing schemes or to be the provision of water supply and sewerage the powers which our West Bengal Gram Sabha do not possess.

Of course, the West Bengal Panchayat Act has provided that the Gram Sabha can question its executive if the latter is found to be in default. But if the executive i.e. Gram Panchayat does not deem it necessary to turn its noble eyes to the criticism and suggestions put forward by the Gram Sabha and goes on doing whatever it would like - then, what penal measures have been conceived of against the recalcitrant Gram Panchayat? The answer must be in the negative as the members of the Gram Sabha have no right of moving a no-confidence motion against its executive and also the power of complaint before the higher authorities, as the British system has conferred, has been denied.

The report of the study team on the position of Gram Sabha in Panchayati Raj movement published in April, 1963 shows the dwindling position of the Gram Sabha in almost all states in India. The reasons for the dwindling position

1. Ibid.
of the Gram Sabha are, firstly, as the team has enumerated, that the organ has not yet been statutorily recognised all over in India and; secondly, that even where they have been statutorily established they are unfortunately not in a functioning order.

In a nutshell the present drawbacks of the Gram Sabha may be said thus: the meetings of the Gram Sabha are not held regularly and the meetings, where held, are generally very poorly attended and the figures of attendance given are in many cases inflated. The adult population of many villages, where Gram Sabhas exist, are in many cases unaware of the rights and responsibilities which belong to them as members of the Gram Sabha.

Apart from the defects thus enumerated there are other several outstanding lapses which cannot be avoided at any cost. Amongst them, the 'personal nature' of village politics whereby the villagers while exercising their vote do not take into consideration policies, programmes or ideological concepts but vote for or against personalities are worth to be mentioned. Herein, when a particular leader is elected to the Panchayat the villagers who have elected him feel that their duties have ended and that the leader would now act for them.

The absence of a well recognised common venue for the meetings of the Gram Sabha in each village has also been responsible for the disintegration of the Gram Sabha.

Often several villages are grouped together in order to constitute a Gram Sabha - a fact which debar many members of the Gram Sabha to attend the meeting held at a distant venue. Sometimes the meetings of the Gram Sabha are held at a time when the villagers are not free. Especially the annual general meeting of the Sabha, which is an important meeting in the year where budget estimates are considered, is held during the harvesting season i.e. in the month of January when the agriculturists in West Bengal are mostly engaged in fields. Thus they do not find any urge or energy to attend such meeting. In the annual general meeting the Adhyaksha generally lays down the cases of assessment made under the direction of the Pradhan though the Act and its rules have not clearly empowered him to do the same. In the said meeting the members of the Gram Sabha had in some cases vehemently opposed the nature and method of taxation and requested the Adhyaksha to move the matter in the meeting of the Anchal Panchayat. The Adhyaksha had in some cases did the same and the Anchal had in many cases supported him but they were of no avail because the final preparation of the assessment list did not lie with the Anchal Panchayat but with the Supervisor of Panchayats who is an appointee of the State Government.

A perusal of the W.B.Panchayat Rules No.112-Sub-rules (1) & (2) 1958 will bring out the truth of the statement. The Rules state:

"(1) The assessment list prepared under rule 141 shall be approved by the Anchal Panchayat at a meeting.

(2) A duplicate copy of the assessment list

1. Sec.9, sub-sec. (1) Cl(a) of the W.B.Panchayat Act, 1957 read with W.B.Panchayat Rules,1958, No.3 sub rule(2).

* The incident took place in the Jendur Gram Panchayat under P.S.Rampurhat in the District of Birbhum.
so prepared shall be sent to the Supervisor of Panchayats not later than 1st January of each year together with a copy of the budget and if the Supervisor thinks that the assessment made is inequitable, excessive or will fall short of the financial requirements of the year concerned he shall direct the Anchal Panchayat not later than the 15th January of the same year to revise the list and the Anchal Panchayat shall prepare a revised list accordingly.*

Thus the villagers have clearly understood the limitations of the powers of Gram Sabha. The people in many cases are hard hit by the nature and quantum of taxes imposed by the Anchal Panchayat as the tax structure in most areas has gone up seven to eight times in comparison with the former Union Board but they find no actual relief in the meetings of the Gram Sabha. This has caused spathy amongst the rural people for attending the meetings of the Gram Sabha.

The announcement of the date, place and time of the meeting of the Gram Sabha is also defective. The usual method of announcing the date, time and venue of the meeting is the beating of drums by the Choukidars and it is reported that the latter often do not beat the drums properly and as a result very few people become aware of the impending meeting of the Gram Sabha.

Usually the Pradhans and the Adhyaksha as the case may be some times try to avoid attending Gram Sabha meetings as the opposition group in the meeting might raise embarrass questions. The ruling elite of the village,

* Many people in the district of Birbhum complained to the author that the "Gram Sabha is a farce."
therefore, sometimes even go to the length of ensuring that Gram Sabha meetings are not properly advertised.

Above all, the villagers are aware of the doubtful value of the Gram Sabha and they find it more useful to be engaged in their own productive venture, or even to enjoy leisure at home, rather than attend the Gram Sabha meetings, which are of no direct interest to them. This apathy which is also visible in municipal areas, etc. is all the more evident at the Gram Sabha level.

The growth of modern industrialisation has contributed to the declining status of the rural parishes in England and no one can really expect a resuscitation of the rural parishes given the present conditions of the industrial system. Mr. Finer, a well-known author on British Local Government, suggests that unless there is a migration back to the land the rural parishes in England will not grow in administrative importance. But the author still admits that the parish meeting in a Parish where there is no Parish Council is valuable as a means of safeguarding the interests of the village when they are in any way threatened. What to speak of Gram Sabha in India which is primarily an agricultural country - where agriculture is the backbone of the nation and mainstay of occupation and profession and where democracy is in its infant stage and in its experimentation.

2. Finer - English Local Govt., 1950, P-121.
3. Ibid.
Considering the above facts and circumstances, the role of the Gram Sabha cannot be denied at any rate. Gram Sabha has been the unit of popular as well as political education: it has been the organ where basic principles of democracy as well as administration are to be taught and learnt. Apart from the political aspect it has its economic aspect too. It is the organ where village production plans can be formulated and discussed; budget can be enacted and passed. Gram Sabha has been the prototype of the ancient village assembly which was a politico-economic and socio-economic organ in the body-politic of India.

Therefore, the outstanding defects which cause impediment to the smooth functioning of the Gram Sabha ought to be removed and remedied and made as perfect as possible to serve the desired object and to attain the ultimate goal. The study team, though critical in its approach towards the functioning and actual working of the Gram Sabha, was emphatic in its resuscitation, revitalisation and reform. "It is necessary to bring the Gram Sabha into the picture and to provide gradual strength to the institution." "The essence of democracy", in the opinion of the team, 'does not merely consist in offering a good and efficient government at a particular level but it lies in its ability to strengthen the cohesive functioning of that particular institution'. The Gram Sabha could alone help to create a climate which would secure the essentials of democracy and endow the total government structure of the village community with a social base. To develop adequate objectivity and a balanced view towards village problems, we feel.

that what is required is not certainly to deny the right of self-government to the village but to provide opportunities of effective education to the general mass of the village community as well as to its elected members. The opportunity of participating in Gram Sabha (and Panchayat administration) represents by itself an important phase of this process of self-education and development.

Gram Panchayat:—

The twin problems of deliberation and execution of Governmental method in administration have been clearly demarcated by the Panchayat Act of West Bengal. It has been the practice of modern state that one body will resolve and another would execute owing to the influence and actual operation of the theory of separation of powers propounded by Montesquieu, the well known French Philosopher, long ago.

If the Gram Sabha be an organ for consideration of works done by the Gram Panchayat and consideration of the budget framed by the latter, then the Gram Panchayat would definitely be a deliberative-cum-directive organ and, in a sense, it has been the guide, the adviser and the controller of its executive.

Under the Act every Gram Sabha shall have a Gram Panchayat. Gram Panchayat will consist of nine to fifteen members elected by the members of the Gram Sabha for four years. In the case of failure of election of the members of Gram Panchayat a second election shall be arranged; and if second election so fails the State Government may appoint member or members of the Gram Panchayat and

1. Ibid, P-19.
the member or members so appointed shall be deemed to be a duly elected member.

The actual number of members for each Gram Panchayat is determined on the basis of population of a Gram Sabha.

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<th>Population of the Gram Sabha area</th>
<th>No. of members in Gram Panchayat</th>
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<td>Upto 750</td>
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<td>from 751-950</td>
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<td>Over 1500</td>
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A gram Panchayat may have also its associate members which will not exceed one-third of the total number of members. This act of association of members with a Gram Panchayat is done by the State Government. The members so associated will be deemed to be the members of the Gram Panchayat for all purposes except that they shall not have the right to vote and shall not be eligible for being elected as Adhyaksha or Upadhyaksha.

The technique of associating a member or members with an administrative organ is a novel discovery in the twentieth century Indian experiment for democracy and self-Government. It goes without saying that administration—twentieth century Indian experiment for democracy and self-Government. It goes without saying that administration—twentieth century Indian experiment for democracy and self-Government. It goes without saying that administration—twentieth century Indian experiment for democracy and self-Government.
to be real, effective, operative and objective must be associated with the experienced and experts. The Act thus following the said purpose has empowered the State Government to associate with a Gram Panchayat the prescribed number of members who might possess special qualifications for servicing on the Gram Panchayat. But good, effective and purposive administration is not all. The aim and object of the Panchayati Raj is to introduce 'participating democracy', self-government, self-rule and self-education. Therefore, to associate a member with a Gram Panchayat, whom the people do not want, for any number of period without the advice and consent of the Gram Panchayat as well as the Gram Sabha is definitely derogatory to the fundamental principles of democracy and self-government.

One should not miss the opportunity to compare the composition of the West Bengal Gram Panchayat with the British Parish Council which contains all elected elements. Mr. Finer observes that "the Parish Council is elected every three years at the annual parish meeting". In striking contrast with the West Bengal Panchayat one may find that a Parish meeting (which resembles our Gram Sabha) may or may not have a Parish council. The practice shows that every Rural Parish (i.e. one which is included in a Rural District) must have a Parish Council if it has a population exceeding 500. But if its population varies between 100 and 300 it can have a council provided it desires to have the same. Moreover, a Rural Parish having a population of less than 100 can also have a Parish council if the County Council gives

The organ akin to our West Bengal Gram Panchayat is the executive Committee in Bihar consisting of firstly, the Lekhia (elected by the Gram Panchayat from among its members); secondly, four members to be elected by the Gram Panchayat; and lastly, four members to be appointed by the Lekhia. It is very peculiar to note that the Panchayat system in East Bengal has not given any power to the Adhyaksha of the Gram Panchayat to appoint any member in the said organ which the Bihar system has conferred. In this context the U.P. Panchayat system shows its compliance with the West Bengal system in executive Committee. - (The West Bengal Panchayat consists of members duly elected by the Gram Sabha).

Officers of the Gram Panchayat:

Under the Act each Gram Panchayat will have one Adhyaksha and one Upadhyaksha elected from amongst the members of the Gram Panchayat and they hold their offices for four years unless otherwise removed. It is not necessary that the Adhyaksha and the Upadhyaksha of a Gram Panchayat will always be elected members; even an appointed member can be an Adhyaksha or an Upadhyaksha. The Act has empowered the prescribed authority (i.e. the Director of Panchayats) to appoint members of a Gram Panchayat from amongst the members of a Gram Sabha to constitute its first Gram Panchayat and also its first Adhyaksha and Upadhyaksha from amongst the members of the same Gram Panchayat for a year. The mode of appointment of members as well as

Adhyaksha and Upadhyaksha of the first Gram Panchayat, though contrary to the basic principles of democracy, should receive welcome at the initial stage of the Panchayat system as the ignorant masses of the Gram Sabha might not be able to furnish capable members to constitute its executive through the method of election as envisaged by the Act. Moreover, there is also the room for rampant party politics and power politics which might cause impediments to the system of aforesaid election. Even the matured rural democracy prevailing in the U.S.A. has not yet been sufficiently able to relegate the system of nomination. The analogous organ of our West Bengal Gram Panchayat is the County Board in the U.S.A. The members of this Board are usually known as Commissioners or Supervisors. They differ in number and in method of selection from state to state. In most states the Boards are small, consisting of from three to seven members. In some, however, the Board is a larger body, including from fifteen to twenty-five members or even more. Sometimes its members are elected by the votes of townships, one or more from each, sometimes from the various towns and cities in the county, while sometimes (especially in southern states) the Board is made up of the county judge, the justices of the peace, and certain other ex-officio members. "In Connecticut where the county is of slight importance, the Board is chosen by the state Legislatures, in practice upon their nomination."

of the county’s delegation in the body.”

Qualifications and disqualifications of Adhyaksha, Upadhyaksha and other members of the Gram Panchayat.

The Act has laid down that a member of a Gram Panchayat, or an Adhyaksha or an Upadhyaksha must be twenty five years of age. The emphasis on the attainment of a particular age for the membership of Gram Panchayat or Adhyaksha or Upadhyaksha of the said organ doubtlessly proves that all the members of a Gram Sabha concerned cannot have the opportunity to adorn the aforesaid offices. In the election of the lower house of a state Legislature or in the election of the lower house of the National Parliament such insistence is generally made and it raises doubt in our minds whether membership of the state or union Legislature and the membership of a Gram Panchayat are equally responsible offices. In this context the Bihar and the U.P. Panchayat Acts are more liberal than our West Bengal counterpart as the former have allowed all the members of the Gram Panchayat or Gaon Sabha, as the case may be, to be the members of their corresponding executives if they are not disqualified otherwise.

It is also laid down that a person dismissed from his services by the Central or the State Government or by the local authority for his misconduct involving moral turpitude shall not be eligible for membership of a Gram Panchayat as well as for the office of the Adhyaksha or Upadhyaksha of the said organ. The person devoid

1. Lane v. Lancaster - Govt. In Rural America, 1952 P-56.  
2. Sec.15 sub sec.(1) Cl.(a) of the W.B.Panchayat Act,1957.  
4. Sec.15, sub sec (1) clause (b) of the W.B.Panchayat Act, 1957.
of moral sanctity must not be associated with an office concerning the public as the demoralising influence of that person will vitiate the atmosphere of the society and will damage as well as defeat the very purpose and object of our modern state and local self-government. So this feature of not conferring the opportunity for membership to a demoralised person should receive general support.

The eligibility of membership of a Gram Panchayat also demands that the member concerned must be a man of sound mind. It is an axiom that soundness of mind is the basic necessity for membership of a public organ; the person lacking in common sense or a lunatic should be debarred from holding any responsible office as on him depends the wellbeing and welfare of the common people.

The disqualification of membership of the said organ does not also fail to take into account the insolvency of the person concerned. The Act specifically lays down that a person shall be disqualified to be a member of a Gram Panchayat or an Adhyaksha or Upadhyaksha of the same if he is an undischarged insolvent. In England a bankrupt has also been denied the membership of a local government organ. Of course, this disqualification will cease to operate both in England and in West Bengal if an insolvent or a bankrupt is discharged with a certificate that his insolvency was caused by misfortune without any misconduct on his part.

1. Cl. (d) Ibid. 2. Sec.15, sub-sec. (1) Cl. (e) Ibid. 3. A.H. Schofield - Local Government Elections, 1962 Ch. 3, P-80 read with Sec.15 sub-sec. (1) Cl. (f) of the W.B. Panchayat Act, 1957.
A person wishing to stand for election of a Gram Panchayat or Adhyaksha or Upadhyaksha of the said organ must clear all his dues arising out of any tax, toll, fee or rate upto date. Formerly in England as well as in India payment of taxes was one of the qualifications for membership of a local organ on the plea that the person who does not pay any tax is not expected to understand the value or implications of money and, therefore, he cannot be frugal and economic in his habits. To hand over the administrative powers to such a person means the gradual deterioration of the local treasury.

J.S. Mill was of the view that the electoral franchise in the constitution of local bodies should be restricted to those who pay taxes to the local treasury. To quote his own words: "As the principal duty of the local bodies consists of the imposition and expenditure of local taxation, the electoral franchise should vest in all who contribute to the local rates, to the exclusion of all who do not". The clearance of all dues arising out of taxes, toll, fee etc. must always be insisted upon prior to the election of the local organ because it is thought that a person who is in default will not have the courage and conviction to levy taxes, fees, tolls etc. upon the people whom he is to serve.

But one thing which is very curious is that taxes are generally imposed upon the owner of the house or the "Karta" and it is palpable that if the 'Karta' is in default in the payment of taxes, he will be denied the 1. Sec. 15 sub-sec.(1) clause (G) of the W.B. Panchayat Act, 1957.
2. J.S. Mill - Consideration on Representative Government, Ch. XV, P-215.
right to stand as a candidate for election of the Gram Panchayat to which he belongs. But the 'Karta' in order to evade the necessary clause without seeking the election to himself might send his sons, daughters and even his wife to contest. Perhaps, Great Britain (the most highly democratic country in the world, as is told) in view of this difficulty, did not go to emphasise upon this qualification. Such qualification is not also demanded from the people wishing to stand as candidates for the general election of the State and Union Legislatures.

Conviction for criminal offence tried by a criminal court has also been taken into account as one of the disqualifications for membership. Under the purview of the Act it has been clear that a person who is or has been convicted by a criminal court leading to transportation or imprisonment for a period of more than six months shall not be eligible for membership of a Gram Panchayat or for the office of the Adhyaksha or Upadhyaksha of the said organ. Criminal offence is a damaging feature in human character and the character having such a feature should not be given any indulgence from any quarter. But the Panchayat Act in West Bengal, last of all, admits that a person who is so convicted for criminal offence might seek the election or appointment after the lapse of five years from the date of expiration of the sentence. The British system of election

1. Arts 84, 162, 173, 191 of the Constitution of India.
2. Sec.15, Sub sec.(2) of the W.B. Panchayat Act, 1957.
also contains the same procedure with a slight difference in the period of imprisonment suffered by a person. As it is laid down that a person shall be disqualified to hold office as a member if he "has within five years before the day of election been convicted in the United Kingdom, the Channel Islands or the Isle of Man of any offence and ordered to be imprisoned for a period of not less than three months without the option of a fine.

The disqualifications as enumerated are equally applicable both in the case of the election of members of the Gram Panchayat as well as in the appointment of members of the said organ as provided for in sections 13 and 14 of the West Bengal Panchayat Act, 1957.

Amongst the disqualifications of the Panchayat members mentioned just beforehand two other disqualifications have been added. By an amendment to the Panchayat Act of West Bengal, 1957 it has been inserted that a person shall be disqualified to be a member of a Panchayat or its Adhyaksha or Upadhyaksha if he is not a citizen of India or he is in the service of the central or state Government or of any local authority such as the Zilla Parishad, Anchalik Parishad, Anchal Panchayat and the Gram

Panchayat.


2. The writer likes to avoid to mention the election and appointment of Adhyaksha and Upadhyaksha repeatedly along with the election and appointment of the members of the Gram Panchayat on account of the fact that Adhyakshas and Upadhyakshas are always elected or appointed, in accordance with the provisions of the Act, from amongst the members of the Gram Panchayat and not from outside. So the disqualifications of the members of the Gram Panchayat will always be deemed to be the disqualifications of Adhyakshas and Upadhyakshas.

The Act is disqualifying an employee of a local authority or a Central or State Government to stand as a candidate for Panchayat election certainly does not discourage the teachers of Schools and colleges residing in rural areas to fight the said election.

A complete survey of the rural areas reveals the facts that the teachers of all categories are the only intellectuals and without the help and active co-operation of these people Panchayats can never be a success. But in England teachers of schools not provided by but maintained by a local education authority are disqualified to be the members of a local authority though they are allowed to be members of education committees and divisional executive committees.

Though at one time the political leaders of West Bengal would always discourage the growth of teacher-politicians in the country they, however, encouraged the same in the case of membership of the village self-governing institutions.

Resignation and Removal of Adhyaksha, Upadhyaksha and other members of the Gram Panchayat.

The Panchayat Act of West Bengal does not put any limitation or restriction upon the right to resignation of a member from the office of the Panchayat.

The membership of a Panchayat is a voluntary and an honorary service: a person may or may not serve it and, furthermore, a person can serve as long as he desires.

Thus an Adhyaksha or Upadhyaksha or a member of a Gram Panchayat may resign his office but verbal resignation will not be counted; the resignation to be valid must be in writing and submitted to the prescribed authority (Inspector of Panchayats in this case).

The power to remove the executive by the Legislature is a Parliamentary practice and in a Parliamentary democracy the said feature must make a room for itself otherwise the very essential characteristic of Parliamentary democracy would lose all its vitality and real meaning. Under the Parliamentary practice and procedure the Gram Sabha ought to have been given the right to remove its executive, but this power instead of being given to the Gram Sabha has been given over to the District Panchayat Officer.

The Act has guaranteed the right to remove an elected Adhyaksha or Upadhyaksha by the members of the Gram Panchayat concerned at a meeting specially convened for the purpose. In an ordinary meeting the removal of Adhyaksha or Upadhyaksha is not possible, and moreover, the Adhyaksha or Upadhyaksha who is to be removed must be an elected one and not an appointed one. The resolution for removal to be effective must be passed by the votes of not less than two-thirds of the total number of members holding office for the time being.


But the rigour of securing two-third votes behind the resolution for removing the Adhyaksha or Upadhyaksha may be slackened by the District Panchayat Officer provided the same is backed by more than one-half of the total number of members holding office for the time being.

The Act also provides that as soon as there will arise a vacancy for the office of an elected Adhyaksha or Upadhyaksha either as a result of removal or resignation or death or otherwise the Gram Panchayat shall elect another Adhyaksha or Upadhyaksha in the manner prescribed.

Sec. 20, sub-rule (1) of the Act has empowered the prescribed authority (i.e. the District Panchayat Officer) to remove a member of the Gram Panchayat on several grounds.

The grounds for removal that may be shown by the District Panchayat Officer for removing a Gram Panchayat member are summarised as follows:

- misconduct in the discharge of duties, refusal to act or incapable of acting as a member, convictions by a criminal Court for offence involving moral turpitude and punishment with imprisonment for a period of more than six months, absent from meetings of the Gram Panchayat consecutively three times without the leave of the Gram Panchayat, default in the payment of rates, tolls, fees or taxes for more than a year, disqualification to be a member of the Gram Panchayat etc.

2. Sec.19, sub-sec.(1) of the W.B.Panchayat Act,1957.
An appeal against the aforesaid order of the District Panchayat Officer can be made before the Commissioner of the Division within thirty days from the date of the order of removal. The commissioner can, however, modify, rescind or confirm such order and the order passed by the Commissioner of the Division shall be final.

Neither the local self-government system of Great Britain nor America could make such a provision for removal of the locally elected members by an executive authority appointed by the Government. Perhaps, too much administrative control in both the countries will offer a sufficient evidence to prove the futility of such scheme. In the west the autonomy of the local units and their independence is at stake on account of the progressive interference of the authority of the State. Dr. Radhakumud Mukherjee, a well known historian, observed that 'in the west the predominant tendency has been towards a progressive extension of state interference and state control so as to bring within its limits all the main departments of social life and national activity until the ideal is attained of a complete nationalization or socialization of all the means and processes of life itself.'

But the method of removal as conceived of by the Panchayat system in West Bengal will not escape the eyes of the critics. Judging the one-side of the question it can safely, however, be said that the system is derogatory to the principles of popular government and democracy, but a close analysis of the grounds of removal as enumerated under sec.20 sub(4) of the Act will reveal the real truth that the same was envisaged to protect the

1. Sec.20, sub-sec.(2) of the W.B.Panchayat Act,1957.
2. Local Govt. in Ancient India, 1958, P-4.
newly established democracy from the onslaughts of revolutionary forces and to make the government efficient and popular.

**Meetings of the Gram Panchayat:**

It has been made obligatory for each Gram Panchayat to hold a meeting once in a month. The time and venue of the meeting will, however, be fixed by the Adhyaksha of the Gram Panchayat concerned. It has been found that many villages have no common venue for the meetings and as a result the meetings generally take place at the personal 'Bai thakkham' of the Adhyaksha.

To hold a meeting at the aforesaid place will, however, find no objection from some quarters; but others might argue that the meeting at the personal 'Bai thakkham' of Adhyaksha might indirectly influence other members of the Gram Panchayat who hold independent views in the Panchayat. The aforesaid section has also authorised the Adhyaksha of a Gram Panchayat to fix a time of the meeting. But to hold a meeting either in the morning or at noon will definitely cause inconveniences to many members who work in fields particularly at the plantation and harvesting seasons.

The Act has not also omitted to make a provision for holding a requisition meeting when the same is required by one-third of the members of the Gram Panchayat concerned.

The Adhyaksha or in his absence the Upadhyaksha of the Gram Panchayat shall preside over the meetings of the Gram Panchayat or in his absence the members present will elect one of them to preside over the same.

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1. Sec. 22, sub sec (1) of the W.B. Panchayat Act, 1957.  
2. Sec. 22, sub-sec. (1) of the W.B. Panchayat Act, 1957.  
3. Sec. 22 sub-sec. (2) ibid.
The presence of at least one-third of the total number of members of the Gram Panchayat will be necessary in order to form a quorum in the meeting of the Gram Panchayat; and all questions coming before the aforesaid organ will be decided by a majority of vote unless otherwise provided in this Act. But it is painful to see that the people have not yet been conscious of their democratic rights and obligations. Reports of the various Gram Panchayats show that the meetings are rarely attended by the members and as a result many times the meetings failed for lack of quorum. It has also come to light that the adhyaksha sometimes writes the resolutions sitting at his home and, thereafter, the resolutions are sent to the houses of the members to receive their signatures and in such manner the Adhyaksha concerned maintains the official validity of the resolutions made by him. Such default of the members in the attendance of meetings is not only found in West Bengal it has also been observed in an old democratic country like the U.S.A. especially in town meetings - an analogous organ of our Gram Sabha. W.G. Amro writes: "That chief organ of town government in New England is the town meeting. An annual town meeting is usually held in May, with special meetings whenever necessary, but not more than two or three special meetings are commonly called during the year. Every voter of the town is entitled to attend these town meetings which are convened in the town hall. As a rule, however, not more than half of them.

1. Sec.22, sub sec.(3) and (4) Ibid. 2. The facts were collected from the discussion with an Adhyaksha of a Gram Panchayat. At least signatures of one-third of the members are required to maintain the official validity behind a resolution.
to attend and the percentage is frequently much smaller.

It has also been provided by the Act that a list of business to be transacted at every meeting of the Gram Panchayat shall be circulated among its members at least forty eight hours before the time fixed for such meeting. But this section does not apply in the case of an adjourned meeting. The circulation of agenda forty eight hours before the meeting to be held may deprive many willing and energetic persons from attending the same especially those who live outside the village at a nearby town. The section, probably, indirectly insists that the members of the Gram Panchayat must live at the village which they belong.

Functions of the Gram Panchayat:

Comparing with the long established democracy of the West it is found that the Gram Panchayat in West Bengal possesses enormous municipal and welfare functions. It has been the pillar and backbone of the Panchayat system in West Bengal.

Under the West Bengal Panchayat Act, 1957 the aforesaid set-up has been vested with three types of functions: obligatory, permissive and discretionary. The long list of powers handed over to the Gram Panchayat shows India's love for local autonomy and democratic decentralisation.

The division of functions between obligatory, permissive and discretionary has given rise to a number

2. Sec. 25 of the W.B. Panchayat Act, 1957.
It has been contended that the functions assigned to the Gram Panchayat must be made compulsory or obligatory. But there is the other side of the question. To make all the functions assigned to the Gram Panchayat compulsory means a huge financial involvement which, at the present circumstances of the country, entails a great hardship on the already much taxed people. Moreover, to tackle the Gram Panchayat every way with statutory duties means restriction of its freedom and its autonomy. Thus the West Bengal Panchayat Act, 1957 in Section 31 has laid down that a Gram Panchayat shall discharge some functions as its fund would permit.

The functions are conceived of as follows: Public health - It has been a practice since the establishment of the local self-government in India to vest the local unit with the power of supervising the sanitation, conservancy etc. in its areas. But the word 'sanitation' is a very elastic term. The dictionary meaning of the word 'Sanitation' does not mean 'of conditions affecting health'. When a Gram Panchayat is authorised to look to the sanitation in its area, it naturally takes steps to remove those conditions which affect the health of the locality. But in the name of removing the conditions which affect the health of the locality a Gram Panchayat may envously do such thing which cannot be supported by any means whatsoever and this might particularly happen in the case of a person who has not voted the party-in-power.
Conservancy: the literal meaning of the term 'conservancy' is the preservation and proper maintenance of a thing. When the Act has assigned the Gram Panchayat with the power of 'conservancy', Gram Panchayat is to look to the proper maintenance of things within its jurisdiction. But only the dictionary of literal meaning of the term will not serve our purpose. In practice 'conservancy' function of the local unit relates to the proper cleanliness of privy, raiam road drains, clearance of garbage etc. which might result in insanitation and bad health of the locality.

Drainage and the prevention of Public Nuisances:

The Gram Panchayat as far as its fund would permit shall cut the drains in both sides of the roads for the outlet of street water. The things which might cause public nuisances are also to be prevented by the Gram Panchayat. This power of the Gram Panchayat 'prevention of public nuisances' is very vague and indefinite and it may receive different interpretations in the hands of different Gram Panchayats in accordance with their views on the conceptions of public welfare and Public Morality.

Curative and preventive measures in respect of malaria or an epidemic:

The Gram Panchayat under the Act is to take steps for the cure and prevention of malaria and other epidemic diseases. Under the Bengal village self-government Act of

1. Ibid.
1919 the Union Board was only given the power to send reports to the District Authority when such outbreak of any epidemic disease would occur within its jurisdiction but was quite incapable to take any constructive or effective steps to eradicate the same.

**Vaccination and inoculation:**
It has been one of the obligatory duties of the Gram Panchayat to make arrangements for vaccination and inoculation of the people residing within its area. Prior to the introduction and enforcement of the present Panchayat Act Vaccination and inoculation was the duty of the District Board as Sec.92 of the Bengal Local-Government Act, 1885 specially laid down that "every District Board shall, within its jurisdiction district, be charged with the appointment, payment, management and supervision of all public vaccinators".

**Supply of Drinking Water:**
The supply of drinking water either by sinking tube wells or by digging up wells is considered to be one of the essential functions of the Gram Panchayat. In the Pre-Panchayat period the supply of drinking water was vested in the Union Board as one of its optional functions; but this function would be obligatory if the District Board would so direct. Not only the Union Board but also the District Board was conferred with the duty of making arrangements for the supply of water in its area; this duty of the District Board was not obligatory but optional. The obligatory clause of the West Bengal Panchayat Act,

2. Sec. 88 of the Bengal Local Self-Government Act,1885.
1957 for the supply of drinking water to its inhabitants has prompted the organ to the due performance of the said duties in numerous villages but the optional clauses of the Bengal Local Self-government Act of 1886 read with the village self-government Act of 1919 made the Units apathetic and indolent with regard to the same. Reports of the non-availability of water during summer-season and absolute dependence of the villagers on distant tanks and Ponds for purposes of drinking and cooking were not very rare; and this specially occurred in the remote and interior villages. But the recent performance of the Gram Panchayat with regard to the supply of water to its villagers is really praiseworthy and commendable. A survey of the budget estimate as well as the functions of a Gram Panchayat show that the total budget estimate of the said Gram Panchayat for the year 1962-63 was $3,966.99P. Out of this fund earmarked for development is $500.00 were allotted for sinking and resinking of tubewells within its jurisdiction. This is not a solitary instance. The writer himself has travelled many villages in his area of study and witnessed the role of Gram Panchayat in solving the problem of scarcity of the supply of water. The recent move of the Madras Panchayat to provide the villagers with tap water really attracts the attention of the lovers of basic democracy.

Public Works:

To start and carry public works programme has

1. Budget estimate of Tita Gram Panchayat (Anchal Sahora)
also been deemed to be one of the obligatory functions of the Gram Panchayat under the Act. The maintenance, repair and construction of public streets or public places; the removal of encroachments of public streets or public places; the protection and repair of building or other property vested in it; the management and care of public tanks, common grazing grounds, burning ghats and public grave-yards for the common benefit of the people might be grouped together as public works of the Gram Panchayat. Under the Union Board system as the construction, maintenance and repair of village roads were all considered to be optional functions of the Board, the resulted in the dwindling conditions of the village roads; but the same set of functions having being made obligatory under the new set up they generally form today a regular feature in the Gram Panchayat budget especially in West Bengal.

Other miscellaneous functions of the Gram Panchayat:

The present Gram Panchayat is presumed to act as the agent for supplying local information if the District Magistrate, or the Zilla Parishad or the Anchal Panchayat would require. The registration of birth and deaths within the jurisdiction of the Gram Panchayat under the Bengal Births and Deaths Registration Act, 1873 has also been a function of the said organ if the District Magistrate would so direct.

2. Sec.31 of the Bengal Village Self-Government Act, 1919.
The obligatory duties as enumerated above are more or less analogous with the duties entrusted upon the Union Board; so the Act has practically sought every possible help from its predecessor - the Bengal village self-government Act, 1919 - with necessary modifications. Of course, wherever necessary. A noticeable thing in this connection is that with the rise and growth of the ideal of community development and national extension service the organisation of voluntary labour for community works and works for the uplift of its area has been one of the obligatory functions of the Gram Panchayat which practically remained emphasised during the days of the Union Board.

We have in record of various types of development activities in villages such as the construction of roads, bridges, Panchayat Ghars, Schools, Club-Ghars etc. through the voluntary contribution of labour in West Bengal. Not only the Panchayats in West Bengal but also Panchayats in other states including the Centrally administered areas, have taken a lead to the same. We may cite the example of Basantipur Gram Panchayat which is situated at a distance of 40 kilometres from Simla on the Simla-Tatta-Pani road in Himachal Pradesh. There a school building at Nadkhar village was constructed for which a grant of Rs. 2,500 was received from the Block and Shramdan of equal value was contributed by the Panchayat. Under the Irrigation scheme a pipeline was laid in village Nakhchaha for which the Panchayat contributed
shramdan worth Rs. 2,500. In Kiarli village a 1600 ft. pipeline was laid with the cash contribution of Rs. 150/-, from the Panchayat and shramdan amounting to Rs. 650/- by the people. A Bawoli was also constructed in Shirglu village with Block grant and shramdan.

"A water supply scheme is also being executed in Trai village. People's share for the execution of the scheme would be 25% of the total expenditure. Moreover, a primary school building in Shirglu village was provided with Block grant amounting to Rs. 325/- and shramdan of the same value was provided by the Panchayat. The Panchayat also constructed and repaired village roads."

In this way Panchayats in every state can do a lot through shramdan—voluntary contribution of labour—and this type of organisation of voluntary labour for community works might save the Government to a large extent from financial embarrassment in this age of economic crisis and soaring prices of essential commodities. But considering the per capita income of the people of India (where the same varies between Rs. 28/- and Rs. 30/- a month) it is doubtful how much they can contribute their labour to the socio-economic development of the country voluntarily.

**Permissive Functions**:

The functions of the Gram Panchayat as enumerated Under Article 32 of the W.B. Panchayat Act, 1957 are all

permissive i.e. these functions do originally belong to the State Government but if these are assigned to the Gram Panchayat by the State Government, the former shall discharge the same.

EDUCATION

Under the Bengal Primary Education Act, 1930 the management and control of primary education was the exclusive responsibility of the District School Board. The Union Board could carry out such functions if the District School Board would so delegate; and this function the Union Board would discharge under the control of the aforesaid body. But with the enactment of the W. B. Panchayat Act, 1957 the said functions can be carried out by the Gram Panchayat free from the control of the District School Board if the State Government would assign the same to the Gram Panchayat. The scheme of the State Government as adopted in 1965 that 'the responsibility for administration of elementary education in West Bengal, which covers up to the stage of Class VIII or the Junior high school standard will be entrusted to the District School Board, might cause necessary amendment to the existing Act. The question which naturally comes up to our mind is whether a local unit devoid of any educational background will be entrusted with the control and management of Primary, Technical or Vocational Educations as provided for by the West Bengal Panchayat Act, 1957.

1. Sec 23, sub sec. (1) clauses (e) and (f) of the Bengal (Rural) Primary Education Act, 1930 read with Sec.32(A) of the Bengal village self-Government Act, 1919.
By the Education Act of 1944 the whole of the new Educational system in England was placed under the county councils and county boroughs and, accordingly, the county council draws up the development plan for the school services and leaves the detailed administration to divisional executives, which it appoints.

A quite similar organ of the District School Board in West Bengal there exists a Board in the U.S.A. to control and manage the administration of school. Lane W. Lancaster observes: 'the Autonomous School District, organised separately from the ordinary system of local administration is essentially an American device. England had some such units at one time, and there are examples in Canada and elsewhere, but it is primarily in the United States that the District system is now to be found. It is also important to remember in this connection that the Board as aforesaid is everywhere elective.'

Local management of schools should everywhere be discouraged as the experience of America shows that, the said management has been 'a branch of party factional or even personal politics'. Even in West Bengal the same type of party politics is not rare to be found in the administration of the District School Board. To vest the power of management and control of schools to the Gram Panchayat on the ground that the organ remaining on the spot can keep constant vigil over the performances of the teachers and their activities also finds its little support. The present rural areas of West Bengal are

2. Govt. in Rural America, (1952) P-228.
3. Ibid P-291.
mostly inhabited by those persons who have little or no understanding about the progress and prosperity of the educational system in the country and, therefore, it will be a very unwise venture to endow the Gram Panchayat with a very important function like the management and control of Primary, Social, Technical or Vocational Education. The real solution in this case, perhaps, lies in the creation of an Education Board consisting of veteran educationists of a District. The Board might either be elective or appointive. Whatever might be the method of constituting the Board the real purpose of the Board should be to promote education in the District; party politics at the cost of promotion and development of education is definitely deplorable especially in this age of democracy and self-government.

The establishment, management and supervision of rural dispensaries, health centres, maternity and child welfare centres would be the functions of the Gram Panchayat if the state Government would assign the same. During the days of the village self-government Act of 1919 the Union Board might establish dispensaries or assume charge of existing dispensaries in accordance with the rules framed by the State or Provincial Government in this behalf. The present Panchayat Act of West Bengal has made it palpably clear that the assignment of any function by the State Government to the Panchayat would be associated with the grant of the requisite amount of money to carry out the same, which was conspicuous.

1. Sec. 34 of the W.B. Panchayat act, 1957.
by its absence in the Union Board system. The British system of local government, perhaps, furnishes a very good example in entrusting the power of management and supervision of hospitals and health centres to Regional Hospital Boards outside the range of the local units.

The control, management and superintendence of Public ferry, which were formerly the duties of the District Magistrate under the Bengal Ferries Act, 1885, may be transferred to a Gram Panchayat through assignment by the State Government.

To take up irrigation works in the rural areas of West Bengal for the increase of agricultural production and eradication of poverty and famine which were very common in the pre-independence days might be vested in the Panchayat by the State Government. The execution of village production plans and thereby to enhance agricultural production ought to be the exclusive responsibility of the Gram Panchayat. It is expected that the Gram Panchayat is competent to assess the various types of needs of the village agriculturists for carrying on the agricultural project, so it is desirable that the duties like the management and extension of irrigation projects, grow-more food campaign, improved breeding of cattle, medical treatment of cattle, prevention of cattle diseases, acting as a channel through which government assistance should reach the village, bringing waste land under cultivation, promotion of village plantations, arranging for cultivation of land lying fallow, arranging for co-operative management of land and other resources of the

village, and assisting in the implementation of land reform measures in the village should be vested in the Panchayat. It is true that every function should require an expert person or body to perform the function efficiently. The promotion of agricultural production necessitates an expert and experienced body and the Gram Panchayat may be viewed as a body of experts when it is mainly constituted by veteran agriculturists of the villages. It can also be suggested that when educated persons are reluctant to go to the villages to shoulder the responsibility of village reconstruction and development the said duty should be borne by the veteran agriculturists. This is, perhaps, the only way out of the present situation.

Amongst the functions, as discussed above, regarding the increase of agricultural production some functions like the improvement of the breeding of cattle, promotion of village plantations, arranging for co-operative management of lands, bringing waste land under cultivation and so on do certainly necessitate specialised training and education amongst the agriculturists which ought to be arranged on an extensive scale.

The assignment of functions to the Gram Panchayat like the care of the infirm and the destitute, rehabilitation of displaced persons and to make the Gram Panchayat a channel through which the Government assistance should reach the villages should always be performed under the constant guidance and control of an impartial authority. In the absence of such authority nepotism
in these spheres might supervene and this would result in the virtual failure of the scheme as conceived of by the Government.

The functions as enumerated under sec. 32 of the Act may be withdrawn by the State Government at any time with reasons to be recorded in writing. Thus, the assignment of functions to the Gram Panchayat may be only a temporary or a stop-gap arrangement. But these functions would always be associated with necessary finance for the proper discharge of the same. It is presumed from the section just referred to that the State Government in assigning the functions to the Gram Panchayat would always make experiment with the latter and to observe whether it can be entrusted with the job permanently.

Section 33 of the Act lays down the discretionary functions of the Gram Panchayat i.e. these functions may or may not be performed by the Gram Panchayat. But if the Gram Panchayat is directed by the State Government, the Gram Panchayat must discharge the same. The functions, in short, are: the maintenance of lighting of public streets; planting and maintaining trees on the sides of public streets; the sinking of wells and excavation of ponds and tanks; the introduction and promotion of co-operative farming, co-operative stores, and other co-operative enterprises, trades and callings; the promotion and encouragement of cottage industries;

1. W.B. Panchayat Act 1957. 2. Sec. 32 Ibid. 3. Ibid.
the construction and maintenance of sarais, dharmasalas, rest houses; regulating the production and disposal of food stuffs and other commodities; the establishment and maintenance of libraries and reading rooms; assisting in the prevention of burglary and dacoity and the maintenance of records relating to population census and census of un-employed persons.

Amongst the discretionary functions of the Gram Panchayat the Act in laying down that "a Gram Panchayat may make provision for any other local work or service of public utility or which is likely to promote the health, comfort, convenience or material prosperity of the public, not otherwise provided for in this Act," has made the functions of the Gram Panchayat very elastic. It is sure that by virtue of the aforesaid power the Gram Panchayat can take up any work of the local area which is designed to promote the welfare of the rural people. In the U.S.S. the growing demand for more and more powers made by the county has been met with the conferment of 'general police powers' by the State Legislature and this clause seems to be more or less analogous to the aforesaid powers of the Gram Panchayat. The General 'Police powers' in the American Constitution is 'one of the most important and comprehensive among governmental powers. Speaking broadly, it may be defined as the right of a government to regulate the conduct of its people in the interest of public safety, health, morals.

1. Sec. 33, Cl.(U) Ibid.
2. Lane w.Lancaster-Govt.in Rural America,1952, Pp 78-79.
and convenience. Under this all-embracing authority a government may make regulations concerning the safety of buildings, the abatement of nuisances, the regulation of traffic, the reporting of communicable diseases, the inspection of markets, the sanitation of factories, the hours of work for women and children, the sale of intoxicants and countless other matters. Such regulations inevitably involve a deprivation of some one's liberty or property; but this does not render the regulations unconstitutional provided they represent a reasonable exercise of the police power and are designed to accomplish a legitimate public purpose.

When the discretionary functions under Sec.33 of the W.B.Panchayat Act will be taken over by the Gram Panchayat, the latter will not be provided with finance by the State Government. But these discretionary functions will be turned into an obligatory or a compulsory one when the same will be directed by the State Government and any such direction made by the State Government will be accompanied by requisite finance for its proper execution.

Anchal Panchayat:

The constitution of a hierarchical set up of local administration resulting in the distribution and division of powers led to the peculiar discovery of three organs Gram Sabha, Gram Panchayat and Anchal Panchayat.

Prior to the introduction of the Anchalik Parishad and

2. Sec.34 of the W.B.Panchayat Act, 1957.
the Zilla Parishad Anchal Panchayat stood at the apex of the whole structure of the Panchayat administration and Gram Sabha at the bottom.

**Constitution:**

An Anchal Panchayat is an amalgamation of several Gram Sabhas. The present Anchal has taken the place of the former Union Board established under the Bengal village self-government Act, 1919. The population of an Anchal would be round about 7,000.

Under the provisions of the Act an Anchal shall have two types of members; elected and ex-officio. The inclusion of all Adhyakshas of the contiguous Gram Panchayats in the Anchal as its ex-officio members and the election of other members by the Gram Panchayat on the basis of one member for every five hundred members of the Gram Sabha show a definite and a clear support for indirect election in the constitution of a democratic machinery. As the Anchal is deemed to be an assemblage of its contiguous Gram Sabhas there has been a room for the representation of each and every Gram Sabha under the jurisdiction of the Anchal Panchayat by incorporating a clause 'that there shall be at least one member from every Gram Sabha'.

Regarding the eligibility of a person to the election of the Anchal Panchayat it is found that any member of a Gram Sabha qualified to be elected as a member of the Gram Panchayat is eligible to seek election in the

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2. Sec. 26, sub sec (1) of the W.B. Panchayat Act, 1957.
Anchal Panchayat. The Act has provided that the qualifications and disqualifications of the members of an Anchal Panchayat are the same as those of the members of a Gram Panchayat.

The appointment of members of an Anchal Panchayat has also been provided for if election for two times has failed to elect the same.

The term of office of the members of an Anchal Panchayat will be four years from the date of the first meeting of the Anchal at which a quorum is present and shall extend until the first meeting of the newly constituted Anchal Panchayat at which a quorum is present. The casual vacancy of the membership of an Anchal Panchayat will be filled by the Gram Panchayat concerned at an election to be held within three months from the date of the said vacancy.

Every Anchal will have a Pradhan and an Upa-Pradhan resembling our Union Board President and Vice-President of the past. The Pradhan and Upa-Pradhan will be elected by the members of the Anchal concerned at the first meeting of the said organ at which a quorum is present. The Act has empowered any member of a Gram Panchayat to stand for election at the Anchal and if the person is so elected, he would both be a member of the Gram Panchayat as well as the AnchalPanchayat. Thus he will hold the double portfolio. But if an Adhyaksha or an Upadhyaksha of a Gram Panchayat is elected as the

1. Sec.26 sub-sec.(3) Ibid.
2. Sub-sec. (4) Ibid.
Pradhan or the Upa-Pradhan of the Anchal Panchayat shall cease to be the Adbyakaha or the Upadhyaksha, as the case may be, from the date of his election as the Pradhan or the Upa-Pradhan of the Anchal, but he shall continue his membership in the Gram Panchayat concerned.

In the original Act neither an Adhyaksha nor any member of a Gram Panchayat was eligible to be members of both the organs i.e. Gram and Anchal Panchayats simultaneously. But the aforesaid clause has been subsequently amended and made them eligible to be members of both the organs simultaneously in order to secure cooperation between the two sets of machinery and to establish a direct link between them. But the latter step of amending the original clause for the purpose as said before hand will lead to the definite deprivation of many willing and interested persons of rural areas from membership of the Panchayat.

Rules regarding the resignation of Pradhan, Upa-Pradhan or any member of an Anchal; removal of Pradhan and Upa-Pradhan; filling up of casual vacancy in the office of Pradhan or Upa-Pradhan; removal of a member of an Anchal; meetings of the Anchal; business to be transacted at the meetings and a report on the work of the Anchal etc. are more or less the same as those observed in the case of the Gram Panchayat.

But a difference regarding the removal of the members of the Anchal may be found in this connection. While in the case of the Gram Panchayat a member may be removed on several grounds by the District Panchayat Officer a member of the Anchal can be removed on the same charges by the District Magistrate only.

**Duties of the Anchal Panchayat:**

On an analysis it is found that all the positive welfare functions are totally vested in the Gram Panchayat, the Anchal being the financial authority. Thus the Anchal wields the power of finance: the imposition and assessment of taxes, rates, tolls or fees, collection of the dues and the apportionment of the revenues amongst the constituent Gram Panchayats have been the primary functions of the Anchal.

Over and above the functions just referred to the preservation of peace and the maintenance of law and order within its jurisdiction have also been the recognised functions of the Anchal. On scrutiny it is found that the functions of the past Union Board have been divided between the two organs - Gram Panchayat and Anchal Panchayat. The bifurcation of the functions of the Union Board might lead to inefficiency and irresponsibility though the Act has specifically earmarked their respective responsibility. The creation of a peculiar organ like the Anchal Panchayat has nowhere been

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1. Panchayat Executive Instructions, 1960 Part I, P-11. read with Sec. 20 sub-sec.(1) and Sec. 28 of the W.B. Panchayat Act, 1957. 2. Sec. 46 sub-sec.(1) Cls. (a) & (b) of the W.B. Panchayat Act, 1957. 3. Sec. 46 Sub-sec.(1), Cl. (c) Ibid.
found in the states of India. It is a new discovery, a new invention of the West Bengal Government. During the passage of the bill an Hon'able member questioned the utility of the Anchal Panchayat.*

The duties of the Anchal like the control and administration of the fund, the imposition, assessment and collection of the taxes, rates, tolls or fees and so on are all performed by the Gram Panchayat in Bihar - the machinery which keeps direct contact with the inhabitants of the locality. In Uttar Pradesh the Gaon Sabha, quite a similar organ of Gram Panchayat in Bihar, has been entrusted with the duties of levying rates, fees, taxes etc. The functions as said beforehand are being discharged by the Anchal in West Bengal which is indirectly constituted by the people and which has little direct contact with the inhabitants of the locality. Thus the impartiality, fairness and justice in the case of the imposition of taxes, fees, tolls, rates etc. by the Anchal may be doubted.

The Paraphernalia of having an Anchal over the Gram Panchayat is of doubtful utility when the system has made the latter a positive instrument of rural welfare entrusting the former with the control of finance. As the Gram Panchayat is devoid of control over finance the organ can easily waive its responsibility by making an honest plea that the Anchal has not yet sanctioned money, the amount which was sanctioned this year has been entirely spent on different heads. Actually, this 1. Secs. 46, 47 and 48 of the Bihar Panchayat Act, 1947. 2. Sec. 37 of the U.P. Panchayat Raj Act, 1947.

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There is no need of setting up these Anchal Panchayats, under Article 40 there is the direction about village Panchayats and not about Anchal Panchayats, why should you create that Anchal Panchayat member? only village Panchayat will do.

I do not find there are Anchal Panchayats in Bihar or in U.P. " (W.B. Legislative Assembly proceedings, vol. 15, July 3 to August 30, 1956, P-401. Remarked by Jnanendra Kr. Choudhury)
has been today a regular plea of the Adhyaksha for shifting their responsibility. It is a well-known principle in political science that the division of power and authority means the negation of responsibility. It is doubtless that the success of democracy and self-government necessitates the decentralisation of power and authority as the latter help the creation of local enthusiasm and initiative in the administrative and legislative affairs of the state. But unnecessary creation of a Unit for the sake of decentralisation means the duplication of a machinery and a loss of responsibility. The organ which is to perform the functions should have control over finance. To vest the duties of performing functions in the Gram Panchayat and regulating the Immix finance for the performance of the said functions in the Anchal Panchayat are a unwise and an erroneous step. Considering all facts and circumstances thus discussed it is essential that the Gram Panchayat should have control over finance. The maintenance of law and order and the preservation of rural peace and security which are the duties of the Anchal at present should also be taken over by the Gram Panchayat and the former should be completely abolished throughout West Bengal as the same is deemed to be the fifth wheel of a motor car.

Office of the Anchal Panchayat and its employees:

As the Anchal Panchayat primarily happens to be the financial authority of its constituent Gram Panchayats it has to maintain a regular office for its establishment. In the office the Secretary of the Anchal has been its

* The writer has a personal experience in this matter.
executive officer though the Anchal might appoint such additional staff as it thinks necessary to carry out its duties under this act. In Great Britain the growth of the county clerk has taken an important shape and the latter, in a word, happens to be the pioneer of the whole organisation. The fundamental reason for the emergence of such a position of the clerk is the casual, intermittent, part-time nature of local councilorship which makes a co-ordinated policy impossible: the electoral process itself does not provide a permanent body of governors continuously active, while the services demand it. The defects of the electoral process are the opportunities of the professional official.

Whether the casual or intermittent nature of membership of the Panchayat in West Bengal will make the position of the Secretary almost identical with the position of the county clerk in England is not yet clear. But considering his present status and nature of job that he performs it can be said that he unfortunately acts as the personal servant of the Anchal Pradhan.

In Great Britain the town clerk and county clerk have, almost necessarily, been lawyers, whether solicitors or barristers. Parishes, District Councils, and Borough Councils, are required to appoint clerks and the clerk happened to be the chief of the clerical staff, the Director of the various legal proceedings, the legal adviser of the council and its committees, the keeper of the various

1. Sec. 48, Sub-Sec. (7) of the W.B. Panchayat Act, 1957-
In the United States the town clerk overshadowed all other town functionaries, being more important in the eyes of the townfolk than even the 'Selectmen'. This was because of the fact that he tended to be the only permanent official in the town. The clerk performed not only the routine secretarial duties in connection with the town meeting and the meetings of the board of 'selectmen', but was also the keeper of a bewildering variety of records. In his office land titles and mortgages were recorded, marriage and other licences were issued, he kept and revised the list of voters and arranged for the custody of official bonds. He conducted the official correspondence of the town, represented it in its contacts with the State Government and acted as the official auctioneer in the disposal of property seized for non-payment of taxes.

The mode of appointment, functions and disciplinary action against the Secretary:

In Great Britain the clerk is appointed by the Council; so he is an employee of the Council. In the U.S.A. the town clerk is elected annually by the voters in town meetings; though he is elected annually, he is commonly re-elected year after year so that in many towns he becomes a sort of permanent under-Secretary for all the town departments. The method of recruitment and conditions of the service of the Secretary of the Panchayat in West Bengal furnish a good example of dual control -Control

1. Ibid, PP - 250-31. 2. Lane w.Lancaster 1952 Govt. in Rural America, Ch.2, PP-33-39. 3. Heman Finer - English Local Govt. 1950, P-250. 4. Lane w.Lancaster - Govt. in Rural America, 1952 PP-33-39.
of the local council and of the State Government. The West Bengal Panchayat Act, 1937 specifically states that 'the State Government shall make rules prescribing the method of recruitment, conditions of service, pay and allowances and the age of superannuation of the Secretary'. Generally applications for filling up the posts of Secretaries to Anchal Panchayats are invited for each Anchal Panchayat by the Sub-divisional Magistrate. The Sub-divisional Magistrate shall recommend to the Director of Panchayat the names of four candidates for each appointment and the State Government or any officer or authority empowered by the State Government appoints one from the panel of candidates sent by the Sub-divisional Magistrate a Secretary for an Anchal. Normally the Secretary appointed either temporarily or permanently must have passed the School Final Examination, but the insistence on such educational qualifications may be waived in certain circumstances.

It is very interesting to note that though the appointment of Secretary is made by the State Government, he will not be treated as a Government Servant but he will be an employee of the Anchal Panchayat under which he is to serve. It is also stipulated that the pay and allowances of the Secretary shall be paid out of the Anchal Panchayat fund. In practice the

Secretary receives his monthly pay and allowances from the Block office out of the monthly recurring grant earmarked for his Anchal. It is laid down that 'the District Panchayat Officer should fix a prescribed date which should be the same for every month, say the 15th of every month, on which date the Secretaries of all Anchal Panchayats in a Block will attend the Block office with proper receipt and necessary letters of authority from the Pradhans for receiving these grants from the Block Development Officer' and the Secretary draws his emoluments from the Pradhans of his Anchal out of the grants so received.

The practice of disbursing salary and allowances to the Secretary out of the monthly recurring grants of the Anchal might inject some amount of indirect control of the Block Officer over the Secretary. It has been found that the day on which the Secretary attends the Block office for receiving the aforesaid grants he furnishes necessary information regarding the budget, assessment and collection and any other matters relating to the Panchayat administration. The Block Development Officer can also on this date give important instructions to the Secretary and hand over to him papers, if any, for delivery to the Pradhan. Furthermore, the Block Development Officer has been authorized to allow periodical increments to the Anchal Panchayat Secretaries and not the Anchal Panchayats.

2. Ibid, P-71.
3. Ibid - P-28.XI.
But yet the Secretary of an Anchal Panchayat is not a Government servant and he is entitled to his actual travelling expenses from the Anchal Panchayat fund for journeys performed for Anchal Panchayat work with the prior approval of the Pradhan.

Under the Union Board System by virtue of section 36 of the Bengal Village self-government Act of 1919 a Union Board could appoint such staff of officers and servants as it might consider necessary to carry out its duties under the said Act and could also fix the salaries to be paid to such staff subject to the approval of the local Board or the District Board, in the absence of a local Board. The general superintendence and control of the establishment maintained by the Union Board was vested in the President and his Board. So a Secretary appointed in those days was absolutely an employee of the Board, the outside control of the local or the District Board having been a negative one.

The preparation of budget estimate of income and expenditure of the Anchal, the statement of accounts of the previous year, the report on the work done during the previous year and the work proposed to be done during the following year have been the primary duties of the Secretary of the Anchal. Over and above the functions just mentioned the Anchal Panchayat at a meeting specially convened for the purpose can delegate to its Secretary—

such powers and functions as the former thinks fit.
The powers so delegated can be withdrawn or modified by
the Anchal. But it should be remembered that the handing
over of all these powers to the Secretary and their
withdrawal or modification are always subject to the
approval of the prescribed authority.

The dual nature of control over the Secretary
will be more prominent when we come to consider his
conditions of service. Casual leave not extending 15
days in a year may be granted to a Secretary by the
Pradhan but leave other than casual leave may be
granted by the Inspector of Panchayats on the recommenda-
tion of the Pradhan. If the Secretary is found to be
remiss or negligent or has committed a breach of
discipline or other misconduct, the Pradhan of the
Anchal concerned has no authority to take disciplinary
action against the Secretary; but he has been empowered
only to make a report against such Secretary to the
District Panchayat Officer who has the authority to do the
needful. Of course, an appeal against the decision of the
District Panchayat Officer can be made in this context
before the District Magistrate whose decision shall be
final. In order to mitigate this type of dual control
over the Anchal Panchayat Secretary and to make the
latter a full-fledged servant or an employee of the
local Council recently there has been a proposal that a
Secretary be punished or suspended by the finance and

1. Sub sec (3) Ibid. The prescribed authority happens to
be the Inspector of Panchayats i.e. B.D.O. in this case/
vide/Panchayat Executive Instructions Part-I, 1960 and
part II, 1961, PR-114 & 15 respectively.
2. W.B.Panchayat Rules, 1958, No. 43, Sub-rule (1).
3. Sub-rule (2) & (3) Ibid.
Establishment committee of the Anchalik Parishad on the recommendation of the Pradhan and be removed or dismissed from his services by the said committee of the Zilla Parishad if such occasion would arise. An appeal can however, be made against the decision of the Finance and Establishment committee of the Zilla Parishad before the Divisional Commissioner in this context.

It is an interesting thing to notice in the present Panchayat system that a person is made to work under the direction and control of leader of a council being appointed by a government authority. So the present Panchayat Secretary acts as a link between the government and the local council and if the Secretary happens to be in the good book of the higher authorities of a candidate of a party in power in the State administration he will have the least care for his Pradhan and his Anchal. Actually the Secretaries of the Anchal are being appointed in the face of the stubborn opposition of the Anchal and its pradhan and it has happened that many Anchal members have resigned because their recommendation to maintain the former Secretaries of the Board under the new set up have been flouted. In order to avoid this situation and to make the control of the local council over the appointment of Secretaries absolute recently there has been a move that the appointment of secretaries will be made by the Finance and Establishment standing committee of the

2. Ibid.
3. The facts are collected from discussion held with the Pradhan of the Goalpara Anchal, P.S.Dubrajpur, Dt. Birbhum.
Zilla Parishad on the recommendation of the Pradhan
of the Anchal Panchayat Concerned.

The dismissal of the former Union Board
Secretaries on the plea that they do not fulfill the
prescribed qualifications for Secretaryship under
the new set up is not tenable when we analyse
the present Panchayat Rules and its Executive
Instructions with regard to the same. The instructions
specifically state: 'the existing Secretaries of the
Union Boards which will be replaced by these Anchal
Panchayats, may also be interviewed by you and you
may include in the Panel such of them, if any, as you
may consider fit to be on the panel. No outside
candidate should be included in the panel unless
he has passed the School Final or equivalent exami-
nation, and his age limit should be preferably
between 25 and 30.

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An existing Union Board Secretary will not be disqualified
from being on the panel namely because he has not
passed the Matriculation or the School Final Examination,
if he is otherwise considered suitable.

Of course, it is true that the new scheme will
help solution of unemployment amongst the School Final
passed candidates but the solution of this unemploy-
ment by creating fresh unemployment will not be, perhaps,
a permanent solution of the problem at all. Drastic
discharge of the former Union?

Board Secretaries who were fit and efficient and the employment of much qualified candidates to their places have the least justification as they cause resentment and bitterness in the locality.

The appointment of School Final passed candidates to the post of Secretaries after discharging the old Secretaries of the Boards on the ground of efficiency may also be put into question when the latter prove to be more useful and experienced by their long standing service and multiple contribution to the solution of the outstanding local problems.

The infusion of fresh blood in the new set up should be halted till the retirement of the old numbers, and in the appointment of new members after the retirement of old ones the views of the council should be consulted. The present method of appointment and dismissal of Anchal Panchayat Secretaries which has recognised full power of the Local council in this respect by an amendment to the former rules shows its compliance with the view just expressed.

Relation between the Gram Sabha, Gram Panchayat and the Anchal Panchayat:

A peculiar amalgam of both hierarchical and non-hierarchical elements in the local government system of Great Britain is an interesting development in recent years. In expounding the non-hierarchical character of the English local Government system Mr. Finer observes that English local authorities are,
within their legal and territorial orbit, free from control by other local authorities. Thus in England the local authorities are not controlled by bodies immediate between them and the central authority. They are controlled directly by Parliament and the Central Departments. But in recognising the control of the county council over the different Units of local government in some respects the system negates to some extent the non-hierarchical character of the local government in England.

In discussing the relation between the Gram Sabha, Gram Panchayat and Anchal Panchayat it will be observed that the members of the Gram Panchayat are elected by the Gram Sabha concerned and the Gram Panchayat has to submit annual return of works performed in course of a year to the Gram Sabha. The members of the Gram Sabha have the right to ask for any information relating to the administration of the Gram Panchayat in the annual general meeting of the Gram Sabha where Adhyaksha is to preside. Gram Panchayat might act as a cabinet to its Sabha in the absence of its very essential quality like responsibility to the legislature. Definitely, Gram Panchayat is not responsible to its Gram Sabha as the very word 'responsible' has nowhere occurred in the Act. Thus, the members of the Gram Panchayat are irremovable by the Gram Sabha which do they represent.

1. Herman Finer - English Local Government, 1950, PP-19-20
3. See 9 Sub-sec.(2) Ibid.
Any member of a Gram Sabha having the qualification for membership of a Gram Panchayat can be a member of the Anchal Panchayat. But the right of voting in the Anchal Panchayat election has been specially reserved for the members of the Gram Panchayat. Moreover, any member of a Gram Panchayat including its Adhyaksha and Upadhyaksha can be a member of the Anchal in which the Gram Panchayat forms a part. So though the Act has made attempts to make both the organs equal in various respects excepting their financial matters, the inclusion of provision for simultaneous membership in both the organs invokes the leadership and guidance of the Pradhan of the Anchal in the performance of duties of a Gram Panchayat.

The non-parliamentary feature of not recognising the right of removal of the members of the Gram Panchayat by the Gram Sabha concerned is also to be found in the case of the Anchal Panchayat as the Act denied the same privilege to the members of the Gram Panchayat to remove the members of the Anchal Panchayat by a vote of no-confidence. Only the prescribed authorities have been entrusted with the right of removing the members of both the Gram and Anchal Panchayats under several charges. But if the said right was conferred upon the democratic bodies, the Act would be able to preserve its democratic character to a large extent. Moreover, the act of removing the members of the executive ought to have been given to an organ which always remains in close proximity with the former as the latter can
make an on-the-spot study of the merits and demerits of the candidates whom it has chosen.

But there is also the other side of the question. It is doubtful whether at this infant stage of local democracy the right of removing the members would be granted to the units concerned or not. The recognition of this right might prove to be a bad weapon in the hands of the local units. The democratic recklessness and popular gust of opinion might damage the sanctity of the purpose for which the right was conceded. But the method of making experiment with the said privilege under the proper supervision and control of a superior authority as it is found to exist in the Gram Panchayat system in Punjab might serve a useful purpose for which the system has been introduced.

As soon as the members of the Gram Panchayat are elected they are irremovable by the Anchal Panchayat and the latter has neither the right to supervise the activities of the Gram Panchayat nor has the authority to make a report against any negligence of duties or default in the performance of its scheduled functions. But the right to act in case of default and even to supersede certain local authorities in certain cases has been conferred upon the county council in England. In West Bengal the aforesaid functions have been entrusted upon the prescribed authority (i.e., District Panchayat Officer) and the State Government.

1. Sec.9, sub-sec(2) Second proviso of the Punjab Gram Panchayat Act, 1952.
in this context. The Act thus delegating the right to make a report and to take necessary action in the case of persistent negligence of duties both by the Gram and Anchal Panchayats to the District Panchayat Officer has made the two organs co-equal in some respects. Considering the above characteristics the non-hierarchical pattern of local self-government which has been a talk in England for several years is now found to operate in West Bengal.

But an analysis of other features does definitely reveal its so long concealed characteristic of hierarchical pattern. The Secretary is an employee of the Anchal Panchayat but the Anchal Panchayat can lend the services of its Secretary to the Gram Panchayat in accordance with the term and conditions as may be agreed upon between the Gram and the Anchal Panchayat. The West Bengal Panchayat Rules specifically lay down that the Secretary of the Anchal Panchayat shall communicate to each Gram Panchayat on or before the 1st December of every year the approximate amount to be allotted during the next financial year to the Gram Panchayat and the Adhiksha on the receipt of that communication shall prepare the budget estimate for the next financial year by the 15th of December of every year. In practice the budget estimates of Gram Panchayats are made by the Secretary of the Anchal and it has been the duty of the Secretary to tour different Gram Panchayats under the Anchal for the preparation of their budget estimates.

1. Sec. 50 of the W.B.Panchayat Act, 1957.
2. W.B. Panchayat Rules, 134.
The aforesaid duty of the Secretary would be a permanent one if the Adhyaksha and other members of the Gram Panchayat mostly come from the illiterate and ignorant stock.

The budget which has been passed by the Gram Panchayat and also by its corresponding Gram Sabha is submitted to the Anchal Panchayat on or before the 10th February of every year and the Anchal Panchayat on receiving the budgets of constituent Gram Panchayats shall consider them at a meeting specially convened for the purpose on or before the 28th February of every year and communicate its approval of the budgets with such modifications as it deems proper on or before the 25th March of every year. The Act empowering the Anchal to lend the services of its Secretary to frame the budgets of its constituent Gram Panchayats and in authorising the Anchal to pass the Budgets of the said organs finally has totally recognised the superiority of the Anchal to the Gram Panchayats in respect of power, position and status. Naturally, the general leadership of the entire area of the Anchal devolves upon the Pradhan which was formerly occupied by the Union Board President.

It is true that in making allotments of funds to its constituent Gram Panchayats the Anchal shall be guided by the rules and regulations laid down by the Act; and definitely the Anchal prior to the distribution of its revenue has to take into consideration

1. Nos. 135, 136, 138 and 139 Ibid.
three factors viz. the amount available for distribution; the amount raised as tax, toll, fee and rate from each of the Gram Sabha within its jurisdiction; and the amounts required by the Gram Panchayats concerned according to the budget framed by them for carrying on their duties and functions during the year in question. The consideration of the three factors at a time just referred to prior to allotments might serve as a safeguard against any discrimination and injustice made by the Anchal to its contiguous Gram Panchayats but the passage of their budgets by the Anchal definitely derogates from the non-hierarchical pattern of administration.

The control and influence of the supervisor of panchayats and the Anchal over the Gram Panchayats will be found to be more trenchant when we come to observe the preparation and finalisation of the assessment list made by the Anchal. The West Bengal Panchayat Act as well as the Rules made thereunder have vested the Anchal with the power of making assessment on all persons living within its jurisdiction who are owners or occupiers or owners and occupiers of lands or buildings etc. If the assessment list as prepared by the Anchal is inequitable, excessive or falls short of the financial requirements of the year concerned, the supervisor shall direct the Anchal to revise the list and the Anchal shall thereupon prepare a revised list accordingly. The revised list as appertains

to each Gram Panchayat shall be displayed at a conspicuous place within the jurisdiction of the Gram Panchayat.

The analysis of the above facts would make the point clear that though the Gram Panchayat under the Act has been entrusted with numerous constructive functions, its right to impose taxes or make assessment has been totally usurped by the Anchal, the supervisor and the District Panchayat Officer. Thus, the right to enact and pass the budget by the Gram Panchayat as well as by the Gram Sabha has been a formal affair, the real work being vested upon the higher authorities concerned. This has been the real form of democracy which we seek to introduce through the garb of the Panchayat system and Democratic Decentralisation.

The intervention of the officer through the Anchal upon the assessment list is always welcome when the assessment list is inequitable, excessive and unjust; but intervention on the plea of insufficiency to meet the financial requirements of the year is always undesirable. In parliamentary democracy the entire financial matters should be left in the hands of the Parliament and this has been realised in the administration of our Central and State level as in both the Centre and the States the imposition and assessment of *An appeal against the assessment thus made by the Anchal Panchayat as well as by the supervisor of Panchayats can be made before the District Panchayat Officer whose decision shall be final. (vide/No.115).
of taxes and the enactment of budgets have been conferred upon the representatives of the people who are members of the Central and State Legislatures. But in the case of the Panchayat neither the Supervisor nor the District Panchayat Officer happens to be the representative of the people; so the grant of the aforesaid power to him is nothing but to strengthen the hold of bureaucracy in the country and weaken the domain of democracy.

The financial dependence of the Gram Panchayat over the Anchal Panchayat will be more clear when the distribution of money accruing from any endowment or trust created in favour of two or more Gram Panchayats under the same Anchal has been vested upon the latter and not upon the former.

Anchalik Parishad.

The experimentation with the principle of 'Democratic Decentralisation' and participation in democracy in India is of recent origin and it is being carried on under the banner of Panchayati Raj. But the system is not a monopoly to India. The actual working of the principle through the apparatus of different national Committees in Czechoslovakia is also a noticeable feature in this context. The pattern of people's administration in a country like

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1. Sec.56, sub-sec.(1), Cl.(c) second proviso of the W.B.Panchayat Act, 1957.

The writer has noticed in his research work striking similarities in many cases between the constitution of national committees in Czechoslovakia and the Anchalik Parishad in West Bengal and this is the reason why the writer specially mentions the name of national committee of Czechoslovakia.
Czechoslovakia whose constitution is based on socialist principle is reflected through the constitution of national committees in regional and local levels. The constitution of different local institutions in pursuance of the principle of "Democratic Decentralisation" has been of much interest to the people of India.

In compliance with the aforesaid principle, the state government shall divide a district into blocks each comprising such A_n_chals as may be specified in the notification and the state government shall establish for each block an Anchalik Parishad bearing the name of the block. The principle which is generally followed for constituting a block as well as an Anchalik Parishad is that 'an average 400 villages with a population of 60,000 to 70,000 persons spread over an area of 150 to 170 a°res square miles' would have a block.

An Anchalik Parishad will have different categories of members as laid down below:

1. All Pradhans of A_n_chal Panchayats comprising the block will be the ex-officio members of the Anchalik Parishad, so the membership of the Pradhans in the Anchalik Parishad will be an automatic one. Once the Pradhans are elected by the people, they need not submit themselves

* The functions of the said committees will be discussed later on in this chapter.

to further election to become the members of the Anchalik Parishad, but a pradhan can voluntarily forego his right of membership by intimating the President of the Anchalik Parishad, and in such case a new member will be elected from amongst the members of the same Anchal to be a member of the Anchalik Parishad.

2. Save and except the Pradhan each Anchal has the right to send the Adhyaksha who is to be elected from amongst the Adhyakshas of the Anchal. But a member of the Legislative Assembly or the legislative council or of the national Parliament who happens to be an Adhyaksha is denied the right to contest election in the Anchalik Parishad from the constituency of Adhyakshas, because a M.L.A. or a M.L.C. or a M.P. is already a member of the Anchalik Parishad concerned by virtue of his membership of the state or national legislature under the provisions of the West Bengal Zilla Parishads Act, 1963.

3. The members of the House of the People or the Legislative Assembly of the State elected from a constituency comprising the block or any part thereof will be automatically the members of the Anchalik Parishad but the Ministers belonging to the constituency just mentioned have been denied the right of membership to the said organ. Again, members of the Council of states or the Legislative Council of the State,

1. Sec.52 sub-sec.(1) cl.(a) of the W.B. Zilla Parishads Act, 1963.
2. Sec.52 sub-sec.(1), cl.(b) read with sec.53 sub-sec. (1).

Ibid.
not being a Minister, but having a place of residence in the block will be the members of the Anchalik Parishad.

It is very curious to note that the Anchalik Parishad does not only contain the members elected indirectly by the people but also appointed, coopted and associate members.

4. Under the provisions of the Act two women and two persons belonging to a backward community having a place of residence in the block will be appointed by the State Government as members of the Anchalik Parishad.

5. Two persons who have knowledge of, or experience in social work or rural development, having a place of residence within the block will be co-opted by the aforesaid members of the Anchalik Parishad.

6. Lastly, the Block Development Officer by virtue of his post will be the associate member of the Anchalik Parishad.

The Act has provided that if a Pradhan who has been an ex-officio member of the Anchalik Parishad subsequently becomes a member of the legislative assembly or the Legislative Council or of the national parliament, he shall cease to be a member of the Anchalik Parishad by his former capacity. The said provision does also apply in the case of Adhyaksha, appointed and

1. Sec.52 sub-sec.(1) cl.(c) Ibid.
2. Cl.(d) Ibid.
3. Cl.(e) Ibid.
4. Sec.52 sub-sec.(2) Ibid.
co-opted members equally. This is known as prohibition of simultaneous membership.

The reasons for denying the said privilege are that as a member of the legislative Assembly or a legislative council or a member of the parliament a person becomes automatically a member of the Anchalik Parishad of the area concerned; so he is not eligible further to seek election or appointment or co-option in the Anchalik Parishad under the provisions of the Act. It is true that a Pradhan who is a member of the Anchalik Parishad ex-officio can never claim his membership to the said organ in the capacity of being a Pradhan if he subsequently becomes a member of State or national legislature. But the Act in denying the said privilege to a Pradhan has not made it clear whether a new will be elected or appointed in his place to fill up the said vacancy. This argument may also be put forward in the case of Aghyaksha, co-opted and appointed members.

Though simultaneous membership in the Anchalik Parishad has been clearly prohibited by the provisions of the Act, in the sense in which it is used but a person has been eligible to hold simultaneous membership to the three different organs of the Panchayat if he desires to be so. For instance, a member of a Gram Panchayat who has been elected as the Pradhan of his Anchal to which he belongs will be automatically a member.
of the Anchalik Parishad concerned. Furthermore, an Adhyaksha who is an ex-officio member of the Anchal Panchayat to which he belongs may also be an elected member of the Anchalik Parishad from the constituency of the Adhyaksha. Again, a M.L.A. or a M.L.C. or M.P. who may be a member of his Gram Panchayat may be a member of the Anchal Panchayat and, lastly, he must be a member of the Anchalik Parishad concerned.

So the Act in spite of its novel attempt in deleting the provisions of simultaneous membership to the organ in the sense in which it is used has conferred a privilege to hold simultaneous membership to the three separate organs. Perhaps, it would have been better if the system of membership to different organs would remain open to different sets of persons amongst the rural folk. To be more precise a person should be a member of one organ only and not more than that. In other words, he should be denied the privilege of double or triple membership. In this context the constitution of the local government system of Japan may be pointed out where local Autonomy Law provided that - "no one is to be concurrently a member of a local assembly and a member of the Diet or another local assembly".

It may be argued that the double or triple membership of a person of different organs will serve the purpose of a channel of communications or a liaison between the different sets of organs in the hierarchical

set up of administration and this might help achieve a uniform pattern of administration. But this system will definitely deprive various other willing and energetic persons who are eager to serve the panchayat. In Great Britain the representatives of the parish or the Rural District Council need not necessarily be members of the Parish council, or where it does not exist, an elected representative of the Parish meeting. But a liaison between the two sets of bodies is really vital since they are doing administrative work which may easily overlap and thus cause unnecessary expense. In many parts of the country, Rural District Councils have established Parochial Committees to make sure that this link does exist.

The present composition of the Anchalik Parishad has been totally copied from the model of the Panchayat Samiti as laid down by the Report of the committee on plan projects. The Report which is popularly known as Balwantrai Mehta Committee Report has specifically laid down that: 'the Panchayats within the block area can be grouped together in convenient units, which can be Gram sevaks' or 'circles, and the panches of all the panchayats in each of these units shall elect from amongst themselves a person or persons to be a member or members of the Panchayat Samiti. We consider that such elected representatives should be about 20 in number in each Panchayat Samiti. These elected representatives will co-opt two women who are interested.

1. Herman Finer - English Local Government, 1950, P-120.
in work among women and children. Where the population of scheduled castes exceeds 5% of the total population of the panchayat samiti area, one person belonging to a scheduled caste shall be co-opted; and similarly, one member of a scheduled tribe ........... In addition a Panchayat samiti may co-opt two locally resident persons, whose experience in administration, public life or rural development would be of benefit to the samiti.

In this way the Block Advisory Committee will be replaced by a statutorily powerful instrument of the local people's will, which can ensure that the expenditure of resources upon local works conforms with the wishes and needs of the locality.

The important feature of the Report which attracts our attention is that the report has not made any recommendation for the inclusion of M.L.A.s, M.L.C.s, and M.P.s. to the Panchayat Samiti which has been the Anchalik Parishad in West Bengal. The reasons for associating the members of the State and national Legislatures with the local development councils have been laid down in the 1st Five Year Plan of the Government of India. It has been said "that members of State Legislature and of Parliament should be closely associated in framing and working out local development programmes. They are in a position, on the one hand, to bring their knowledge of local needs and problems to bear on the formulation and examination of State and national policy and, on the other, to carry into local

programmes, the larger perspective and the conception of priorities against which policies have to be worked out both by the Central and State Government:

It is true that the comprehensive of different needs and circumstances of different smaller areas are necessary prior to the formulation of development programmes of the larger area and this aim is being achieved through associating the members of both national and state legislatures with local development councils but to confer membership in different organs on the said ground stands to little reasoning when other willing and active persons are deprived of the same privilege. In a word, the present Anchalik Parishad as well as the Panchayat system as a whole, on a close analysis, has been a rule of the local M.L.A.s and M.L.C.s & M.P.s.

It is true that the Act has made sufficient provision for the inclusion of women and backward community in the Anchalik Parishad through the method of appointment. But the basis of appointment and selection has not been specifically laid down in the Act; as a result, the persons who can curry favour with local leaders of the Anchal will have access to the Anchalik Parishad on the basis of their recommendation while the able and competent persons of independent mind in spite of their manifold knowledge and qualifications may be deprived of the said privilege. The actual method of appointment and co-option in practice today seems to prove the above contention.

1. 1st. Five Year Plan, Ch.7, PP-140-41.
2. C.F. "The very composition securing in section 4 will convince any one about the actual position. There has been so many appointments and nominations. Well, let there be appointments, but where is the criteria for those who will be appointed or nominated? Some qualifications of the appointed members should be stipulated, otherwise, it would be much too arbitrary." (W.B. Legislative Assembly proceedings Vol.XXXVI, July-Sept. 1963, P-316. Pointed out by Hon'ble member L.R. Josse).
The Act has provided that persons who have knowledge of or experience in social work or rural development may have access to the Anchalik Parishad through the method of co-option. Co-option is, in fact, a rather remarkable addition to the technique of democracy and may one day prove to be its salvation because the democratic process does not assure that all types of opinion shall receive representation. In democracy elections are controlled by groups who do not, for various reasons which seem good to them, include with all who deserve to participate in local government and there are many whose services to the community are of inestimable value, but who are repelled by the process of securing votes. Thus, it would be better if the persons so eliminated in the election are taken in through the technique of co-option. But in some places there is an unfortunate tendency to co-opt people, not because they are expert or have a proper economic or spiritual interest involved in a particular service, but as a compensation prize to political colleagues who stood for election to the council but were defeated. Actually, these things are found to take place in the case of co-option of our Panchayat system also. It is observed that the party winning the majority in the Anchalik Parishad co-opts its party men who were either defeated in the election or dared not

1. Herman Piner-English Local Government, 1950, Ch. 9, P-238.

* The writer himself found a person who failed to become a Pradhan of an Anchal Panchayat subsequently managed to be a member of the Anchalik Parishad by co-option and he tried to be its President by removing the existing President.
seek election on the apprehension of being defeated. Thus the knowledge of or experience in social work or rural development has been a secondary consideration in the case of co-option of members to the Anchalik Parishad.

Tenure of the members of Anchalik Parishad and their qualifications.

The members of the Anchalik Parishad are to hold office for a period of four years if they are not otherwise disqualified by the provisions of the Act.

The requisite qualification for membership in the Anchalik Parishad as laid down under the Act are more or less the same as those of the Qualifications of the members of the Gram and Anchal Panchayats. The Act in enumerating the disqualifications of the members of the Anchalik Parishad has laid down that "a person shall not be qualified to be a member of an Anchalik Parishad, if he is an officer or employee of the Zilla Parishad, an Anchalik Parishad within the district or any standing committee thereof."

The rigour of the provision that an employee or officer of either the Zilla Parishad or the Anchalik Parishad has no right to have membership in the said organ is only applicable in the case of a person who is both serving and seeking membership in the same district. But if he seeks membership in his own district and serves either the Zilla Parishad or Anchalik Parishad of another district he will not incur such disqualification.

2. Sec. 59 Cl. (b) Ibid.
Any member of the Anchalik Parishad save and except its associate member is eligible to be elected as a President or a Vice-President. The President and the vice-President will hold office for four years unless otherwise removed. The Act in allowing even a co-opted or appointed member to be the President or the Vice-President of the organ has showed some undemocratic feature. It may be found that a person is elected as the President or the Vice-President of the Parishad whom the people do not want. Such backdoor method of making a person as President or Vice-President of an important organ like the Anchalik Parishad is quite derogatory to the popular form of government. Of course, it is to be noted in this connection that the Act has totally debarred the associate member i.e. the B.D.O., a full-fledged government servant, to be its president or vice-President. Recently the Act has inserted a new clause to the effect that the President and the Vice-President of an Anchalik Parishad shall be paid out of the Anchalik Parishad fund such honoraria and allowance and shall be entitled to leave of absence for such period or periods and on such terms and on such conditions as may be prescribed. As per present decision of the state government the president and the vice-President of the Anchalik Parishad would receive a monthly remuneration of Rs.150 and Rs.100 respectively.

1. Sec.55 sub-secs (1) & (2) Ibid.
An Anchalik Parlshad shall have a Chief Executive Officer and the Block Development Officer shall be such officer of the said organ. Local Government in West Bengal will find a true picture of democracy when it will be able to make room for transferring an Executive Officer when the latter out of his former habit considers the masses as well as the members as fools and nincompoops. And actually, the West Bengal Zilla Parlshads Act, 1963 by incorporating such a feature, whereby the Executive Officer of the Anchalik Parlshad shall be recalled by the State Government if a resolution to that effect is passed by two third votes of the total number of members of the Parlshad, has preserved its democratic spirit and tradition.

The Analysis of the Act proves the fact that the president or the Vice-President of the Anchalik Parlshad has been all-in-all of the organ and the Chief Executive Officer i.e. the B.D.O. probably a servant who is to serve under the directions of the President or the Vice-President as well as under the Anchalik Parlshad.

The Act in its section 56 has made more clear the relation between the President or the Vice-President and the Chief Executive Officer. The Section lays down that the President shall have full access to all records of the Anchalik Parlshad and exercise administrative supervision and control over the work of the Chief Executive Officer for securing implementation of resolutions or decisions of

1. Sec.74 sub-sec.(1) 1st proviso of the W.B.Zilla Parlshad Act,1963.
Resignation and removal of the members of Anchalik Parishad.
The President or Vice-President of any member of Anchalik Parishad can resign his office by notifying in writing his intention to do so to the prescribed authority. The grounds as set forth for the removal of the members of Anchalik Parishad including the associate member are more or less the same as those may be found in the case of the removal of the members of the Gram Panchayat and Anchal Panchayats, but the West Bengal Zilla Parishads Act, 1963 has inserted a new clause in enumerating the grounds of removal of the members of the Anchalik Parishad which is peculiar by its absence in the West Bengal Panchayat Act, 1957. The grounds as set forth may be stated thus: 'If a member acts as a lawyer against the Anchalik Parishad in any legal proceedings to which the Anchalik Parishad is a party he shall cease to be a member of the Anchalik Parishad with effect from such date as the state government may specify.'

It has not been made clear why such provision has found to make room here when the very basic and vital organ of the Panchayat cleverly ignores the same. Moreover, that sort of fault is committed by a member by acting as a lawyer against his Anchalik Parishad that he consequently loses his membership is not clear.

President, Vice-President and Executive Officer of the Anchalik Parishad.

1. Sec. 15 sub-sec(1) of the W.B. Panchayat Act, 1957 read with sec. 60 sub-sec.(4) of the W.B. Zilla Parishads Act, 1963.

2. Sec. 60 sub-sec.(3) of the W.B. Zilla Parishads Act, 1963.
the Anchalik Parishad or of any committee thereof. At present the President of the Parishad has an office and a personal Clerk with in the prescincts of the Chief Executive Officer i.e. the B.D.O., though the President is not regular in his office. But under the rule *the President and the Vice-President of an Anchalik Parishad shall devote sufficient time and attention to the duties of their respective offices. They should attend office for not less than one third of the working days in each month. The writer particularly knows a President and a Vice-President who pass most of their time outside the jurisdiction of the Anchalik Parishad and rarely attend their offices as they are much busy in some other associations.

The President of the Anchalik Parishad under the Act seems to enjoy the status of a Minister and the Chief Executive Officer acts as his departmental Secretary. The Vice-President shall exercise such of the powers, perform such of the duties as the President may from time to time delegate to him by order in writing. Furthermore, the Vice-President during the absence of the President exercise all the powers, perform all the functions and discharge all the duties of the President.

Though the Chief Executive Officer has been entrusted with the formulation of the budget estimate of the Anchalik Parishad, the President or in the absence of the

1. Sec. 56 Sub-sec. (1) Ibid.
President the Vice-President has been the drawing and disbursing officer of the Anchalik Parishad. Moreover, the draft budget prepared by the Chief Executive Officer has to be laid before the Finance and Establishment committee and finally before the Council (Anchalik Parishad) with the recommendations of the Finance Standing Committee, if any. The Chief Executive Officer has been given the authority to prepare the agenda for the meetings of the Anchalik Parishad. The Chief Executive Officer has to submit a quarterly statement of accounts to the Finance and Establishment standing committee. He is to submit a copy of his tour diary to the President of the Anchalik Parishad for his information and shall keep the President posted with the progress of various development activities in the Block and the problems and difficulty, if any experienced in the working from time to time. Finally, the Chief Executive Officer shall be bound to carry out the decisions arrived at in the meetings of the Anchalik Parishad and its standing committee.

The Chief Executive Officer who happens to be the B.D.O. is no less than a graduate and a very strained relation between the B.D.O. and the President of the Block would be created when latter comes of an illiterate stock and happens to be a party leader. The President of the Anchalik Parishad is generally found

3. Nos. 93-96 Ibid.
to be the leader of a party and he, being backed by a majority party, practically controls the wheel of the administrative machinery having the Chief Executive officer its most obedient executor. This is the real form of democracy introduced with an undemocratic element when a president is not necessarily a direct nominee of the people.

In the recent discussions held, at Hyderabad Summer School on the "Problems of Panchayati Raj" it was pointed out that in a majority of Community Development Blocks at Rajasthan the Block Development Officer and the Pradhan (President of the Samiti) carried on their work harmoniously and with considerable enthusiasm despite some maladjustments such as encroachment by the Pradhan into the functions of the B.D.O. They are, of course, some Blocks where "temperamental and communal differences strained the relations between B.D.O. and Up-Pradhan" and, furthermore, "party politics of members unduly influenced the Pradhan against the officials."

In order to get rid of this difficulty one obvious remedy was suggested in the aforesaid discussion "was the creation of a separate Panchayati Raj administrative cadre and in particular a cadre of executive officers (B.D.O.s.) who, from the very beginning, realised that they were permanently assigned to the department and were not birds of passage looking for reversion to parent their parental departments and who were fully oriented in the objectives and ideology of Panchayati Raj".

2. Ibid.
To prohibit a person to hold two executive posts has been provided for by the Act in the constitution of the Anchalik Parishad. The Act lays down that: 'If a Pradhan or an Adhyaksha is elected as President or Vice-President of an Anchalik Parishad, he shall vacate the office of the Pradhan or the Adhyaksha as the case may be. But it has not been made clear whether the said Adhyaksha or the Pradhan consequently loses his membership in his Gram or Anchal Panchayats. Although the Act has denied the President or the Vice-President to be the Adhyaksha or the Pradhan of the Panchayat, it has not denied the rights of the members of the State and National Legislatures to be the Presidents or the Vice-Presidents of the Anchalik Parishads as the same have been negatived by the Punjab Panchayat Samitis and Zilla Parishads Act, 1951.

Removal of the President and the Vice-President of the Anchalik Parishad.

A member of the Anchalik Parishad can only be removed by the State Government on charges specified under Sec.60 of the Act but the President and the Vice-President of the organ can be removed both by the members of the Anchalik Parishad as also by the State Government. It is laid down that if the President or the Vice-President is incapable of exercising his powers or wilfully neglects to carry out the directions of the State Government or abuses his powers, he may be removed from his office by the State Government and he shall thereupon cease to be a member of the Anchalik Parishad and also cease to be a member of, or to hold any

1. Sec.55 Subsec.(6) of the W.D, Zilla Parishads Act, 1933.
2. Sec.5 sub-sec.(2) read with sec.17 ibid.
office in any of the bodies constituted under this Act. Secondly, the President or the Vice-President of the Anchalik Parishad may also be removed by a vote of no-confidence passed by the members of the Anchalik Parishad. If the President or the Vice-President is removed by the members of the Anchalik Parishad, he will cease to be the President or the Vice-President of the organ, but he will continue to be the member of the Anchalik Parishad.

A novel feature to observe in the Panchayat system in West Bengal is that an ordinary member of the Panchayat including the member of an Anchalik Parishad can only be removed either by the prescribed authority or by the State Government, as the case may be, but the President or the Vice-President of the Anchalik Parishad as well as the Adhyaksha or the Upa-adhyaksha and the Pradhan or the Upa-Pradhan of the Gram and Anchal Panchayats respectively can be removed both by the members of their respective organs and also either by the prescribed authority or by the State Government, as the case may be.

The meetings of the Anchalik Parishad and its functions. An Anchalik Parishad has to hold a meeting at least once in every three months and the presence of one-third of the total number of members would constitute a quorum for the meeting. In the meeting every question would be decided by the majority of votes of the members present and voting but the associate member has been denied the right.

1. Sec.57 sub-sec.(1) Ibid.
2. Sec.57, Sub-sec.(2) Ibid (See also the procedures for removal of the Chairman or the Vice-Chairman of the Zilla Parishad discussed later on in this chapter).
to vote. The incorporation of the clause relating to the denial of voting right of the associate member, who happens to be a government employee, is highly welcome in this age of democratic decentralisation and local self government.

On a close analysis it will be found that the Anchalik Parishad has been an organ through which the government grants and contributions for various development schemes are to reach the villages. It has also been contended that the Block Panchayat Samiti which is known as Anchalik Parishad in West Bengal would take the entire responsibility for the community development programme and for guiding and directing the N.E.S. organisation employed with in its jurisdiction.

In order to carry out the projects with in the jurisdiction of the gram panchayats the latter shall formulate their respective budgets on intimation by Anchalik Parishad through the Anchal Panchayats by the 30th day of November, proceeding the financial year to which the budget relates, of the probable government grants and allotments which may be made available under the different heads of the subhemetic block budget or under various development schemes of different departments of government in the State Plan. The duty of distributing government grants and contributions earmarked for various development projects has befallen upon the Anchalik Parishad.

2. Community Development S.K.Dey, introduction(vii).
3. W.B.Zilla Parishads (Election, constitution and Administration Rules,1964 no.36.)
Parishad. It has been laid down that "on receipt of the allotments from the District Magistrate and the Zilla Parishad, the Anchalik Parishad shall reallot to selected Gram Panchayats, under intimation to the Anchal Panchayat the amounts sanctioned by the State government for any scheme the execution of which is confined within the limits of the Gram panchayats concerned and such shares of the government grants and contributions as the Anchalik Parishad may decide.

Section 65 of the West Bengal Zilla Parishads Act, 1963 has contained a long list of functions of the Anchalik Parishad; viz. the development of agriculture, livestock, cottage industries, co-operative movement, rural credit, water supply, irrigation public health and sanitation including establishment of dispensaries and hospitals, communications, primary or adult education including welfare of students, social welfare and other objects of general public utility etc. The aforesaid welfare functions were also assigned to the Gram Panchayat; so it is needless to assign the same to the Anchalik Parishad again. The Act has, later on, made it clear that 'an Anchalik Parishad shall not undertake or execute any scheme confined to an area over which a Gram Panchayat has jurisdiction.' It has also been pointed out by the Act that if the implementation of any such scheme is beyond the competence of the Gram Panchayat concerned financially or otherwise the Anchalik Parishad may execute the scheme itself or entrust its execution to the Gram Panchayat or the Anchal Panchayat and give its such assistance as may be

1. Ibid No.58.
required. But an Anchalik Parishad may undertake or execute any scheme if it extends to more than one Anchal. Herein lies the positive and independent functions of the Anchalik Parishad.

The analysis of the Act shows that the Gram Panchayat has been a positive instrument of social welfare and the Anchalik Parishad seems to be an organ which operates and experiments with the said instrument. The general powers of supervision over Anchal Panchayats and Gram Panchayats in the Block have been vested with the Anchalik Parishad, and it has been the duty of the Gram and Anchal Panchayats, "to give effect to the directions of the Anchalik Parishad on matters of policy or planning for development."

The powers and functions of the national committees in Czechoslovakia have also fallen in the same line with the functions of the Anchalik Parishad. Article 89 of the constitution of Czechoslovakia lays down that the national committees direct, organise and ensure in a planned manner the development of their area as regards economic affairs, culture, health and social services. They are responsible for the satisfaction of the material and cultural requirements of the working people to a continuously increasing degree. They run local industry and trade, manage cinemas,

1. Sub-Sec.(2) of Sec.65 of the W.B.Zilla Parishads Act,1963.
2. Sub-Sec.(3) Ibid.
3. Sec. 71 Ibid.
clubs and health and social institutions which are completely nationalised.

The Anchalik Parishad in West Bengal shall have power to (1) undertake execution of any scheme, performance of any act, or management of any institution or organisation entrusted to it by the State Government or any other authority; (2) manage or maintain any work of public utility or any institution vested in it or under its control and management; (3) make grants in aid of any school, public library, public institution or public welfare organisation within the 2 block.

The national committees in Czechoslovakia are provided with a large proportion of the national budget to carry out the purposes of the Act. It has been observed that out of the one-third of budget expenditure earmarked for national committees the District committees get the largest share (73 percent), local committees 14 percent and regional committees 13 percent. But in West Bengal it has not been made clear the amount of revenues that might be made available to different Anchalik Parishads. In Czechoslovakia the national committees happen to be the custodians of State power and administration within their geographical boundaries and they have to see to the enforcement of law and order and ensure the protection of civil rights.

2. Sec. 65, sub-sec.(1)Cl.(a) & sub-cls.(ii),(iii) & (iv) of the W.D.Zilla Parishads Act, 1965.
4. Ibid.
In West Bengal though the Act has not categorically declared that the Anchalik Parishad will be the organs of state power, the actual practice would definitely compel them to function as a unit of state power when financial interest is involved.

If Anchalik Parishad acts as an organ of State power in the name of democratic decentralisation its utility to the society might be put into question. A perusal of the West Bengal Panchayats Act, 1957 and the West Bengal Zilla Parishads Act, 1963 shows that all the positive and welfare functions including the works of community development introduced by the different five year plans of the Government of India are totally vested in the Gram Panchayats. The Anchal Panchayats and the Anchalik Parishad in the hierarchy of administrative pattern have been supervisory organs with no independent power and judgment. The analysis of the Zilla Parishads Act and the Rules made thereunder would clearly prove the dependence of the two organs - Anchal Panchayat and the Anchalik Parishad - upon the Zilla Parishad. Previously we championed the cause for the abolition of the Anchal Panchayat. Not only the Anchal Panchayat but also the existence of the Anchalik Parishad may be challenged. Anchalik Parishad has practically little source of revenue of its own, so the organ is totally dependent upon the State Grant for the performance of its functions. When the Zilla Parishad (as will be discussed later on in this chapter) has been vested with the direct supervisory

*In the report of the Joint select committee Prof. Kashikanta Malda and Narodra Nath Das in their minutes of dissent proposed the elimination of the Anchalik Parishad. (See Report of the Joint Select Committee.)
powers over the functions of the Gram Panchayats, the Anchalik Parishad will prove to be a fifth wheel of the Coach. As the Local Board proved to be so under the Bengal Local Self-Government Act of 1885. The present system of giving government grants to the Gram Panchayats through the Anchal Panchayat and the Anchalik Parishad should be totally abandoned, and in that place all government grants and contributions should come through the Zilla Parishad direct to Gram Panchayats. The creation of so many institutions and organs with no positive and constructive power and having no independent sources of revenue will create a lot of complications, troubles, expense and delay in the execution of projects entrusted to them. Today the Anchalik Parishad has been in many cases a field for capturing power and serving the interests of the party in power. Thus the existence of the Anchalik Parishad has little justification under the present state of circumstances. The development works carried under the different five-year plans will not certainly be a permanent one; it will come to an end in future. When the development works through the block will be over what duty an Anchalik Parishad will perform is yet to be seen.

Footnote: Mr. N.C. Roy observed: 'Local institutions are apt to be in every case somewhat narrow in outlook and action. But then members of the local Boards will be in this respect far more narrow than those associated with the District.'
Relation between the Anchalik Parishad and its constituent Anchal and Gram Panchayats.

The development or welfare functions of the entire block area will be executed and performed under the proper supervision and guidance of the Anchalik Parishad and as such the Anchal and Gram Panchayats - its constituent units - will function and carry out the will and wishes of the Anchalik Parishad. In the hierarchical pattern of the panchayat system the Gram and Anchal Panchayats are supposed to be the subordinate organs under the Anchalik Parishad and not its co-ordinate ones. Section 71 of the Act has made it abundantly clear that an Anchalik Parishad shall exercise general powers and supervision over Anchal Panchayats and Gram Panchayats in the block and it shall be the duties of these authorities to give effect to the directions of the Anchalik Parishad on matters of policy or planning for development. Secondly, the Anchalik Parishad or a standing committee thereof may call for such information, report, register or record as it may think from an Anchal Panchayat and a Gram Panchayat direct and the latter, it is laid down, shall be bound to supply the same. Thirdly, any officer of an Anchalik Parishad authorised in this behalf by the Anchalik Parishad or by a standing committee thereof, may visit the office or any work of an Anchal Panchayat and a Gram Panchayat and the latter shall be bound to

Boards. The latter are expected to bring to bear upon their activities a wider imagination and fresher outlook. The government will be well advised on those grounds to abolish the local Boards and make it possible for assigning larger authority and jurisdiction to the Union Boards on the one side and if necessary to the Public works and ferries committee of a District Board on the other."(vide/Rural Self Government in Bengal, 1936, P.70.)

1. West Bengal Zilla Parishads (Election, Constitution and Administration) Rules, 1964, Ch.XXV, No.92.
give him success to such records and to supply him such information as may be necessary for the purpose.

Lastly, when a scheme has been entrusted by an Anchalik Parishad or by a Standing Committee thereof to an Anchal or a Gram Panchayat under Sec. 65 sub.sec. (2) of the W.B.Zilla Parishads Act, 1963, the latter shall be bound to submit such periodical progress reports and to comply with such directions as the Anchalik Parishad may require, or issue in connection with the scheme.

Zilla Parishad.

The Zilla Parishad is, as it was intended to be, the guide, controller and regulator of the entire development programme of the district, and as such, the organ stands at the apex of the structure of the Panchayat Programme. The creation and functioning of District Development committee consisting of the representatives of the District in the State legislature and in Parliament, representatives of the co-operative movement and village Panchayats etc. have fallen into disuse with the growth of the Zilla Parishad. The present Zilla Parishad has not only replaced the District Development Committee but also the former District Board set up under the Act of 1885. The idea behind the

1. Vide/Rules no. 37, 38, 39 of Chapter IX read with 92 of Chapter XXV Ibid.
2. Second Five Year Plan Ch.XX, P-161.
4. The Bengal Local Self Government Act of 1885.
creation of the Anchalik Parishad was the local interest, supervision and care were necessary to ensure the expenditure of money upon local objects which could conform with the wishes and needs of the locality. The necessity of a Zilla Parishad was also felt by the committee on Plan projects to ensure the necessary co-ordination between the Panchayat Samitis (Anchalik Parishads in West Bengal). Thus the Zilla Parishad, under the scheme, has been vested with the function of co-ordination and integration of development activities as well as the guidance and control of the same in the entire District.

**Constitution.**

Under the Scheme each and every District has a Zilla Parishad and it consists of six categories of members. Firstly, all the Presidents of the Anchalik Parishads, of the Blocks within the District are ex-officio members.

Secondly, each sub-division of a District is entitled to elect two Adhyakshas from amongst the Adhyakshas of the Gram Panchayats to be the members of the Zilla Parishad.

Thirdly, all the members of the House of the People or the Legislative Assembly of the state elected thereto from a constituency comprising the district or any part thereof, not being a Minister, are automatically the members of the Zilla Parishad. Similarly, the members of the Council of States or the Legislative council of the


\* While tying down the Bill in the Legislature the Honable Minister Dr. S.K. Mukherjee, observed 'as the District is the pivot of the administration, it is essential to have a democratic body at this level also to coordinate the activities of the Panchayats and the Anchalik Parishads, to exercise supervision over them, to do Planning for the entire district as a whole, to prepare schemes which serve more than one Block and to execute them". (See W.B.Assembly Proceedings, 34th Session, Vol.34, Dec. '62 - Jan '63, PP-274-75.)
State, not being a Minister, having a place of residence in the District are the members of the Zilla Parishad. The Act stipulates that a M.L.A. or a M.L.C. or a M.P. who happens to be the Adhyaksha of a Gram Panchayat is not eligible to seek election for membership of the Zilla Parishad from the constituency of the Adhyakshas on the ground that he has been a member of the Zilla Parishad by virtue of his membership in the state legislature or national parliament. Furthermore, if an Adhyaksha who is an elected member of the Zilla Parishad from the constituency of the Adhyakshas subsequently becomes a member of either the State legislature or national Parliament he shall have to vacate his seat in the Zilla Parishad as a representative of the gram panchayats; but he shall continue his membership in the organ as a representative of the District in the state legislature or national parliament. This has been termed as prohibition of simultaneous membership.

But in order to establish a liaison between the different sets of organs of the panchayati administration a member of the state legislature or of the national parliament has not only been offered with a membership of the Zilla Parishad of his District but also with the membership of the Anchalik Parishad lying within his constituency or in the area of his residence. So under the provisions of the Act a member of the state legislature or of the national parliament,
once he is elected or nominated as such, is to be the member of the two sets of organs - Anchalik Parishad and the Zilla Parishad.

Not only that, a member of the state legislature or of the national parliament may be members of different Anchalik Parishads and Zilla Parishads if his constituency or place of residence coincides always with the areas or jurisdictions of the Anchalik Parishad and the Zilla Parishad. This provision of conferring privileges to a few persons with the membership of a nucleus of organs does seriously detract from the principle of Democratic Decentralisation and of "participating democracy" where membership should be kept open to more and more new persons. Fourthly, the State Government will appoint a Chairman of a Municipality or a Mayor of a Municipal corporation of the District as a member of the Zilla Parishad.

Fifthly, the President of the District School Board will be an ex-officio member of the Zilla Parishad.

Lastly, two women having a place of residence in the District may be appointed by the State Government as members of the Zilla Parishad if such a number have not been represented in the parishad by any means whatsoever.

Like the constitution of the Anchalik Parishad the Zilla Parishad has also made a provision for associate members. The difference is that in the former only the Block Development Officer has been the associate member of the Parishad but in the latter sub-divisional Magistrate of each sub-division of the District and the District Panchayat Officer happen to be its associate members.

Unless otherwise disqualified all the members including Chairman and the Vice-Chairman shall hold office for four years. The disqualifications of the members of the Zilla Parishad and their removal do happen to be the same as those were to be found in the case of the members of the Anchalik Parishad.

The Chairman, Vice-Chairman and other officers of the Zilla Parishad.

A Zilla Parishad shall have a Chairman and a Vice-Chairman elected by the members thereof. The right to contest the election for Chairmanship or Vice-Chairmanship has been reserved to the following categories of the members of the Parishad:—

1. the Presidents of the Anchalik Parishad,
2. the Adhyakshas who are elected as members of the Zilla Parishad,
3. the members of the State Legislature and the parliament and women members if appointed therein.

Recently the Act has made a provision by virtue of which the Chairman and the Vice-Chairman of the Zilla Parishad will receive emoluments like the President and the Vice-President of the Anchalik Parishad. As per present decisions of the State Government the Chairman and the Vice-Chairman will draw emoluments to

1. Sec. 6 read with Sec. 7 sub-sec. (2) Ibid.
2. Secs. 11, 12, 59 and 60 Ibid.
3. Sec. 7 sub-sec. (1) Ibid.
the extent of Rs. 350.00 and Rs. 200.00 respectively.
The Act in its attempt to make the election of the Chairman and the Vice-Chairman most democratic has totally denied the right to stand as candidates for the same to the Chairman of the municipality (appointed by the State Government as a member of the Zilla Parishad) and the President of the District School Board who happens to be an ex-officio member of the said organ); but it, on the other hand, admits a woman member appointed by the State Government to be its Chairman and Vice-Chairman, if she is duly elected to the same by the members of the Zilla Parishad. Not only the women members who have been appointed by the State Government as members of the Zilla Parishad are eligible to contest the election for Chairmanship or Vice-Chairmanship but also the Presidents of the Anchalik Parishads who have made their room in the latter only by appointment and, later on, elected by the members as President are found to be eligible for Chairmanship or Vice-Chairmanship of the Zilla Parishad. Lastly, a member of the legislative council of the District who has been nominated to the council by the Governor under the provisions of the Constitution of India are also eligible to contest the election for Chairmanship or vice-Chairmanship.

The Act does not permit a person to hold two

2. Article 171 Cl. (3) sub-cl. (e) of the Constitution of India.
executive posts at a time and thus it stipulates that as soon as a President of an Anchalik Parishad or an Adhyaksha of a Gram Panchayat is elected as a Chairman or a Vice-Chairman of a Zilla Parishad he shall cease to be the President of the Anchalik Parishad or the Adhyaksha of the Gram Panchayat, as the case may be, but it is not clear whether he consequently loses his membership in the Anchalik Parishad or in the Gram Panchayat concerned.

Prior to the emergence of the Zilla Parishad the District Board could appoint a Secretary and an Executive Officer whose duties were to conduct the day to day administration of the Board and the maintenance of proper accounts of the same. Following the same analogy today the Zilla Parishad has had its Secretary and an Executive Officer both employees of the State Government. The Act in its section 22 sub-sec.(1) has made it quite clear that the Executive Officer of the Zilla Parishad will be appointed by the State Government on such terms and conditions as may be prescribed. Though the Act in its sub-sec.(2) of the aforesaid section has laid down that the Secretary of the Zilla Parishad will be appointed by the Zilla Parishad, the proviso of that sub-section has made it clear that the District Panchayat Officer shall be the ex-officio Secretary for a period of four years from the date of the

1. Sec.7 sub-sec.(6) of the W.B.Zilla Parishads Act,1963.
2. Sec.35 sub-sec.(1) of the Bengal Local-self Govt.Act., 1885.
establishment of the Zilla Parishad and for such further period as the Zilla Parishad, may by a resolution passed to that effect and with the approval of the state government, determine. It is very difficult to say whether the Zilla Parishad will dare appoint a new Secretary independently after the elapse of four years when the District Panchayat Officer as Secretary to the Parishad retires. If the Secretary is presumed to be an employee of the Zilla Parishad, the Zilla Parishad, its employer, ought to have the power of removing its employee i.e., District Panchayat Officer, if such necessity would arise.

But the Act has failed to contain such a provision and herein lies the serious loophole of the Act. The Act, however, has empowered the Zilla Parishad to punish an officer or an employee holding a post carrying a monthly salary of rupees three hundred or more and the said punishment can be inflicted upon a person when a resolution to that effect has been passed at a meeting of the Parishad. But whether the word 'Punishment' implies also removal from the post is open to grave doubts.

The Case of the Executive Officer—an employee of the State Government—is quite clear. As the latter has been an employee of the State Government he may be recalled by the State Government when a resolution to that effect is passed by the Zilla Parishad,

at a meeting specially convened for the purpose, by a majority of not less than two thirds of the total number of members holding office for the time being.

It is very interesting to study the present position of the Executive Officer who is made to serve under the Chairman of the Parishad being appointed by the State Government. The Act has empowered the Chairman to fix the date and time of the meetings of the Zilla Parishad and the Executive Officer has been entrusted with the preparation of the agenda for the meetings. It is contended that the Executive Officer shall keep the Chairman posted with the progress of development activities in the District as also with the problems and difficulties, if any, experienced in the working from time to time. The Chairman has got the power to sanction casual leave to the Executive Officer though the latter is an appointee of the State Government. The day to day correspondences of the Zilla Parishad and its standing committees are normally carried on by the Executive Officer.

The Executive Officer has to prepare quarterly reports of expenditure of the Zilla Parishad.

1. Proviso of Sec. 28 sub-sec. (i) Ibid.
2. Sec. 15 Ibid read with W.B. Zilla Parishads (Election, constitution and Administration) Rules No. 40 sub-rule (1) 1954.
3. Sub-Rule (2) Ibid.
4. Sub-Rule (5) Ibid.
5. Rule 41 Ibid.
and to submit the same to the finance and establishment committee of the said organ. It has been made obligatory on the part of the Executive Officer to attend all the meetings of the Zilla Parishad and its standing committees and he is bound to carry out the decisions arrived at in the meetings of the said agencies.

The Executive Officer of the Zilla Parishad has been entrusted with the power of making budgets of the Zilla Parishad. The usual procedure regarding the preparation of the budget estimate is that the Executive Officer shall draw up a draft budget in the prescribed form with explanatory notes and circulate copies thereof to the members of the finance and establishment committee in advance of the date fixed for its budget meeting. The draft budget of the Zilla Parishad with the recommendation of the finance and establishment committee shall then be placed by the Executive Officer before the Zilla Parishad and on its adoption to the State Government.

The Executive Officer has got some other additional duties though he has to perform such and every work under the administrative control of the Chairman of the Zilla Parishad. Thus it is laid down that the Executive Officer shall exercise administrative control and supervision over his office of the Zilla Parishad and endorse bills, after they are checked by the

1. Rule 42(h) Ibid.
2. Rule 43 sub-rule(2) read with Rule 44 Ibid.
3. Rule 46 Ibid.
4. Rule No. 49 Sub-rule(1) Ibid.
accountant, to the Chairman or the Vice-Chairman, as the case may be, for payment order. He shall be responsible; firstly, for the proper maintenance of accounts of the Zilla Parishad; secondly, for securing co-ordination between the Zilla Parishad, its standing committees and the District level officers in all matters relating to the execution of schemes and works approved by the Zilla Parishad and its standing committees; thirdly, issue necessary directions to the District level officers for execution of schemes and works according to the orders of the Zilla Parishad and its standing committees and; lastly, obtain progress reports from such officers about the execution of such schemes and works and submit the same to the Zilla Parishad and its standing committees with his comments thereon. Thus under the present arrangement the administrative and development works entrusted to the Zilla Parishad are practically carried on by the Chairman and Vice-Chairman in collaboration with the Executive Officer. The Chairman or the Vice-Chairman in many cases is not regular in his office as most of the Chairman and Vice-Chairmen, having been the leaders of the majority party in the Districts, are otherwise engaged. The day to day administration of the Zilla Parishad and the maintenance of office would lie with the Executive Officer. The latter may utilise the assistance of the Secretary to the Zilla Parishad in discharging his responsibilities.

1. Rule 42(b) & (c) Ibid.
2. Rule No.42(e)(i),(iii) read with 42(f) & (g) Ibid.
and the Secretary is bound to render such assistance as may be required.

The peculiar position of both the Secretary and the Executive Officer of the Zilla Parishad is observed when both of them are appointed by the State Government and their services are placed at the disposal of the Zilla Parishad. The condition of service and nature of job performed by them reveal the characteristic of dual control over them. But the composition of the Zilla Parishad and the nature of works performed by it clearly demonstrate the fact that the Zilla Parishad is an organ immediately placed below the State Legislature in the hierarchy of administration and the Zilla Parishad is required to act in accordance with the direction of the State Legislature. Thus the control of the Zilla Parishad over the Executive Officer cannot be said to be an unhappy one when we do raise a little voice against the control of the State Legislature over its Secretariat. This will be the type of administration in the democratic set-up of the Government. The appointment of District Panchayat Officer as the Secretary to the Zilla Parishad is a stop-gap and a temporary measure and it may or may not last in future.

During the days of the District Board the

Chairman was the mainstay and the keystone in the fabric of District Board Organisation. It 

was upon his personality, ability, honesty and driving force that the efficiency of the Board Administration would largely depend. He was the executive head of the Board. He was expected to initiate the policy which the Board was to follow. He was to give lead to the other members as to the lines of action which the Board would take in the different spheres of its activity.

The new Act has not completely defined the status of the Chairman of the Zilla Parishad save and except in section 8 where it has been said that;

"the Chairman shall -

A) have full access to all records of the Zilla Parishad;

b) have general responsibility for the financial and executive administration of the Zilla Parishad;

c) exercise administrative supervision and control over the work of the Executive Officer and the Secretary for securing implementation of resolution or decisions of the Zilla Parishad or of any committee thereof"; etc.

The Zilla Parishads (Election, constitution and Administration) Rules, 1964 have made the

position of the Chairman more clear by placing him above the head of the District Development and administration.

But the thing which must not be overlooked is that the Chairman is a member of the Zilla Parishad and he is responsible to the same for his policy and actions. So as a democratic ruler he is to carry out the decisions of the Zilla Parishad arrived at in a meeting of the said organ; and if he loses confidence of the council he is removed. The removal of the Chairman as laid down by the Act is as follows:

1) If the State Government is of opinion that the Chairman or the Vice-Chairman of a Zilla Parishad:
   a) is incapable of exercising his powers, performing his functions or discharging his duties, or
   b) wilfully neglects or refuses to carry out the directions of the State Government given under the provisions of this Act, or
   c) abuses his powers, or
   d) is liable to be removed on any of the grounds mentioned in section 12,

the State Government may, after giving the Chairman or the Vice-Chairman, as the case may be, an
opportunity of being heard, by order, remove him from office and he shall thereupon cease to be a member of the Zilla Parishad and also cease to be a member of or to hold any office in, any of the bodies constituted under this Act.

(2) If a motion of no-confidence against the Chairman or the Vice-Chairman is carried by the votes of more than one-half of the total number of members of the Zilla Parishad holding office for the time being, the State Government shall remove the Chairman or the Vice-Chairman, as the case may be, from office.

A perusal of the said provisions thus makes clear that not only the members of the Zilla Parishad can initiate the procedure of removal of the Chairman or the Vice-Chairman, but the state Government can also remove him on the charges as specified under the Act.

Thus, the above circumstances bear a clear testimony to the fact that the Chairman or the Vice-Chairman is to abide by the decisions of the Zilla Parishad if he wants to avoid the dire consequences of his removal. But it is also to be noted

1. Sec.9 sub-secs.(1) & (2) Ibid.

N.B. The procedures for removal of the President and the Vice-President of the Anchalik Parishad are the same as those observed in the case of the Chairman or the Vice-Chairman of the Zilla Parishad (vide-sec.57 sub-secs.(1) & (2) of the W.B.Zilla Parishads Act, 1953.)
In this connection that the adoption and passage of no-confidence motion in the Parishad will prove to be difficult when the Chairman is backed by a strong majority in the Parishad.

Under the Bengal Local-self Government Act, 1885 the District Board had very little power to remove its Chairman as the Act in its Section 28 laid down that the State Government might remove any Chairman of a District Board or a Local Board from his office on the application of the Board, if he would persistently neglect his duty as Chairman of the same. Thus the foregoing provision of the Act made it clear that when a Chairman was found to be persistently neglecting his duties, the members could make an application to the Government for his removal and it was absolutely the sweet will of the Government whether to remove such Chairman or not.

In contrast with the above provisions the new Act has made the Chairman responsible to the Zilla Parishad for his policy and action, and the Chairman or the Vice-Chairman, like the council of Ministers of the state or union Government of the Indian Union, will remain in office so long as he will be able to command the confidence of the Parishad. The new Act in incorporating such a provision has made the system most democratic. Naturally, a healthy growth of local democracy and local self-government necessitates such a provision.
Both the Chairman and the Vice-Chairman in the new Act are made the executive heads of the Zilla Parishad, the difference being that the Vice-Chairman will assume the charge of the Chairman and discharge the functions of the Chairman, when the latter temporarily absents himself from his duty or when the office of the Chairman falls vacant by reason of his death, resignation or removal or otherwise. The Vice-Chairman will act as Chairman under the said circumstances until the Chairman resumes his duties or a new Chairman is elected and assumes the office, as the case may be.

Meeting of the Zilla Parishad and its function.

For the purpose of making the Zilla Parishad a local legislature and realizing its importance in the welfare of the District the Act enunciates that all the members, excepting the members of the State Legislature and the Chairman of the Municipality who have been the members of the Parishad, shall make oath or affirmation of their allegiance to the Constitution of India within three months from the date of which their term of office commences. The contravention of the aforesaid provision would entail consequent loss of membership of the person so performed.

The procedures according to which the meetings

1. Sec.14 sub-secs.(1) & (2) of the W.B.Zilla Parishads Act, 1965.
are to be held in the Zilla Parishad and their quorum happen to be the same as those were found in the case of the Anchalik Parishad. So the Act in this context does not show any new feature that can attract the attention.

Just as the Anchalik Parishad happens to be an organ through which the government grants for development schemes could reach the Gram Panchayats, so also the Zilla Parishad has been such organ through which the government contribution and grants for development projects could reach the constituent Anchalik Parishads. So in the hierarchical set-up of local administration the Zilla Parishad is the authority to receive the government grants direct from the state and, thereafter, its duty is to disburse the same amongst its subordinate organs. It is found that the co-ordination and integration of the development plans and schemes prepared by the Anchalik Parishads in the District, the examination and sanction of the budget estimates of the Anchalik Parishads have been the duties of the Zilla Parishad.

Evidently, the Zilla Parishad like the former District Board, is now a potent instrument of socio-economic welfare in the District. The initiative and drive for adopting the scheme for the

development and progress of the entire district, lie in the Zilla Parishad as the Act has authorised the Zilla Parishad to advise the State Government on all matters relating to the development of the District including the allocation of development work among Gram Panchayats, Anchal Panchayats and Anchalik Parishads. The functions of the Zilla Parishad as enumerated under section 18 of the Act are more or less the same as those included in the list of the Anchalik Parishads; but the Act has finally told that a Zilla Parishad shall not undertake or execute any scheme confined to a block unless the implementation of such a scheme is beyond the competence of the Anchalik Parishad concerned financially or otherwise. In the latter case the Zilla Parishad may adopt the scheme itself or entrust its execution to the Anchalik Parishad and give it such assistance as may be required.

The original and real powers of the Zilla Parishad lie in these cases where Zilla Parishad undertakes or executes a scheme extending to more than one Block. Therefore, under the provisions of the Act a Zilla Parishad shall undertake to maintain old roads and hospitals belonging to the former District Boards, and construct or establish new ones if it extends to more than one Block.

1. Sec. 18 sub-sec.(2) Ibid.
2. Sub-sec. (3) Ibid.
3. Sub-sec. (4) Ibid.
Like the Zilla Parishad in West Bengal the Administrative County is territorially the largest area in English Local Government, and this structure comprises an area of mixed urban and rural character. The highlights of the present functions of the Administrative Counties comprise health, public assistance (Until 1943), secondary and primary education, fire, police, roads, town and country planning and personal health services.

The former District Board, established by the Bengal local self-Government Act of 1885, had functions with regard to public health and medical, construction and maintenance of roads, measures for wiping out the famine in the district, management of ponds etc. The former District Boards like the present Administrative Counties in England were the important educational authorities in the province. They were empowered by the Bengal local Self-Government Act of 1885 to maintain and manage primary, middle and secondary schools of all descriptions and to make grants-in-aid to such institutions. But it is significant that the educational activities of the District Boards had been as a rule confined to elementary education. They had, of course, patronised the middle schools also to a limited extent. High School education however had seldom come in for their

2. Secs. 63 and 63 of the Bengal Local Self-Govt. Act, 1885.
Gradually, with the passage of the Bengal (Rural) Primary Education Act in 1930 the District Board was divested of the jurisdiction over primary education, and this function was taken by a separate School Board.

Under the new Act again the Zilla Parishad has been an authority to undertake schemes or adopt measures, including the giving of financial assistance, relating to the development of primary, secondary or adult education including the welfare of students. Secondly, the Zilla Parishad shall have power to make grants in aid of any school, public library, public institution or public welfare organisation with in the district. Thirdly, the Education Department shall issue to the Zilla Parishad any general or special directions of the State Government in matters relating to primary education. Lastly, it is contended that the District School Board, constituted under the Bengal (Rural) Primary Education Act, 1930 shall function as the Primary Education Committee of the Zilla Parishad and the former shall carry out and give effect to the instructions of the latter, if they are not inconsistent.

2. Ibid P-92.
4. Sec.18 sub-sec.(1) Cl.(a) Sub cl.(1) Ibid.
5. Sub Cl.(iv) under cl.(a) Ibid.
6. Proviso of Cl.(f) Ibid.
with the aforesaid (Primary Education) Act, and the orders of the State Government issued from time to time.

Under the Act the Zilla Parishad has been empowered; firstly, to issue instructions to the District School Board regarding the transfer of management of Schools to Anchalik Parishads, Anchal Panchayats or Gram Panchayats; secondly, to make arrangements for the inspection of all schools irrespective of their authority of management and submission of reports of such inspection to the Zilla Parishad; and, lastly, to make arrangements for the making of payments by way of contribution or otherwise to Anchalik Parishads, Anchal Panchayats, or Gram Panchayats for meeting the cost of management of the Schools so transferred or for giving grants-in-aid to primary schools within their jurisdiction.

The utility of the District School Board has been a much talked subject since its inception in the year 1930; and during these long twenty five or twenty six years the structure has made a definite stronghold in the administrative structure of the educational system of the District and, thus, to re-open the case in the present context will, perhaps, prove to be futile. Thus taking the thing as it is, we can point out that the autonomy of the Board with its concomitant evils will probably be checkmated to some extent.

1. Sec. 38 sub-sec.(2) Ibid.
extent by the locally elected body i.e. Zilla Parishad. The story of the Board's inefficient management of Schools, dishonesty and tactlessness is not rare in the educational history of West Bengal. These evils must be eradicated at all costs, otherwise, the noble purpose of education of mental enlightenment of little children will certainly be frustrated. Only the future can show how far the Zilla Parishad will be able to cope with the present situation and make the system of education as perfect as possible.

Relation between the Zilla Parishad and the Anchalik Parishad.

The overall planning of the District rests with the Zilla Parishad and the Anchalik Parishad is to act in accordance with the general principles and schemes laid down by its superior organ—the Zilla Parishad. The Act in its section 27 has stipulated that the Zilla Parishad shall exercise general powers of supervision over Anchalik Parishads, Anchal Panchayats and Gram Panchayats in the district and it shall be the duty of these authorities to give effect to any directions of the Zilla Parishad in matters of policy or planning for development. In England the Administrative Counties have wielded such powers over its subordinate parts. Mr. Finer observes that there has been a remarkable increase in the supervisory and appellate authority of the County Council.
It includes control over the areas of urban districts and rural districts particularly as regards the formation and alteration of these areas; over allotments, highways, rural housing, and many other matters.

It has also been laid down that a Zilla Parishad or a standing committee thereof may call for such information, report, register or record as it may think fit from an Anchalik Parishad. Any officer of Zilla Parishad, authorised in this behalf by the Zilla Parishad or by a standing committee thereof, may visit the office or any work of an Anchalik Parishad and the latter shall be bound to give him access to such records and to supply him such information as may be necessary for the purpose. When a scheme has been entrusted by a Zilla Parishad or by a standing committee thereof to an Anchalik Parishad, the latter shall be bound to submit such periodical progress reports and to comply with such directions as the Zilla Parishad may require or issue in connection with the scheme. The Zilla Parishad not only does exercise the aforesaid supervisory powers and control over the Anchalik Parishad but also over the Gram and Anchal Panchayats in the District as laid down in Section 27 of the Act.

The control of the Zilla Parishad over the

1. Finer - English Local Government, 1950, P-47.
Anehalik Parishad will be more transparent when we look to the passage of the budget estimates of the Anchalik Parishad. The budget of the Anchalik Parishad being duly prepared by the Chief Executive Officer in collaboration with the finance and establishment committee of the said organ is placed before the Zilla Parishad within the stipulated period and the Zilla Parishad within such time as may be prescribed, either approve of the budget or return to the Anchalik Parishad for such modification as it may direct.

On such modifications being made the budget shall be resubmitted, within such time as may be prescribed, for approval to the Zilla Parishad, but if the approval of the Zilla Parishad is not received by the Anchalik Parishad by the last date of the year, the budget shall be deemed to be approved by the Zilla Parishad.

Co-ordination between the different organs is as much necessary as decentralisation. Coherence for the sake of uniformity and efficiency; and diversity for the sake of decentralisation and democracy should always go together. The real aim and purpose of every government should be to attain the efficient and best administration and democracy should be its handmaid.

The administrative structure of the present

Panchayat system is at one time a decentralisation, and at the other, a centralisation. Decentralisation stands for democracy and self-government; centralisation for efficiency and uniformity. The twin principles of democracy and efficiency should go together to achieve the desired goal and the ultimate aim.