CHAPTER IV.

Organization, Administration and Role of Panchayati Raj Bodies:

Gram Panchayat and Anchal Panchayat

The basic structure of the Panchayati Raj Institution in West Bengal, as we have seen earlier, is a four-tier set-up with the Gram Panchayat at the base, the Zilla Parishad at the apex. There are 15 Zilla Parishads, 525 Anchalik Parishads, 2226 Anchal Panchayats and 18,882 Gram Panchayats in West Bengal. According to the Census of 1971, the present system of Panchayati Raj serves a total population of 33,511,696 living in these villages. There is one Gram Panchayat for every population of 1,300, and one Anchal Panchayat for 10,000 population. On an average an Anchal Panchayat covers about 7 to 10 Gram Panchayats. West Bengal has been divided into 335 Community Development Blocks. But the present system does not cover all the blocks and there are only 525 Anchalik Parishads. This is due to the fact that no Panchayat has yet been set up in 10 block areas in the coal field and industrial region of Asansol Sub-Division of Burdwan District. Due to the existence of coal fields and industries many people from different parts of India have come here to earn their bread, and made a temporary settlement. Considering all these facts Raniganj and the adjoining 9 blocks have been kept out of the West Bengal Panchayat Act, 1957 and they are regulated by Bengal Village Self-Govt. Act, 1919.
The Gram Panchayat is the executive body of the Gram Sabha, and the Gram Sabha is the general body of the villagers whose names appear in the electoral roll of the West Bengal Legislative Assembly for the time being in force. It is heartening to note that with the introduction of adult suffrage for legislative elections, it was also introduced for the first time in West Bengal in the constitution of local bodies in rural areas. In Uttar Pradesh Panchayat Act all adults are eligible to be voters if they are residing in villages or are in possession of a dwelling house therein, ready for occupation. But this list will be prepared by the 'Prescribed Authority'. Behar went a step further. There all persons not below the age of 21 are eligible to be voters and this voter list will be prepared at the instance of the Panchayat. In West Bengal the Panchayat Inspector shall from time to time maintain a list of the names of the persons from the electoral roll of the West Bengal Legislative Assembly pertaining to the area for which the Gram Sabha has been constituted. It is to be noted that the Gram Panchayat or the Anchal Panchayat has not been authorised to maintain such list.

The members of a Gram Sabha number roughly 1000 to 1,400, and they elect from amongst themselves 9 to 15 persons as may be determined by the prescribed authority to constitute the executive body known as the Gram Panchayat. Every Gram Sabha has thus its Gram Panchayat which at its first meeting at which a quorum is present elects one of its members to be the Adhyaksha and another...
member to be Upadhyaksha of the Gram Panchayat. It is to be noted that the State Government may associate with any Gram Panchayat, for such periods as it thinks fit, any qualified person whether or not he is a member of that Gram Sabha for serving on the Gram Panchayat to enable it to function effectively. The number of such associates shall not exceed one-third of the total number constituting the Gram Panchayat. But two disabilities have been imposed upon them. These members have no right to vote nor are they eligible for being elected as Adhyaksha or Upadhyaksha.

One may say that the power of the Government of West Bengal to nominate members to the Gram Panchayat would mean the negation of the basic principle of the local self-government, i.e., the autonomy of the Gram Panchayats. If our infant village governments are to reach their maturity and full development without undue delay, they must be nurtured at the initial stage, and, therefore, the power of the government to associate any person with the Gram Panchayats is undoubtedly a right move. The Planning Commission also observes that "the process of election by which Panchayats are constituted might not always throw up a sufficient number of persons with qualities most needed in village reconstruction such as good farmers, Co-operative workers and social workers .........

To meet deficiencies, it may be desirable to empower village Panchayats to co-opt a limited number of persons, say, two or three, in the case of smaller Panchayats and up to say, one fifth in the case of larger Panchayats."
There is a statutory provision in the West Bengal Panchayat Act that every Gram Sabha shall hold one annual general meeting and one half-yearly general meeting. Besides, there is also provision for "extraordinary general meeting" to be convened by the Adhyaksha of the Gram Panchayat upon a requisition in writing by not less than one-fifth of the total members of the Gram Sabha. In the absence of the Adhyaksha, the Upadhyaksha presides over the meeting of the Gram Sabha. And in the absence of both, the Gram Sabha elects one of its members present as the ad hoc President.

At the annual general meeting the Gram Sabha is to consider the budget for the following year, the report submitted by the Gram Panchayat on the work done during the previous year and the work proposed to be done during the following year. The Gram Sabha has the right to give such directions to the Gram Panchayat as it deems necessary. At the half-yearly general meeting the Gram Sabha is to consider such business as may be prescribed. The right of the Gram Panchayat to ask about anything for information at the meetings is conceded to every member of the Gram Sabha.

In all Panchayat Acts there is provision for a quorum for the meetings of the Gram Sabha. But the same provision in West Bengal Panchayat Act is to a great extent liberal. Here at least one-tenth of the total number of members of the Gram Sabha will be required to form a quorum. On investigation it has been found that
in many Gram Sabhas meetings could not be held for lack of quorum. But the Act provides that at the adjourned meeting no quorum is required. It has also been found that in several Gram Panchayats annual general meetings were not held and that the signatures of one-tenth of the total number of members of the Gram Sabha on the resolutions passed in some general meetings were collected from the houses of the members in order to maintain their official validity.

The Rules regarding the meeting of a Gram Sabha require that at least fifteen days before the date of holding a meeting, the Adhyaksha or in his absence the Upadhyaksha is to make necessary arrangements for giving public notice of the meeting by beat of drums, as widely as possible announcing the place, date and time of the meeting and the agenda, of the Gram Sabha. Moreover, a notice of the meeting is to be hung up at the office of the Gram Panchayat. But the rule is not properly observed, and the Village Chowkidar hardly beats the drum. Therefore, very few people actually come to know the date, time and place of the meeting of the Gram Sabha. This is one of the causes of the poor attendance of the villagers in the meetings of the Gram Sabha.

The Gram Sabha is designed to play the role of a village Assembly to which the Gram Panchayat, i.e., the Executive Body shall be responsible. But the Gram Sabhas in West Bengal have failed to perform their functions. In most of the Gram Sabhas, meetings have not been convened for years together.
avoid properly convening the meetings of the Gram Sabha to spare themselves of their searching criticism. The Gram Sabha has become in fact a dormant body. The attendance is very small. The average figure of attendance in the meeting has been found to be between 25 per cent and 45 per cent. This is probably due to low level of the political education among the masses, as also due to the fact that the Gram Sabha has not been vested with real power to control the Gram Panchayat or rouse the interests of the villagers.

Under the Act the Gram Sabha is to consider the budget and the annual report but the Act is silent on the procedure of passing them by the Gram Sabha. Moreover, with regard to the estimate of the budget the rule is that within seven days after the meeting of the Gram Sabha, a meeting of the Gram Panchayat is to be convened by the Adhyaksha to consider the budget having regard to the recommendations of the Gram Sabha. At that meeting budget shall be finalised. But it is not clear whether it is binding on the Gram Panchayat to revise the budget, the annual report or the programme of work to be done during the following year in the light of the recommendations of the Gram Sabha. Moreover, there is no provision of the devices of direct democracy - Initiative, Referendum and Recall. Further, the Act is silent on the point whether the Budget after reconsideration by the Gram Panchayat is to be resubmitted to the Gram Sabha. On the contrary, the Uttar Pradesh Panchayat Act is clear on this issue, and has given the Gram Sabha substantial powers to give directions to the Gram Panchayat.
In the U.P. every Panchayat prepares an estimate of its income and expenditure for the year and lays it before the 'Kharif' meetings of the Gaon Sabha commencing on the first day of April next year. Similarly, the report including the accounts of its actual and expected receipts and expenditure of the year ending on the 31st March last preceding such report is laid before the 'Rabi' meeting of the Sabha. Gaon Sabha may pass or refer back to the Gaon Panchayat the budget submitted to it for reconsideration with such directions as it may give in the prescribed manner and may likewise pass a recommendatory resolution in respect of the report or of any other matter.

However, it is provided in the U.P. Panchayat Raj Act, 1947 that if the annual estimate is referred back to Gaon Panchayat for reconsideration, the Pradhan calls an extraordinary meeting of the Gaon Sabha to be held within a fortnight of the said annual meeting and the Gaon Panchayat re-submits certain changes according to direction of the Gaon Sabha and then the Gaon Sabha passes the annual estimate in the prescribed manner.

In fact, the importance of the Gram Sabha can hardly be denied. The Basappa Committee on Panchayati Raj in Mysore recommended in 1963 in an identical manner as we find in the U.P. Panchayati Raj Act that "the Panchayat shall give due consideration to the suggestions, if any, of the Gram Sabha."
In West Bengal the Gram Sabha has very little significance and has practically no power over its creature, that is, the Gram Panchayat. Even the Statutory Annual General meetings are not properly organised and when organised, the members of the Gram Sabha are only to consider the budget and the report placed by the Gram Panchayat but they cannot pass them or reject them. Gram Sabha has become a mere advisory body with no real power of control over the Gram Panchayat. Naturally the Gram Sabha as a Village Assembly has very little significance to the villagers and this is one of the causes of the poor attendance of the members in a meeting of the Gram Sabha.

The Gram Sabhas, although statutorily recognised, are not functioning effectively for obvious reasons. "The villagers generally are not even aware of the separate existence of the Gram Sabha as an institution as distinguished from the Panchayat." Lack of common venue for meeting and the general apathy of villagers are, inter alia, very important reasons. Therefore, it is suggested that the institution of Gram Sabha should be strengthened by the introduction of 'question hour', by increasing the frequency of meetings at least once in every quarter and by holding the meeting in different areas of the "Gram".

In West Bengal one Gram Panchayat serves a total population of 1,300. So many members of the Gram Sabha cannot get to work in a businesslike manner. Hence the need of a compact body like the Gram Panchayat. There is a Gram Panchayat for every Gram Sabha. It is the primary tier of rural local government. It is elected by
the members of the Gram Sabha from amongst themselves. Its strength varies from 9 to 15, depending upon the population of the Gram Sabha.

Every Gram Panchayat has been given the status of a body corporate with perpetual succession and a common seal. It is, therefore, a juristic person having all the rights and obligations under the law and may, by its name, sue and be sued. In the original draft Bill the Gram Sabha was sought to be made a body corporate too. But the Joint Select Committee rejected this "as it is neither necessary nor desirable to have two corporate bodies over the same area."24

It is regrettable to note that unlike some other States in India there is no provision in the West Bengal Panchayat Act for associating or reserving seats for women and persons belonging to scheduled caste and scheduled tribe in the Panchayat bodies. In West Bengal Zilla Parishads Act, 1963, however, such provision has been made both at the Anchalik Parishad and the Zilla Parishad.

It is interesting to note that a large number of women have taken active interest in the primary body. In all 547 women have been elected to the Gram Panchayats. Of them there are 22 Adhyakshas and 9 Upadhyakshas. During field investigation it has been found that all the elected members including the Adhyaksha and Upadhyaksha of Jadabati Gram Panchayat under Jagadh Ballabhpur Block in the District of Howrah are women. Probably no such instance is available in other parts of India. Yet it must be recognised that the participation of
women in the Gram Panchayat is not up to our expectation. Widespread illiteracy and the prevailing 'purdah' system are largely responsible for such a state of affairs. In the Panchayat Directorate of West Bengal there is a lady officer to encourage the women to participate in the Panchayat election. It is expected that more women will come forward to take an active part in the participating Democracy.

After the formation of the Gram Panchayat it is obligatory on its part to elect one of its members for a period of four years as Adhyaksha and another as Upadhyaksha. But the associate members are excluded from this privilege. The term of office of a member of the Gram Panchayat is four years to be reckoned from the date of the first meeting which means not only first in point of time but also one at which a quorum is present. It is interesting to compare these provisions with those of the U.P. Panchayat Raj Act. In U.P. the Pradhan of the Gaon Panchayat is elected by the members of Gram Sabha for five years and the Up-Pradhan is required to be elected annually by the Gram Panchayat from amongst its members.

As in U.P. the President of the village Panchayat in Rajasthan, Bihar, Assam and Himachal Pradesh is directly elected by the village assembly, that is, the Gram Sabha. The system of direct election makes the President or the Adhyaksha, as he is called in West Bengal, powerful over other members of the Gram Panchayat and reinforces the popular authority of the Adhyaksha. Being the chief of the Gram Panchayat and also an ex-officio member of the Anchal Panchayat
direct election is necessary to enforce popular responsibility. This system is also less subject to corrupt practice of indirect election. But it creates structural difficulties. Since the Adhyaksha is superior to other members in terms of popular authority, this system kills the initiative and controlling power of the members of the Gram Panchayat. A situation may arise where the majority of the members of the Gram Panchayat may lose confidence in the Adhyaksha or subscribe to different creeds. Hence in West Bengal the Adhyaksha is indirectly elected. He is elected by the Gram Panchayat from amongst its members. He is 'first among equals'.

The effective functioning of this decentralised body depends upon the efficiency of the persons who hold the offices. Most of the villagers in West Bengal are illiterate but all of them are not uneducated. Therefore, if any educational qualification is required for membership of the Gram Panchayat, that would deprive the village executive body of many right types of men with sufficient local knowledge and experience. Surveys, however, show that fortunately there is no illiterate Adhyaksha in West Bengal. It is probably for this reason the Panchayat Acts of all States do not prescribe any literacy qualification for membership of the decentralised body.27 Similarly, the West Bengal Panchayat Act does not prescribe any educational qualification for the members including the Adhyaksha and Upadhyaksha of the Gram Panchayat. Nor does the Act prescribe any other positive qualification. What it prescribes is a long list
of disqualifications. For example, a member of the Gram Sabha shall not be qualified for being elected or appointed an Adhyaksha or Upadhyaksha or a member of a Gram Panchayat, if:

(i) he is under twenty-five years of age, or
(ii) he has been dismissed from the service of the Central, State or local authority for misconduct involving moral turpitude; or
(iii) he has directly or indirectly any share or interest in any contract with the Gram Panchayat; or
(iv) he is of unsound mind; or
(v) he is an undischarged insolvent; or
(vi) any tax, toll, fee or rate due from him under the Act for the year previous to that in which the election is held remains unpaid.

An Adhyaksha or Upadhyaksha or a member of a Gram Panchayat may resign his office by writing addressed to the Inspector of Panchayat, and the resignation takes effect only when the Inspector accepts it. As regards removal, the provision of the Act is that Adhyaksha or Upadhyaksha can be removed by a resolution carried by two-thirds of the total number of members of the Gram Panchayat and that too at a meeting specially convened for the purpose. But the Act does not lay down the grounds of removal of the Adhyaksha or Upadhyaksha. This flaw in the Act makes the Adhyaksha or the Upadhyaksha a mere tool in the hands of the members of the Gram Panchayat. This is more so
if the majority of the members after the election of Adhyaksha and Upadhyaksha change their political opinion. This system finds support in U.P. and Bihar. But similar provision of the Mysore Village Panchayats and Local Boards Act, 1959 is a bit rigid. In Mysore the Chairman or the Vice-Chairman may be removed by a vote of no-confidence passed by not less than two-thirds of the total number of members of the Panchayat.

Once the members of the Gram Panchayat are elected, the members of the Gram Sabha have no power to remove them. The District Panchayat Officer has been entrusted with the power of removing a member of the Gram Panchayat on the ground of misconduct in the discharge of his duties, incapacity of acting as a member, conviction of criminal offence, absence from three consecutive meetings, default in payment of taxes, fees, etc. The member so proceeded against has the opportunity to show cause against the action proposed. But if he fails there, he has a right of appeal to the Commissioner of the Division but no appeal lies in case he is convicted for an offence or moral turpitude. Sub-Section 2 of Section 102 of the Punjab Gram Panchayat Act, 1952 is similar to Section 20 of the West Bengal Panchayat Act, 1957. The recall of members on the lines of the rural local self-government system in the U.S. found acceptance in the Assam Rural Panchayat Act, 1948. But it could not make any room in the West Bengal Panchayat Act of 1957. In the villages of West Bengal torn by party strife, caste and communal feelings the provision of recall or the motion of no-confidence might be misused by the members of the Gram Sabha.
The system of recall or no-confidence motion against the elected members of the Gram Panchayat is a democratic privilege. The West Bengal Panchayat Act has deprived the villager of this privilege. The Punjab Gram Panchayat Act, 1952 went a step forward and incorporated such a feature. For better working of democratic spirit it is felt that in West Bengal the system of limited recall might be introduced under the guidance and supervision of a superior government agency.

A meeting at least once a month is the minimum for the Gram Panchayat. This monthly meeting apart, one-third of the members of the Gram Panchayat can demand of the Adhyaksha in writing to call a meeting. In Mysore, the Village Level Workers and other Government Officers have to attend the meetings of the Panchayat and they can take part in the proceedings though they have not the right to vote. This is definitely undemocratic. But it is submitted that it would have been better if the V.L.Ws were associated with the Gram Panchayats at the initial stage to guide and help the village folk.

In West Bengal in a meeting of the Gram Panchayat one-third of the total number of members would be required to form the quorum. It has been found during field investigation that on many occasions meetings of the Gram Panchayat could not be held for lack of quorum. It was also reported that many times meetings were held without the formal requirement of quorum but in order to maintain their official validity signatures on resolutions were collected from the houses of
the members absent. This indicates the apathy of the people towards their democratic rights and duties, and this ought to be changed.

With the increase of population, the expansion of the administrative areas, the progress of science and the development of the ideal of social justice, the activities of the local authorities have naturally increased. But the local authorities in India have no constitutional powers. They can enjoy only those powers that have been given to them by the Statute.

In West Bengal powers and functions entrusted to the Gram Panchayat by the West Bengal Panchayat Act are of three types, obligatory, delegated and discretionary. Most of the obligatory functions are irreducible civic responsibilities and the delegated and discretionary functions are generally concerned with development and rural reconstruction works.

By obligatory functions are meant those functions that are imposed on the local authority by law. The local authority is obliged to perform them and it has no option in the matter. On the other hand, the discretionary functions may or may not be undertaken by the authority.

As regards obligatory duties the provision of the Act is that subject to the availability of fund the Gram Panchayat must provide for sanitation, conservancy and drainage and the prevention of public nuisance; preventive and curative measures in respect of epidemic;
vaccination and inoculation; supply of drinking water; maintenance and construction of drinking water; organising for community works, etc. It is to be noted that such obligatory duties are not absolute, but conditional, conditioned by the expression: "as far as possible within the limits of the fund at its disposal."

To the Gram Panchayat the State Government may delegate a lot of functions which are primarily its responsibility. Though assigned by the State Government they are also obligatory duties of the Gram Panchayat. A Gram Panchayat must perform such functions as the State Government delegates to it in respect of:

(a) primary, social, technical or vocational education;
(b) rural dispensaries, health centres and maternity and child welfare centres;
(c) management of any public ferry;
(d) irrigation;
(e) grow-more-food campaign;
(f) care of the infirm and the destitute;
(g) rehabilitation of the displaced persons;
(h) improved breeding of cattle, medical treatment of cattle and prevention of cattle disease;
(i) its acting as a channel through which government assistance should reach the villages;
(j) bringing waste land under cultivation;
(k) promotion of village plantations;
(l) arranging for cultivation of land lying fallow;
(m) arranging for co-operative management of land and other resources of the village;
(n) assisting in the implementation of land reform measure in its area; and
(o) implementation of any other schemes as may be formulated and entrusted to the Gram Panchayat by the State Government.

Moreover, the Gram Panchayat has been entrusted with a large number of discretionary duties:

"(a) the maintenance of lighting of public streets;
(b) planting and maintaining trees on the sides of public streets or in other public places vested in it;
(c) the sinking of wells and excavation of ponds and tanks;
(d) the introduction and promotion of co-operative farming, co-operative stores, and other co-operative enterprises, trades and callings;
(e) the construction and regulation of markets, the holding and regulation of fairs, melas and hats and exhibitions of local produce and products of local handicrafts and home industries;
(f) the allotment of places for storing manure;
(g) assisting and advising agriculturists in the matter of obtaining State loan and its distribution and repayment;
(h) filling up of insanitary depressions and reclaiming of unhealthy localities;
(i) the promotion and encouragement of cottage industries;
(j) the destruction of rabid or ownerless dogs;
(k) regulating the production and disposal of foodstuffs and other commodities in the manner prescribed;
(l) the construction and maintenance of sarais, dharamsalas, rest houses, cattle sheds and cart stands;
(m) the disposal of unclaimed cattle;
(n) the disposal of unclaimed corpses and carcasses;
(o) the establishment and maintenance of libraries and reading rooms;
(p) the organisation and maintenance of akhuras, clubs and other places for recreation or games;
(q) the maintenance of records relating to population, census, crop census, cattle census and census of unemployed persons and of other statistics as may be prescribed;
(r) the performance in the manner prescribed of any of the functions of the District Board, with its previous approval, calculated to benefit the people living within the jurisdiction of the Gram Panchayat;
(s) rendering assistance in extinguishing fire and protecting life and property when fire occurs;
(t) assisting in the prevention of burglary and dacoity;
(u) any other local work or service of public utility.\textsuperscript{38}

Discretionary duties of a Gram Panchayat are enumerated in Section 33 of the Act. But if the State Government directs the Gram Panchayat to make provision for any one or more of the matters
enumerated in this section, a discretionary duty changes its character and becomes a compulsory one.

Thus, the Gram Panchayat has been entrusted with a large number of welfare and development functions. But the finances at its disposal are meagre. It has no independent source of income. Therefore, the Gram Panchayat is to depend on the Anchal Panchayat for grants and contributions, and it has been made "a parasite body to the Anchal Panchayat." But after meeting its own expenses the Anchal Panchayat can contribute a meagre sum to the Gram Panchayat to meet the expenses of its welfare and development functions. In addition, the government grants, if any, are always for particular development projects. Therefore, that money cannot be diverted to any other essential welfare programme. As a result, the Gram Panchayat has been discredited in the eyes of the rural people.

We have seen that the functions of the Gram Panchayat have been classified into three heads - obligatory, delegatory and discretionary. In the modern context such artificial distinction between obligatory and discretionary functions has become obsolete and should be abandoned. It is not conducive to the efficient working, and it is often found that the local authority gives much importance to the obligatory duties and leaves the discretionary duties untouched. When all-round development of the community is the responsibility of the Panchayats, "the Panchayats should be encouraged and assisted to take up as many functions as possible applying their own order of
priorities in the selection of functions from time to time. Hence a re-arrangement of the function of the Gram Panchayat is suggested.

The process of constituting the Anchal Panchayat starts after the completion of the formation of the Gram Panchayats. Under the principal Act of 1957 an Anchal Panchayat consisted of the members elected by the Gram Sabhas, each Gram Sabha returning one member for every 250 members and one additional member if the number of the remaining members is not less than 125. The Act was, however, amended in 1965 and under the new system an Anchal Panchayat consists of two categories of members: (a) Adhyakshas of the constituent Gram Panchayats and (b) members elected by the members of those Gram Panchayats from amongst the members of their Gram Sabhas. Thus an organic link between the lower two tiers has been established through the ex-officio membership of the Adhyakshas in the Anchal Panchayat.

Members eligible for election to the Gram Panchayat are those who have not any one of the seven disqualifications listed in Section 15 and mentioned earlier. Moreover, one cannot be a member of the Gram Panchayat and the Anchal Panchayat at the same time. An Anchal Panchayat member elected to the Nyaya Panchayat ceases to be a member of the Anchal Panchayat. Just like the Gram Panchayat members the term of the Anchal Panchayat members is 4 years.

Every Anchal Panchayat elects at its first quorummed meeting one of its members as its Pradhan and another member as its Upa-Pradhan.
They continue in office till their successors are elected. It is regrettable that since the creation of the Gram Panchayat and the Anchal Panchayat there has been no election for the second time. Therefore, these two primary bodies are losing their vitality and are in a moribund stage.

A Pradhan or an Upa-Pradhan or a member of the Anchal Panchayat may resign from his office but the resignation takes effect only when the prescribed authority, that is, the D.P.O. accepts it. An Anchal Panchayat member may be removed by the prescribed authority on any one or more of the seven grounds listed in S. 20 of the Act. When removed, he has the same right of appeal before the Commissioner as a Gram Panchayat member. An elected Pradhan or an Upa-Pradhan may be removed by two-thirds majority of the Anchal Panchayat or by the prescribed authority when the majority is less than two-thirds and more than half.

Apart from this democratic method of removal, the prescribed authority may, by an order in writing, remove any Pradhan or Upa-Pradhan from his office on the ground of recalcitrance, ineptitude and the like. One aggrieved by the order has the right of appeal to the Commissioner of the Division within 30 days from the date of the order, and the decision given by the Divisional Commissioner on such appeal is final. This is indeed an extraordinary power given to the prescribed authority. The Bengal Village self-government Act of 1919 also contained provisions for the removal of the President of the
Union Board by the higher authority. But the Act of 1919 did not contain any provision of the opportunity of appeal as we find in the present Act. It is interesting to note that in the Bengal Municipal Act of 1932 there is no provision for the removal of the Chairman of a Municipality by any higher authority. Therefore, it is apprehended that such undemocratic provision may be misused by the party in power to remove a Pradhan or an Upa-Pradhan belonging to the opposition party though he has a solid majority behind him in Anchal Panchayats.

It is difficult for any local authority to function effectively without the Committee system. In fact the committee system is one of the most distinctive features of the local administration in all countries having a good system of local Government.

A Committee may be appointed to examine in detail and make recommendations to the local authority and thereby help the latter to make a decision. Secondly, a Committee may be constituted for the administration of particular services, with power assigned by the local authority. This type of Committee is not prominent in West Bengal Panchayats.

The Committees of any local Government may be of two kinds - statutory and non-statutory. Statutory Committees are those which are constituted by the Act itself or by the rules framed under the Act, and the functions of these Committees are prescribed by the Act. As
examples of statutory Committees we may refer to the West Bengal Zilla Parishads Act, 1963, where the provisions for the constitution of a few Standing Committees have been made. On the other hand, non-statutory Committees are constituted at the discretion of the local authority, and their functions are determined by that authority. As instances of non-statutory Committees we may refer to the Joint Committees of the Gram Panchayats and the Committees of Anchal Panchayats. It is not obligatory on the part of the Gram Panchayats and Anchal Panchayats to form Committees.

Two or more Gram Panchayats may combine, in writing, to appoint a Joint Committee with a view to carrying out any work in which they are jointly interested. They may delegate to such Committee the power to frame any scheme binding on each of the constituent Gram Panchayats as to the construction and maintenance of any joint work. Any difference of opinion between the constituent Gram Panchayats is to be referred to such officer as the State may prescribe and his decision shall be final and binding on each of the constituent Gram Panchayats. But as far as is known no such Joint Committee of the Gram Panchayats has ever been created in West Bengal.

The West Bengal Panchayat Act provides that an Anchal Panchayat may constitute Committees for facility of work, and may determine the number of members of each such Committee. In a small body like the Gram Panchayat or the Anchal Panchayat the Committee system may not be essential but it helps associate the
ordinary members with administration and bring the functional groups in the rural areas much closer to the Panchayats.

There is a Secretary for every Anchal Panchayat. He is to aid and advise the Pradhan in the discharge of his duties. During field investigation in connection with the study of the working of the Panchayati Raj Institution in different Districts in West Bengal, it has been found that the Pradhan is the emergent village leader and the Secretary is the key official under the Anchal Panchayat.

The rules prescribing the method of recruitment, conditions of service, pay and allowances and the age of superannuation of the Secretary to the Anchal Panchayat are determined by the Government of West Bengal. He is appointed by the State Government. On the basis of the recommendation of the Sub-divisional Magistrate the Secretary is appointed by the Director of Panchayats.

The minimum educational qualification for the post of the Secretary to Anchal Panchayat is that he must pass the School Final Examination or any other equivalent Examination. The State Government may relax the condition regarding educational qualification in the case of candidates otherwise considered suitable for appointment to the post of Secretary to Anchal Panchayat. But no such candidate shall be confirmed in his appointment unless he has successfully completed the prescribed training.

The conditions of service of Secretaries to Anchal Panchayats regarding leave and punishment are the same as those prescribed for
ministerial officers of the lowest grade serving in the office of
a Subdivisional Magistrate. Casual leave is granted to a Secretary
by the Pradhan. But leave other than casual is granted by the
Inspector of Panchayats, that is, the Block Development Officer on
the recommendation of the Pradhan. 

Regarding disciplinary action
against the Secretary the Pradhan has nothing to do but simply to
report the case to the District Panchayat Officer. The District
Panchayat Officer is to take such action as he thinks proper. An
appeal can be made to the District Magistrate against an order passed
by the District Panchayat Officer and the decision of the District
Magistrate is final.

Like the Government servants the Secretaries are the whole
time workers of the Anchal Panchayats and they cannot accept any job
elsewhere. Moreover, like the government servants they cannot
participate in political activities.

Upto the above points there is much similarity between a member
of a government cadre and a Secretary to the Anchal Panchayat.
Difference has been created by a provision of the Act: "The salary
and allowances of the Secretary shall be paid out of the Anchal
Panchayat Fund." The State Government financially assists the
Anchal Panchayat for meeting the salary and allowances of the
Secretary. The salaries and allowances of the Government servants
are paid out of the State exchequer. Therefore, the Secretaries are
not treated as government servants but the servants of the Anchal
Panchayats. The Secretaries are appointed by the Government, their
salaries and allowances are entirely but indirectly paid by the Government and their service conditions are determined by the Government. Still they are not regarded as government servants. It is a serious anomaly in the Act, and it should be changed.

In many States (e.g. Bihar, Rajasthan, Punjab, Maharashtra, Kerala) the Panchayat Secretaries have been declared government servants. In West Bengal the original Bill intended to make the Secretary to Anchal Panchayat a member of a government cadre. The Opposition members protested. If the Secretary is a government servant, he is likely to feel and act as if he is superior and higher in status to the Pradhan and other members of the Anchal Panchayat. The then Minister for Local Self-government, Sri Iswar Das Jalan regarded the argument of the Opposition members as baseless. Sri Jalan argued that the Secretaries of the different Departments in West Bengal are the I.A.S. Officers. These Officers are appointed by the Union Government. Still they serve the Ministers in charge of the Departments in the State. Similarly, the Secretaries to the Anchal Panchayats are to serve their respective Pradhans. The Pradhans may come and go but the Secretaries will remain to serve their successors. Other examples may also be cited. The Minister, the Chairman of the Zilla Parishad, the President of the Anchalik Parishad and the Pradhan of the Anchal Panchayat are elected persons. But the Secretary of a Department of the State, the Executive Officers of the Zilla Parishad and the Anchalik Parishad are government servants.
But the Secretary to the Anchal Panchayat is not a member of the Government cadre.

On the other hand, the Opposition members wanted that the Anchal Secretaries were appointed by the Anchal Panchayat. But this system is not free from error. If the Anchal is empowered to appoint and dismiss its Secretary, the appointment will be made on party, caste, communal and similar other considerations. It will create factions in the Anchal. It will bring down the prestige of the Anchal Panchayat. The Secretary will have no security of tenure and no prospect of promotion.

However, Sri Jalan conceded to the demand of the Opposition members and made a compromise formula. Secretaries will be appointed by the State Government, and the Government will bear the expenses incurred for the payment of salaries and allowances to the Secretary, but the money will be deposited to the Anchal Panchayat Fund. The Secretary will be the servant of the Anchal Panchayat and he will be paid out of its Fund. This is the reason for placing the Secretary under dual control. This is the present position of the Secretary to the Anchal Panchayat. The Act should be amended to avoid this dual control.

Moreover, to avoid all these disadvantages, it is submitted that the employees of the local governments should together form the 'Local Government Services', and be recruited by an independent
There are 2925 Anchals in West Bengal, and there is a paid Secretary to every Anchal Panchayat. The Secretary is in charge of the office of the Anchal Panchayat. He is responsible for the preparation of the budget estimate of income and expenditure, the statement of accounts of the previous year and the work proposed to be done during the following year. The Anchal Panchayat may delegate its functions to the Secretary. An Anchal Panchayat may lend the services of its Secretary to a Gram Panchayat if the Gram Panchayat requires that. The Secretary to the Anchal Panchayat is to act as the Secretary to the Nyaya Panchayat for the purpose of keeping the records of its proceedings and decisions, and doing such other duties as prescribed. Apart from these, the Secretary to the Anchal Panchayat is to do many other things in the informal way in the field of food and supply, relief, agriculture, irrigation, education and health.

The Secretary is the only functionary of the Anchal Panchayat. The Pradhan is the direct link between the people and the Government. But behind the screen it is the Secretary who does everything on behalf of the Anchal Panchayat except putting the signature of the Pradhan. If the Pradhan is weak, lazy and inefficient, he is a tool
in the hand of the Secretary. If the members including the Pradhan of the Anchal Panchayat are illiterate or uneducated, 'the Secretary is the de facto decision-maker'. On the other hand, if the members of the Anchal Panchayat are educated, active, intelligent and efficient, they can make effective contribution in the framing of the policy; and thereby the Secretary will be forced to play the role allotted to him.

The Secretary is the Executive Officer of the Anchal Panchayat. He has a distinct role to play for the success of the Panchayati Raj Institution in the rural areas. In field investigation it was found that decisions properly taken by the Anchal Panchayat had been left unexecuted. It was also found in a very few Anchals that the relation between the Pradhan and the Secretary was not cordial. Pradhan looks upon the Secretary as a mere clerk, and the Secretary feels himself superior to the Pradhan. In a few Anchals they complain against each other to the Extension Officer for Panchayat or to the Block Development Officer.

However, if the Secretary is efficient and well trained, he can help both the people and the members of the Anchal Panchayat for better working of the institution. But it is found that many Secretaries have neither the proper training, nor the capacity to bring people together to work for common end in the rural areas. This is one of the causes of the failure of the working of the Panchayati Raj institution in West Bengal. The Secretaries of the
Anchal Panchayats should be given intensive training at regular intervals. Apart from other courses they must have the training required for the Village Level Workers. They must have the same status with prospect of promotion as that of the Village Level Workers. 66

We have already noted that one of the main functions of the Anchal Panchayat is to maintain and control dafadars and chowkidars within its jurisdiction. 67 The number of dafadars and chowkidars to be maintained by an Anchal Panchayat, the salary to be paid to them, the nature and cost of their equipment and all matters relating to their recruitment, conditions of service, power and duties, superannuation, discipline, punishment and dismissal are, however, left to be determined by the State Government. 68 These provisions are a mere reproduction of Section 21(1) of the Bengal Tillage Self-Government Act, 1919: "The number of dafadars and chowkidars to be employed in a union, the salary to be paid to them and the nature and cost of their equipment shall be determined from time to time by the district magistrate after consideration of the views of the union board. 69

Like the Act of 1919 the present Act of 1987 places the dafadars and chowkidars under dual control - the state government and the Anchal Panchayat. In West Bengal public opinion is not in favour of this dual control. In regard to rural police an Anchal Panchayat has very little scope for independent action. It shares
the cost of maintaining the Dafadars and Chaukidars but it has little control over them.

It may be mentioned that in Bengal prior to 1884 Municipalities had to bear the cost of policing the cities, and as a result of strong public resentment this provision was abandoned in the Bengal Municipal Act of 1884. In the pre-independence days there was much popular resentment against the Chaukidari cess in Bengal and we find the repetition of the same retrograde provision under the present Act. Even the rich people in the Municipalities and Corporations are not to bear any tax for the protection of their lives and property. But the villagers who are generally poor with no property are to give Chaukidari taxes for the protection of their property. It is indeed a paradox. Moreover, as law and order is the responsibility of the Government, the State Government should bear the responsibility of the rural police. At present the State Govt. contributes, in whole or in part, the cost of maintenance of Dafadars and Chaukidars.

Reproducing substantially the Section 23 of the 2 Bengal Village Self-Government Act the present Act enumerates a long list of various powers and duties of a Chaukidar. His duty covers both day and night. Still the Chaukidar is regarded as a part-time employee. His pay is ludicrously low. It is generally in arrears and is seldom paid regularly.
In comparison with the formidable list of municipal development and welfare functions of the Gram Panchayats, the Anchal Panchayat has a very few but significant functions. These are:

(a) the control and administration of the Anchal Panchayat Fund constituted under Section 55;
(b) the imposition, assessment and collection of the taxes, rates or fees under Section 57 and the collection thereof;
(c) the maintenance and control of Dafadars and Chowkidars within its jurisdiction;
(d) the constitution and administration of Nyaya Panchayat and
(e) the performance of the duties assigned by the State Government. Moreover, the State Government is authorised to empower the Anchal Panchayat to manage the estates vested in the State.
REFERENCES:

2. Section 7, West Bengal Panchayat Act, 1957.
4. Section 7(2), West Bengal Panchayat Act, 1957.
5. Section 11(1), Ibid.
6. Section 11(6), Ibid.
7. Section 11(5), Ibid.
9. Section 8(1), West Bengal Panchayat Act, 1957.
10. Section 9(2), Ibid.
11. Section 9(1), Ibid.
12. Section 9(2), Ibid.
13. Section 10(3), Ibid.
17. Section 41(3), Ibid.
22. Section 11(2), Ibid.
23. Section 11(4), Ibid.
25. Section 11(6), The West Bengal Panchayat Act, 1957.
29. Section 17, Ibid.
32. Section 20(2), Ibid.
33. Section 22(1), Ibid.
35. Section 22(5), The West Bengal Panchayat Act, 1957.
36. Section 31, Ibid.
37. Section 32(1), Ibid.
38. Section 33, Ibid.
41. Section 26(l), The West Bengal Panchayat Act, 1957.
42. Section 17 read with Section 28, Ibid.
43. Section 20 read with Section 28, Ibid.
44. Section 18 read with Section 28, Ibid.
45. Section 65, Ibid.
47. Section 42, The West Bengal Panchayat Act, 1957.
48. Section 28, Ibid.
49. For detailed discussion vide Chapter VII.
50. Section 48(1), The West Bengal Panchayat Act, 1957.
51. Section 48(5), Ibid.
52. Section 48(2), Ibid.
53. § Rule 45(1), The West Bengal Panchayat Rules, 1953.
54. Rule 45(2), Ibid.
55. Rule 45(3), Ibid.
58. Section 48(6), The West Bengal Panchayat Act, 1957.
60. Section 48(1), The West Bengal Panchayat Act, 1957.
61. Section 48(3), Ibid.
62. Section 50, Ibid.
63. Section 70(7), Ibid.
65. Section 48(2), The West Bengal Panchayat Act, 1957.
67. Section 48(c), The West Bengal Panchayat Act, 1957.
68. Section 51(2), Ibid.
69. Section 21(1), The Bengal Village Self-Government Act, 1913.
70. Section 52, The West Bengal Panchayat Act, 1957.
71. Section 53, Ibid.
72. For detailed discussion vide Chapter VIII.
73. Section 48, The West Bengal Panchayat Act, 1957.