CHAPTER V.

Organization, Administration and Role of Panchayati Raj Bodies (Contd.):

Anchalik Parishad and Zilla Parishad.

In West Bengal Anchalik Parishad is the second tier in the Panchayati Raj system with the Zilla Parishad at the apex, and the Anchal and the Gram Panchayats below. The creation of the Anchalik Parishad at the Block level as a new unit of rural local self-government is in line with the suggestions made by the Mehta Study Team. It has come to occupy a crucial position in the present pattern of democratic decentralization. It is purely an administrative creation.

The Block offers an area large enough for functions which the village panchayat cannot perform and yet small enough to attract the interest and service of the residents. The Zilla Parishad might have served the purpose for which it was created but it has been handicapped by having too large an area to receive detailed attention. Moreover, it is far away from the seat of an ordinary villager. So it cannot become an effective unit of decentralization. The population of a Block is neither so small as to make it impossible to organize a number of development services economically nor so large as to defeat the very purpose for which the local bodies have been created. The Block, therefore, is suited as a unit of devolution from the standpoint of accessibility and responsiveness.
The Block has already been functioning as a developmental unit equipped with adequate personnel in different fields and there is already a Block Advisory Committee which can be completely taken over by the Anchalik Parishad. There is no doubt that the Development Block as a unit of administration and planning has come to stay. Its object is an all-round development of the village community.

The possibility of the emergence of the Development Block as a 'social pattern' has been examined from the sociological point of view by two distinguished American sociologists, Howard W. Beers and Douglas Ensminger. They regard the Block as an 'artefact of Government' rather than a social unit. "The Block, with the circle of villages in it, is a new organisation completely set up by Government not yet completely formed as a social system but well on the way." The present author agrees with Beers and Ensminger that when the Block will appear as a fully developed social system it will be a basic unit of local government.

An Anchalik Parishad has been established by the Government of West Bengal for each Development Block, and is a corporate body with its own rights and duties. Like the Zilla Parishad it consists of elected members and an associate member, the Block Development Officer who, however, has no right to vote.

Apart from the B.D.O., the following persons will be the members of an Anchalik Parishad:
(1) The Pradhans of the Anchal Panchayats, and the Presidents of the Union Boards, if any, within the Block - ex-officio members.

(2) The Adhyaksha from the territorial limits of each Anchal Panchayat elected by the Adhyakshas of the Gram Panchayats of that area from among themselves.

(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, not being a Minister, and the members of the Council of States or the Legislative Council, not being a Minister, having a place of residence in the Block.

(4) Two women, and two persons belonging to a backward community and having their residence in the Block, appointed by the State Government, and

(5) Two persons who have knowledge of, or experience in, social work or rural development, having their residence within the Block, co-opted by the members of the Anchalik Parishad. 4

Like the Zilla Parishad, thus, in the Anchalik Parishad there is no directly elected member. Some of the members are either indirectly elected or enjoy ex-officio membership, and the others are either nominated by the Government or associate members being Government Officials or co-opted by the Anchalik Parishad. On an average there are 27 members in an Anchalik Parishad. The usual
tenure of their office is 4 years. It is submitted that the
constitutional structure of the Anchalik Parishad is liable to
the same criticism as that for the Zilla Parishad. 5

The members of an Anchalik Parishad are required to possess
the same qualifications as are prescribed for the members of the
Zilla Parishad. Like the Zilla Parishad a person will be disqualified
for membership of an Anchalik Parishad if, among others, he is in
arrears for more than a year in respect of any tax, rate or fee
payable under the Acts of 1957 and 1963, is an employee of the
Zilla or the Anchalik Parishads or are undischarged insolvent or
of an unsound mind, or if he has been discharged from the service
of the Central or a State Government or a local authority for
misconduct or has been convicted and sentenced for moral turpitude. 6

Besides, the State Government has been empowered to remove
any member of the Zilla Parishad or the Anchalik Parishad from
office on the grounds of incapacity, misconduct or absence from
six consecutive meetings of the Anchalik or the Zilla Parishads. 7

Every Anchalik Parishad has a President and a Vice-
President elected by the members of the Parishad from among
themselves, and they usually hold office for a period of four
years. 8 Like the Chairman or the Vice-Chairman of the Zilla
Parishad the President or the Vice-President of an Anchalik
Pari shad may be removed from the office by the State Government on the same grounds.

The powers, functions and duties of the President and Vice-President of the Anchalik Parishad are similar to those of the Chairman and the Vice-Chairman of the Zilla Parishad. Even the Rules regarding these powers, functions and duties of the Chairman and the Vice-Chairman apply to the President and the Vice-President of the Anchalik Parishad with, of course, certain relevant modifications.

It has been provided in the Rules that the members of the Anchalik Parishad should meet once in every three months, and all decisions are to be made by a majority of votes. Like the Zilla Parishad, the Anchalik Parishad has a number of statutory standing Committees.

The Block Development Officer of the local Development Block is the ex-officio Chief Executive Officer of the Anchalik Parishad. But the Anchalik Parishads in West Bengal, unlike those of Maharashtra, have little control over the Block Development Officer.

The Anchalik Parishad is a corporate body having perpetual succession and a common seal, can sue and be sued and has the power to acquire, hold and dispose of property and to enter into contracts.
The powers, duties and functions of Anchalik Parishad have been enumerated in Chapter X of the West Bengal Zilla Parishads Act, 1963. Broadly speaking, they relate to social and economic welfare, and are hardly distinguishable from those entrusted to the Zilla Parishad. Moreover, "in the allocation of functions, the relationship between the Zilla Parishad and the anchalik parishad seems to be paralleled by the relationship between the anchalik parishad, the anchal panchayat and gram panchayat". For instance, the Anchalik Parishad is debarred from undertaking or executing any scheme confined to an area over which a Gram Panchayat has jurisdiction unless the implementation of such a scheme is beyond the competence of the Gram Panchayat concerned in financial or other respects. Anchalik Parishad may, however, undertake or execute any scheme that extends to more than one Anchal within the local limit of the Parishad.

Like the Zilla Parishad the Anchalik Parishad has been empowered to undertake certain schemes or adopt measures, including the giving of financial assistance relating to the development of agriculture, livestock, cottage industries, co-operative movement, rural credit, water-supply, irrigation, public health and sanitation, communications, primary or adult education, social welfare and other objects of general public utility. It can also undertake the execution of any scheme or management of any institution entrusted to it by
the State Government or any other authority. It may make grants to the parent Zilla Parishad and to the constituent Anchal Panchayats. Within the local limit of the Block it may also make grants to any school, public library, institution or welfare organization. The Parishad may bear with the approval of the State Government such sum as it may desire as part of the cost of water-supply or anti-epidemic measures undertaken by a municipality within the Block. Apart from this, it may adopt measures for the relief of the distress.

Besides all these, the Anchalik Parishad is to examine and sanction the Budget estimates of the constituent Anchal Panchayats. This helps co-ordination and integration of the development plans and schemes prepared by the Anchal Panchayats within the Block. This is also another important function of Anchalik Parishad.

With the passing of the Bengal Self-Government Act, 1885 the strong edifice of the rural government had come to rest primarily on the District Board. But as a local self-government authority it was an entirely artificial invention with no community of interest at its base. It was merely an administrative unit of local government. "It was a mistake to make the District Board the administrative unit of Local Self-Government and to leave the smaller bodies dependent on its charity and with no clearly defined position in the general scheme. This was to begin local self-government at the wrong end, for the system ought to start from the bottom and work up ........
rather than from the top". Hence the Act of 1885 was superseded by the West Bengal Zilla Parishads Act, 1985. The purpose was to provide for the re-modelling of local government with a view to associating the local authorities with the development activities, which would lead to democratic decentralization and give people a sense of participation in planning and development. In 1964 District Boards in West Bengal were replaced by Zilla Parishads in the fifteen districts except Cooch Behar. As a native state Cooch Behar had no District Board, and so, the Cooch Behar Zilla Parishad had to begin its work on a clean slate. These Zilla Parishads have under their territorial jurisdiction 325 Anchalik Parishads, 2,326 Anchal Panchayats and 19,662 Gram Panchayats.

A Zilla Parishad bearing the name of the District has jurisdiction over a magisterial or revenue District excepting the areas under a Corporation, a Municipality, a Notified Area and a cantonment. It is a corporate body with consequent rights and obligations.

In India there are two patterns for constituting Zilla Parishads - the directly constituted pattern and the indirectly constituted pattern. Gujarat and Maharashtra where the Panchayati Raj movement has been greatly successful follow the former pattern while the latter is followed in West Bengal. In West Bengal a Zilla Parishad consists of members and associate members and they normally hold office for a period of 4 years. The associate members are
certain State Government Officials, viz., the Sub-divisional Magistrate, of the District and the District Panchayat Officer. But they have no right to vote nor are they eligible for election as Chairman or Vice-Chairman. Apart from the associate members, there are also the following members in a Zilla Parishad:

(a) Presidents of Anchalik Parishads within the District—ex-officio;
(b) Two Adhyakshas elected from each Sub-Division within the District by all the Adhyakshas within that Sub-Division.
(c) M.Ps., M.L.As. or M.L.Gs. not being a Minister, whose constituencies are comprised within the District or any part thereof, or who have their residence in the District;
(d) A Chairman of Municipality or a Mayor of Municipal Corporation in the District appointed by the State Government;
(e) President of the District School Board—ex-officio;
(f) Two women having their residence in the District appointed by the State Government if no woman becomes member of the Zilla Parishad under any clause of the Sec.4 of the Act of 1963.

There are a few significant provisions in the composition of the Zilla Parishad in West Bengal. The structural arrangement has the merit of linking the Zilla Parishad organically with the lower Panchayats on the one hand and the National and the State Legislatures on the other. It, thus, maintains an effective liaison...
between the national interests and the regional interests. Another significant feature is the inclusion of Municipalities in the Zilla Parishad. The framers of the Act realized that the planned development of rural and urban areas in a District could not be made by isolating one from the other. The integration of the two has, therefore, been sought in the inclusion of a Mayor or a Municipal Chairman as members of the Zilla Parishad.

The constitution of the Zilla Parishad in West Bengal radically differs, as has been noted earlier, from the pattern of constitution prevailing in Maharashtra which has now become the pilgrimage of thinkers on Panchayati Raj. Maharashtra provides for a three-tier Panchayati Raj Institution where the middle tier is mainly an agency of the Zilla Parishad, and the Zilla Parishad consists of the following:

(a) Councillors chosen by direct election from electoral divisions in the District, being not more than 60 and not less than 40 in number as determined by the State Government so that there is one Councillor for not more than every 35,000 of the population;

(b) If the elected Councillors do not include a woman, then two women each residing in different Blocks in the District co-opted by the Councillors elected;

(c) The Chairman of all Panchayat Samitis in the District as ex-officio members; and
(d) Associate Councillors, i.e., the Chairmen of five federal co-operative societies.

The Zilla Parishad in West Bengal as distinct from that in Maharashtra is unwieldy in size, and the West Bengal pattern provides for too many nominations by the State Government to the Parishads and the presence of too many ex-officio members. It is unwieldy because the total number of members ranges from 39 to 125. For instance, the Zilla Parishad of the District of 24 Parganas contains 125 members whereas in the old District Board there were 40 members only.

Again, the Government of West Bengal nominates three members on a Zilla Parishad, in addition to two officials who are associate members. This provision gives the party in power at the State Headquarters ample opportunity to get back-door entry to its party men. This facility hardly serves any purpose of the Parishad unless qualifications for members are defined fairly rigidly. It would have been better if the power of nomination had been given to the Parishad itself.

The concept of democratic decentralisation demands that the rural local bodies be entirely elected on the basis of adult franchise. But in practice this democratic ideal is found to be absent. While the Gram Panchayats are directly elected by the members of the Gram Sabha, no such system of direct election is provided in the constitution of the upper Panchayats. Jackson's comment on the machinery of local government is worthy of mention: "if franchise is given substantially,
the whole adult population and the electors can go freely to the polling stations and give their votes in secrecy without fear...... then all will be well. #21

The inclusion of the M.L.A.s and the M.L.C.s in the Anchalik Parishad and the Zilla Parishad as ex-officio members, a feature which is foreign to the Maharashtra pattern, is a flagrant violation of the principle of democracy. The Central and State Legislators do not all have the relevant status or the particular interest to qualify them for such membership. The principle that the nearer a representative is to the people who have chosen him, the more significant becomes his role as a democratic leader is flung to the winds by the provision that M.P.s and M.L.A.s should be ex-officio members of the Anchalik Parishad and the Zilla Parishads. #22 Again, these members have been allowed to enjoy full voting rights including the rights to get themselves elected as executives of these bodies. In fact, in West Bengal, majority of the office-bearers of these two bodies are M.L.A.s. This is highly objectionable because the Central and State Legislators have enough work to do and consequently it is hardly possible on their part to do any justice to the people either as office-bearers of the rural local bodies or as Legislators. It tells upon their efficiency as Legislators. Moreover, the presence of the Legislators in the local bodies bring in unhealthy politics leading to factions.

The principle of co-option of the Central and the State Legislators in the upper two tiers of the rural local bodies has
been defended on the ground that the presence of these leaders would forge a link between the local bodies and the Legislatures and also place at the disposal of these bodies their experiences gathered at the higher levels of a democratic government. But if the object of democratic decentralization in West Bengal is to encourage local leadership, the M.Ps. or the M.L.As. must remain associate members only.

In West Bengal a remarkable omission in the Acts of 1957 and 1963 seems to be the complete exclusion of the representatives of the co-operatives from the Panchayati Raj bodies. Both for the local growth of these two institutions and for the co-ordinated development of the area it is essential that the local government authority at all levels must have a say in the management of the co-operative societies, and this may be achieved by the inclusion of the representatives of the co-operative societies in the different Panchayat bodies.

In the absence of direct election there has been another omission in the Act for there is, unfortunately, no reservation of seats for the Scheduled Castes and Tribes. Although they constitute 26 per cent of the population in West Bengal yet they are not proportionally represented in the local bodies. The provision for reservation of seats for the Scheduled Castes and Tribes or the power of co-option of members from them would have been justified on the grounds of social justice till the social and economic
structure and the attitudes of the privileged classes had undergone radical changes.

The members of the Zilla Parishad elect from amongst themselves a Chairman and a Vice-Chairman. The Chairman of a Municipality or a Mayor of a Municipal Corporation or President of the District School Board is not eligible for these posts. The Chairman or the Vice-Chairman may be removed from office by the State Government on the grounds of incapacity, negligence of duties, abuse of powers or on any of the grounds on which an ordinary member of the Zilla Parishad may be removed. The State Government may also remove either of them from office if a motion of no-confidence against the Chairman or the Vice-Chairman is carried by the votes of more than half of the total number of members of the Zilla Parishad.

The powers, functions and duties of the Chairman are determined by the Act and the Rules. He has full access to all records of the Parishad and bears general responsibility for the financial and executive administration. He has full administrative supervision and control over the work of the Executive Officer. In case of emergency he can issue, in consultation with the District Magistrate, directions regarding the execution or suspension or stoppage of any work or the doing of any act which requires the sanction of the Zilla Parishad. He can inspect and call for reports and information from the lower Panchayat bodies. He acts as the controlling officer for the purpose of passing bills for travelling allowances drawn by
the Vice-Chairman, members and Executive Officer and non-official members of the Standing Committees. He passes orders of dismissal, removal or reduction in rank of an officer or employee holding a post carrying a monthly salary of less than Rs. 300/- on the recommendation of the Finance and Establishment Committee. The Chairman and the Vice-Chairman are the ex-officio members of all the Standing Committees, and the Chairman of the Zilla Parishad is the ex-officio Chairman of the Standing Committee on Finance and Establishment. Four years' tenure together with ex-officio membership of all the Standing Committees and the ex-officio Chairmanship of the Finance and Establishment Committee makes the position of the Chairman of the Zilla Parishad pre-eminent in the whole organization, a bit 'groove' and bureaucratic instead of inspiring him to be a real leader of the whole District. Sometimes he acquires vested interests, and public complaints are heard against him regarding corruption and malpractices. Therefore, it is suggested that the Chairman should be elected every year. Continuity of policy of the Zilla Parishad may be maintained by the presence of the Executive Officer.

The Zilla Parishad has to hold a meeting once in three months and all questions coming before the meeting are decided by a majority of votes. The Zilla Parishad in West Bengal, as in Gujarat and Maharashta, functions through a network of Standing Committees.
Every Zilla Parishad needs an administrative machinery to carry out its policies. In West Bengal the responsibility for the execution of policies and resolutions made by the Zilla Parishad lies with the administrative machinery headed by the Executive Officer. The Executive Officer is appointed by the State Government and is a member of the West Bengal Civil Service. Apart from the Executive Officer, there is another Senior Officer, i.e., the Secretary who is a member of the West Bengal Civil Service and has to function as the District Panchayat Officer. He has to render all assistance to the Executive Officer in discharging his responsibilities. The Act and the Rules have not satisfactorily delineated the functions and duties of these two senior Officers of the Parishad. The present workload does not, however, seem to justify the post of the Secretary. If the same person discharges the work done by these two officers, it will considerably simplify the working and perhaps ensure better performance. Therefore, a Study team suggested that the post of the Secretary should be abolished and the work now done by him might be entrusted to the Executive Officer while the work done by the Secretary as D.P.O. could be discharged by the District Planning and Development Officer under the Collector. But it is a matter of regret that the suggestion remains unheeded by the Government.

Besides, in every Zilla Parishad there are a District Engineer, a Medical Officer, senior technical staff, etc. Qualifications and pay scales of these Officers vary from Parishad to Parishad.
There is no prospect of promotion for these categories of staff since each Zilla Parishad is a 'closed unit'. Unless minimum standards of qualifications are prescribed and uniform pay scales with prospects of promotion laid down, uniform standard of work cannot be expected. Again, there is no system of inter-change of staff among Zilla Parishads because there is no centralized cadre. Hence it is suggested that uniform service rules may be prescribed for all the employees of the Panchayati Raj Bodies in West Bengal and all appointments are to be made through a "Panchayati Raj Service Commission". Till these arrangements are made the Zilla Parishads should borrow the services of suitable officers from the State Government.

The Zilla Parishads in the majority of the States in India are essentially advisory, but they have also the function of supervision and co-ordination of the works of the lower Panchayats. In this respect these States differ from Andhra Pradesh, Gujarat, Maharashtra and West Bengal where the Zilla Parishads have not only advisory and supervisory functions but also some executive functions. It is to be noted that the Zilla Parishad in Maharashtra is the strongest of the Panchayati Raj Institutions and is vested with executive functions in various fields including planning and development, and also advising, as in West Bengal, the State Government in regard to development of the District. Rajasthan recently amended her Act in order to devolve executive functions upon its Zilla Parishads. It may further be noted that the recent trend is towards an executive
The Zilla Parishads in West Bengal being substitutes for District Boards discharge many of the functions of the District Boards conferred by the Bengal Local Self-Government Act, 1885. But the creation of a new local authority at the Block level necessitated a re-distribution of such functions between the upper two panchayat bodies. Apart from these traditional local government services, they also have been entrusted with the responsibility for community development.

But on the whole, the powers, functions, and duties of the Zilla Parishad are hardly distinguishable from those entrusted to the Anchal Parishad by the Act of 1963, and in fact they enjoy almost identical powers. Again, the jurisdiction of a Zilla Parishad extends over the areas of the Gram Panchayats, Anchal Panchayats and Anchalik Parishads, and it has been empowered to advise the State Government on the allocation of the development work among these bodies. As a result, neither the Zilla Parishad nor any of the lower tier authorities operate, in fact, as autonomous, self-contained units. Moreover, the Gram Panchayats are empowered to function as executive bodies at the base and the Zilla Parishad at the apex can take up or execute only those schemes which extend to more than one Block or are beyond the competence of the Anchalik Parishad concerned for lack of funds, staff or technical assistance. Thus the Zilla Parishads in West Bengal get little opportunity for direct operation.
The Act provides a comprehensive list of powers, functions and duties of the Zilla Parishad. It can acquire, hold and dispose of property and enter into contracts. Like an Anchalik Parishad, it has been empowered to undertake or adopt measures, including the granting of financial assistance relating to the development of agriculture, livestock, industries, co-operative movement, rural credit, water supply, irrigation, public health and sanitation, including establishment of dispensaries and hospitals, communications, primary, secondary or adult education including welfare of students, social welfare and other objects of general public utility. Within the area of the District it may make grants to the Anchalik Parishads, and to any school, public library, public institution or public welfare organisation within the District. The Zilla Parishad may contribute, with the approval of the State Government, to the cost of water-supply or anti-epidemic measures undertaken by the Commissioners of a Municipality within the District. It may also contribute to the cost of maintenance of any institution situated outside the District, which are beneficial to the inhabitants of the District. In addition, it may adopt measures for the relief of distress, and sanction scholarships and award stipends for the furtherance of technical and other special forms of education.

Co-ordination and integration of the development plans and schemes prepared by the Anchalik Parishads in the District is an important function of the Zilla Parishad. The Zilla Parishad has
also been empowered to examine and sanction the budget estimates of the Anchalik Parishads within its jurisdiction. This is indeed one of the important means to secure co-ordination. Apart from this, the Zilla Parishad has been empowered to advise the State Government on all matters relating to the development of the district including the allocation of development work to the lower local authority. Moreover, it has been given the general power of supervision over the Anchalik Parishads, Anchal Panchayats and Gram Panchayats within its jurisdiction and the latter are bound to give effect to any directions of the Zilla Parishad on matters of policy or planning for development. Therefore, the Zilla Parishad may call for such information, report, register or record as it thinks fit from the lower-tier authorities, and any authorized officer of the Parishad may visit the office or any work of these lower bodies. Thus the Zilla Parishad in West Bengal is required to play a crucial role in formulation and implementation of plans of local government. In view of this the administrative machinery of the Zilla Parishads must be geared boldly.

It is submitted that in the Acts there is no provision either for linking up the programmes drawn up by the Zilla Parishad with those undertaken by the lower-tier authorities or for accepting recommendations from them during the framing of the plans and programmes in the District. As a result, the very objective of people's participation in planning and development is being
frustrated. In this respect the Maharashtra pattern has gone well ahead by providing that "the Zilla Parishad shall endeavour to promote planned development of the District by utilising to the maximum extent, local resources and for that purpose prepare annual and long term plans, regard being had to the plans already prepared by the Panchayat Samitis."
REFERENCES:

5. Vide Chapter IV.
7. Sections 12 and 60, Ibid.
8. Sections 55, Ibid.
11. For detailed discussion Vide Chapter VII.
17. Directorate of Panchayat, Government of West Bengal.
19. Section 4(2), Ibid.
26. For detailed discussion vide Chapter VII.
29. Sections 18(2), Ibid.
33. Section 18(1)(e)(f), Ibid.

34. Section 18(2), Ibid.

35. Section 27, Ibid.