CHAPTER - V

GRASSROOTS DEMOCRACY IN ORISSA: ITS RISE AND DECLINE
In the foregoing chapter, we have given a conceptual analysis of 'Democratic-Decentralisation'- a guiding philosophy and an underlying principle upon which the edifice of grassroots democratic institutions - a model of three-tier panchayatiraj would be erected. Also, we have given an analysis of the implementation of this principle and the creation of grassroots democratic institutions in the shape and form of three-tier panchayatiraj in the various states of India. In this chapter, our attempt shall be to give a detailed analysis of the creation of these grassroots democratic institutions in the state of Orissa, the stages of its ascendancy and the subsequent process of its decline.

Much earlier than the inauguration of the Constitution, as a post-independence emphasis on grassroots democracy, the state of Orissa had introduced Village Panchayats by enacting the Orissa Grama Panchayats Act, 1948. This institution of village panchayat was indeed, a single-tier institution covering almost a wide-range of powers, a decentralised system of police administration and a decentralised judicial system (Adalti Panchayats). Again, the various acts that were in operation in the pre-independence period were later consolidated in 1950 into one act entitled as Orissa Local Self-Government Act, 1950 which came to govern the institutions of district boards in the entire state of Orissa.

Grassroots democratic institutions in the state of Orissa have a very fascinating growth. In 1949, the report of Land Revenue and Land Tenure Committee with Sri Nabakrishna Chowdhury as its
Chairman envisaged a scheme of decentralisation of authority for efficient revenue administration and development activities in rural areas. Accordingly, the Government of Orissa passed the Anchal Sasan Act in 1955. This Act provides for decentralised administration of local areas by constituting intermediary elected bodies between the district and the panchayat levels. It is provided that the powers, duties and functions of the Anchal Sasan shall be exercised, performed and discharged by the Anchal Sabha which shall be constituted by indirect election by the Grama Panchayats, Municipalities and/or the Notified Area Councils within the Anchal area. The Anchal Sasan was assigned independent sources of revenue and was charged with the responsibility of executing various kinds of development works within its jurisdiction as well as the collection of revenue. The establishment of an elected body at an intermediate level like the Anchal Sasan would serve a very useful purpose. Such elected body was to have a more elastic source of income and thus would be able to command greater resources in order to carry out various development activities within its area. It would also provide a means of exercising democratic supervision over the working of the Panchayats. However, due to change of leadership and consequent change of policy of the subsequent Congress government, the Act was never given effect to and the pattern of democratic decentralisation as contained in the proposals of Land Revenue and Land Tenure Committee, Orissa was not put to operation.

1. The Orissa Act No.4 of 1956.
The Ascendancy

Soon after Independence, the grassroots democratic institutions in the form of village panchayats were established by the Orissa Grama Panchayats Act, 1948. As there were some defects in the Act, it was amended in the year 1950. The Grama Panchayat (Amendment) Bill of 1950 which was moved by Pandit Lingaraj Mishra, then Minister of Local Self Government, aimed at reducing the membership of the Grama Panchayat by fixing the maximum at twenty five members, as the original Act did not put any restriction on the maximum strength of a Gram Panchayat.

For a proper integration of village panchayats with the Block and District level institutions as per the recommendations of Balwantrai Mehta Study Team and in order to give a legal basis to the recommendations of Dinabandhu Sahu Committee, suitable alterations in the existing Orissa Grama Panchayat Act, 1948 were called for. Therefore in 1964, drastic amendments were made in the Act of 1948 and a new act, the Orissa Grama Panchayats Act, 1964, was passed which consolidated all the laws relating to gram-panchayats in Orissa. Following the practice in different states, Orissa pursued the 'Two Acts Approach' and the Orissa Legislative Assembly had passed earlier the Orissa Panchayat Samiti and Zilla Parishad Act in 1959. This Act received the assent of the Governor on February 15, 1960. January 26, 1961 marks a landmark

2. Dinabandhu Sahu was the Chairman of "The Grama Panchayat Enquiry Committee", Orissa, about which we have given a detailed analysis in Chapter III of this book.

3. ORISSA ACT 1 of 1965.

4. ORISSA ACT 7 of 1960.
in the political and administrative history of Orissa as the provisions of the new Panchayat Samiti and Zilla Parishad Act were implemented and Panchayat Samitis and Zilla Parishads were established throughout the state. The village panchayat became the lowest unit of the three-tier Panchayatiraj system and constituted the basic foundation on which the superstructure of the whole system was built in Orissa.

The Grama Panchayat, Panchayat Samiti and Zilla Parishad thus formed a single integrated and inter-dependent whole, in order to facilitate the scheme of rural administration and to promote mutual understanding between three-tiers of the Panchayat hierarchy.

Gram Panchayat

The Act of 1965 empowers the State Government to constitute the Grama, the Grama Sasan, the Grama Sabha, the Palli Sabha and the Grama Panchayats. The government by notification could declare any village or group of contiguous villages as a Grama and assign a name to such a Grama. To every Grama, there shall be a Grama Sasan which shall be composed of all adult persons of the Grama whose names are included in the voters' list.

The Grama Sasan shall be a corporate body with perpetual succession and common seal, with power to acquire, hold and
dispose of property, to enter into contracts and to sue and to be sued in its corporate name.

Government, by notification, shall constitute a Palli Sabha for every village within the Grama and where the area comprised within a ward consists of more than one village, there shall be only one Palli Sabha for such ward. Each Palli Sabha shall consist of all the adult voters of the village residing within the area of the Palli. The Palli Sabha shall meet annually in February every year. It shall be the duty of the Palli Sabha at its annual meeting in February each year to give its recommendations to the Grama Panchayat in respect of the development works and programmes relating to the Palli Sabha, that may be taken up during the ensuing year.

The meeting of the Grama Sasan is called Gram Sabha. The Grama Sabha is the legislative wing of the Grama Sasan. The Grama Sabha is convened twice a year, once in the month of February and the other in June. The February session decides the programmes and works to be undertaken by the Grama Panchayat and also the annual budget of the Grama on the basis of the recommendations of the different Palli-Sabhas and recommends it to the Grama Panchayat. The June session evaluate the programmes and works undertaken by the Grama Panchayat of the preceding year and the audit report submitted by the Sarpanch.
The Grama Panchayat is the executive body of the Grama Sasan. Each Grama is divided into eleven to twenty five wards by the district collector. In each ward, there exists the Palli Sabha or ward council. Each such ward elects a member to the Grama Panchayat, who is called ward member. All the voters of the Grama elect from amongst themselves a person known as Sarpanch, the chief executive of the Grama Panchayat. The law also provides for reservation of seats for SCs and STs in the Grama Panchayat. In case the SC and ST candidates do not get adequate representation, the elected members of the Grama Panchayat may elect such a representative provided that the SCs and STs constitute at least five percent of the total population of the Grama. According to the Orissa Grama Panchayat Act, in order to be elected as Sarpanch, a person should have the ability to read and write in Oriya language. According to Section 14(1) of the Orissa Grama Panchayat Act, the elected members of the Grama Panchayat immediately after their election in their first meeting, specially convened for the purpose, shall elect a Naib Sarpanch from among themselves. The Naib Sarpanch is the deputy Chairperson of the Grama Panchayat and shall exercise such powers and discharge such duties of the Sarpanch as may be delegated to him in writing by the Sarpanch. When the office of the Sarpanch falls vacant the Naib Sarpanch shall exercise the functions of the Sarpanch until a new Sarpanch is elected or nominated. A Sarpanch or a Naib Sarpanch can be removed from office by a vote of no-confidence passed by the Grama Panchayat supported by not less than two-thirds of the total membership.
Sections 44 and 45 of Orissa Grama Panchayat Act specify obligatory and discretionary functions of the Grama Panchayat. The important obligatory functions are construction, repairs, maintenance, alteration and extension of village roads, provision of lights on the roads and other places of public resort and removal of encroachments and obstructions on the roads and other public places; construction, maintenance and cleaning of drainage system and provision of sanitation in the village by the removal of filth; supply of drinking water to the villages; adoption of preventive measures against epidemics and other dangerous diseases; prevention of obnoxious and dangerous trade; registration of births and deaths and the preparation of necessary records for the purpose; maintenance of common pasture and other public institutions; preparation of census records of men and animals, maintenance of relevant records and submission of periodic records and returns; management of panchayat properties as assets; spread of primary education; social conservation; control of markets, ferries, fairs, ghats and adoption and encouragement of improved methods of cultivation.

The discretionary functions of the Grama Panchayat are planting and maintenance of trees; development and maintenance of village forests; development of the livestock; construction, management and control of slaughter houses; reclamation of cultivable wastes and fallow lands; organisation and management of multi-purpose co-operative societies, famine relief measures;
establishment and maintenance of village libraries; marketing of agricultural produce; organisation of the fire services and protection of life and property in case of fire; maternity and child welfare; establishment and management of village Akharas and Clubs; establishment and maintenance of works for providing employment in time of scarcity and establishment of granaries; organisation, management and promotion of cottage industries, organisation and maintenance of industrial and agricultural exhibitions; construction and maintenance of Dharmasalas and rest houses; provision of adult education, establishment of primary schools with the prior approval of the Panchayat Samiti, prevention of gambling and implementation of Prohibition and to keep the records about the unemployed persons.

Panchayat Samiti

In the wake of the recommendations of Balwantrai Mehta Study Team Panchayat Samitis were created in Orissa by the Orissa Panchayat Samiti and Zilla Parishad Act, 1959 (Orissa Act 7 of 1960). The previous Community Development Blocks were converted into Panchayatiraj blocks and became co-terminous with Panchayat Samiti. This is the middle tier of the three-tier Panchayatiraj.

Section 16(1) of the Act deals with the constitution of Panchayat Samiti. The said Samiti shall consist of both officials and

5. Hereinafter referred to as the Act.
non-official members. These members are: The Block Development Officer; Nominees of the Government belonging to the Departments of Education, Revenue, Agriculture, Co-operation, Veterinary Services, Grama Panchayats, Forests, Medical, Health, Works, Welfare working within the jurisdiction of the Block; one person who is not a member of the Grama Panchayat to be elected by the elected members of each of the Grama Panchayats situated within the Block; a woman to be elected by the elected members of the Samiti; if the representatives of the Scheduled Caste or Scheduled Tribe are not elected and the Block has not less than five percent of the total population belonging to either of the two above categories, a member from the said communities is to be elected by the elected members of the Panchayat Samiti; Sarpanches of all the Grama Panchayats within the Block; Chairmen of all Municipalities and Notified Area Councils situated within the Block with a population of not more than 20,000.

Sub-section 2(a) of section 16 of the Act provides that the members of all the gram-panchayats within the jurisdiction of the Panchayat Samiti shall, in the prescribed manner, elect the Chairman of the Samiti from among persons who are elected as or are eligible to be elected as members of any such Grama Panchayat. The Chairman is the Chief executive of the said Samiti and the B.D.O. as the executive officer is the main instrument of execution under the control of the Chairman of the samiti.
Section 20 of the Act provides for the powers and functions of the Panchayat Samiti. These are as follows:

(i) Planning, execution and supervision of development programmes, schemes and works in the Block relating to community Development and such other programmes, schemes and works as may be directed by the Government from time to time by general or specific orders;

(ii) Management, control and spread of primary education in the Block;

(iii) Management of such trusts and endowments and other institutions as may be entrusted to the Samiti under any law for the time being in force or under the orders of the government;

(iv) Supervision and enforcement of laws relating to vaccination and registration of births and deaths;

(v) Borrowing of money and granting of loans subject to such terms and conditions as prescribed by the government and with its prior approval;

(vi) Supervisory powers over Grama Panchayats within the Block to be exercised in the manner as prescribed by the government;

(vii) Such other functions as may be assigned to it by the government from time to time.

Zilla Parishad

Following the all India pattern and as per the recommendations of Mehta Study Team, in the state of Orissa, the
Zilla Parishads - the top tier of the three tier Panchayatiraj system, were established in case of the districts in accordance with the provisions of the Orissa Panchayat Samiti and Zilla Parishad Act (Act 7 of 1960). Thus, in Orissa, 13 Zilla Parishads were constituted for the 13 districts of Orissa.

Sub-section (1) of Section 6 of the Act provides that the following members shall constitute the Zilla Parishad:

(i) Collector of the district and other district officers of Medical, Education, Public Health, Agriculture, Veterinary, Gram Panchayat, Forest, Welfare Works, Co-operative and such other Departments as may be notified by Government from time to time;

(ii) Sub-divisional Officers exercising jurisdiction within the district;

(iii) The Chairman of each of the Panchayat Samiti in the district;

(iv) The Chairman of each of the Municipalities and Notified Area Councils with a population of more than 20,000 situated in the district;

(v) President of each of the Central Co-operative Banks functioning in the district;

(vi) If non-official members do not include a woman, a woman is elected by the non-official members of the Parishad.

6. Hereinafter referred to as the Act.
(vii) Sub-section (5) of Section 11 of the Act provides that a member of the House of the People or of the State Legislature shall have a right to take part in the proceedings at every meeting of the Parishad of the district any portion of which forms part of the constituency which such member represents but shall not have a right to vote at any such meeting.

The term of office of the member of the Parishad shall be four years. The non-official members of the Parishad shall elect a Chairman and a Vice-Chairman from among the members and the Chairman shall be the chief executive of the Parishad.

Sub-section (3) of Section 4 of the Act deals with the various powers of the Parishad. They are as follows:

(i) It examines and approves the budgets of the Panchayat Samitis in the district;

(ii) It distributes funds allotted to the districts by the Central or State Government among the Panchayat Samitis;

(iii) It co-ordinates and consolidates the plans prepared in respect of the Blocks and prepare plans in respect of the entire district;

(iv) To advise Government on the allocation of work among Grama Panchayats and Samitis and co-ordination of work between the two bodies and among the various Gram Panchayats themselves and all the matters concerning the activities of all such bodies in the district;
(v) To borrow money subject to such terms and conditions as may be prescribed for carrying out the purposes of this Act with the previous approval of Government;

(vi) To manage such trusts and endowments and other institutions as may be entrusted to them under any law in force or under orders of Government;

(vii) To advise Government on all matters relating to all development schemes which are under the administrative control of Government;

(viii) To advise Government on matters concerning the implementation of any provision of law or any order or any other matter specifically referred by Government to the Parishad;

(ix) To exercise and perform such other powers and functions in relation to any development programmes as the Government may by order confer on or entrust to the Parishad;

(x) Statistics relating to the activities of local authorities in the district is collected by the Zilla Parishad.

With much enthusiasm and cherished hope, the three-tier Panchayatiraj with three organically linked institutions functioned well right from 1961 giving ample scope and opportunity to the people of Orissa to participate in their own decision making by keeping bureaucracy under people's control. Thus, a system of decentralised democracy was made available and it was rightly hoped that in near future the fruits of grassroots democracy could be realised. But very soon these high hopes were belied.
A look into the actual working of these three-tier institutions in Orissa would reveal that the entire system of Panchayatiraj failed to achieve laudable objectives. There was a conceptual confusion among the rural people about Panchayatiraj. The illiteracy, conservatism, and inertia of the village people posed the greatest hurdles for the success of these institutions. Due to illiteracy, these rural people were easily cheated and misguided.

Sarpanch, the chief executive of the grama panchayat, was not necessarily a qualified person but a man of considerable influence who could be of use to the government for handling crisis situations. The real politics of Orissa started from the village level and gradually made these village bodies hot beds of politics. Partisan politics and rivalry among the political parties and groups had ruined the impartial working of the panchayatiraj bodies.

The elections to the local bodies were great prestige issues for the local people. Private and personal quarrels and narrow feelings of castesm and groupism generated bitterness and animosity among the contesting candidates and their supporters, jeopardising thereby the peace and tranquillity of the entire community.

The process of Panchayatiraj administration and the organisation of the Panchayatiraj bodies also suffered from inherent problems. This system of administration was characterised by delay, excessive formalism and paper work. Delayed actions defeated the
very purpose of the creation of these bodies and led to a sense of frustration.

Excessive governmental control was also responsible for not allowing these rural bodies to function impartially. It was very often noticed that government interfered in the day to day administration of the local bodies through the District Collector. The reports of the Collector were given greater importance by the state government than even the collective voice of the local bodies. Again, these bodies lost their credibility as elections to these bodies were not held regularly. These bodies were superseded by the government on flimsy grounds and elections were postponed for political reasons.

Shortage of funds was a serious hurdle in the successful working of these bodies. It was not possible for the state government to meet all the demands of the local bodies. Thus, financially crippled local bodies failed to provide the amenities required by the rural people, and as a result, these bodies failed to arouse popular enthusiasm and win the confidence of the people.

The bureaucracy, again, had its own reservation for sharing power with the people. In a subtle way, they did help in the process of bureaucratisation of village administration.
Thus, in Orissa, these democratic bodies at and below the district level, instead of becoming the institutions of people's initiative in rural development, gradually became the agents of the state government and over the years it was realised that instead of democratic decentralisation, it was democratic demoralisation that had set in the entire village community in Orissa.

The Decline

The fall of the Congress government in several states including Orissa as a consequence of the Fourth General Elections of 1967 led to a re-examination of the policies adopted and the institutional experiments already introduced by the Congress party. In Orissa, this trend was reflected in the policy of review started by the Swantantra-Jana Congress coalition Government which came to power after the fall of ruling Congress party in the Fourth General Elections of 1967. In this process of review the axe fell on the Zilla Parishad, the top layer of the three-tier Panchayatiraj democracy and by legislative enactment [The Orissa Panchayat Samiti and Zilla Parishad (Second Amendment) Act of 1967] the Swatantra-Jana Congress coalition replaced the Zilla Parishad by the District Advisory Council, a nominated body.

The scheme of democratic decentralisation introduced in Orissa in 1961 under the Orissa Panchayat Samiti and Zilla Parishad Act of 1959 (Orissa Act 7 of 1960) showed several short-comings and
weaknesses in its working. When this Act was passed, the Swatantra Party, then the main opposition party in Orissa Legislature, was in agreement with the ruling Congress party on the decentralisation of power to rural local bodies for effecting real decentralisation as envisaged in the Directive Principles of State Policy of the Constitution of India. But, after assuming power, the Swatantra party changed its attitude. The coalition government of which the Swatantra party was the major partner, took the drastic step of abolishing the Zilla Parishad by amending the original Act 7 of 1960 and replacing the Parishad by an advisory body, known as the District Advisory Council. "The institutions were killed", to use L.C. Jain's words, "before they were truly born" and this was due to the absence of political will and bureaucratic neglect.

The abolition of Zilla Parishad at the apex of three tier system of Panchayatiraj was not only the outcome of narrow political consideration, but also a major departure from the Mehta Study Team recommendations and the prevailing all India pattern. It is pertinent therefore to examine the various reasons advocated by the ruling Swatantra-Jana Congress coalition in favour of abolishing the Zilla Parishads. In course of deliberations and discussions over the amendment Bill on the floor of the Orissa Legislature, it was argued that the Zilla Parishad caused undue

delay in the transmission of approved schemes of budgets and grants downward to the Panchayat Samitis at the block level. Secondly, it was pointed out that it proved expensive without doing any useful work for accelerating the pace of development. In the third place, it was pointed out that the previous Congress governments paid more attention to the Zilla Parishads and less attention to election at the Gram Panchayat and Panchayat Samiti levels. The strongest argument of the coalition government in favour of abolishing the Zilla Parishad was that the abolition of this intermediary agency would bring the State Government and the Panchayat Samiti in direct relationship with each other. Nonetheless, it was never the intention of the coalition government to create a complete vaccum at the district level and leave the whole development work to the Collector and his sub-ordinate officers at the district level. Therefore, the Government set up a new institution, called the District Advisory Council, for tendering necessary advice to the Collector and his staff. Para 1 of the Resolution which provided for the establishment of the District Advisory Council stated, "After abolition of the Zilla Parishad, there shall be District Advisory Councils for each district which shall be named as 'Zilla Paramarshadata Samiti' in Oriya".

But the process of revision and alteration continued. Even though the above resolution came into force on 1st November, 1968,

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8. S.N. Rath, 'Democratic decentralisation in Orissa; The need for Rethinking' in The Orissa Political Science Journal, Vol.1, No.1, (June, 1969), P.78

again in 1970, the District Advisory Council was superseded by a
resolution of the Government of Orissa in the Planning and
Co-ordination Department.\textsuperscript{10} By another resolution of November 14,
1970 the Vaccum was filled up by the District Development Advisory
Board.\textsuperscript{11}

In July, 1974 yet another change took place: The District
Development Advisory Board was replaced by the District
Development Board.\textsuperscript{12} The District Development Board was intended
"to secure more positive participation of leaders of public opinion
in the planning and development process in the district level".

Right from 1974, in the State of Orissa, the District
Development Board had functioned as the principal advisory organ
to assist the Collector in determining the development plans for the
district and their effective implementation.

The Moot Questions

The analysis so far clearly indicates that the abolition of
the Zilla Parishads as the apex body in the State of Orissa is a
clear cut deviation from all India pattern of democratic
decentralisation as envisaged by the Mehta Study Team. This is
indeed a callous but a cruel joke to the innocent people of Orissa.

\textsuperscript{10} Government of Orissa, The Planning and Co-ordination
Department, Resolution No.16636, dated 14.11.70 (Source:
D.D.B. Important Circular Guard File, Development Section,
Puri Collectorate).

\textsuperscript{11} Ibid.

\textsuperscript{12} Resolution No.8150 dated 9th July, 1974, Planning and
Co-ordination Department, Government of Orissa (Source:
The subsequent installation of an advisory body at the district level is just to dandle with a lisping child and a mere political charity. Thus, in Orissa democracy at the district level became a focus of frustration, and a living caricature of local self-governance as it is expected to function at the pleasure of the district collector.

It is a retarding process, indeed, in the name of democratic decentralisation and the process of revision and alteration carried on by the government in case of the district, the subsequent institution of an innocuous body, created doubts and suspicions in the people of Orissa regarding the much discussed concept of democratic decentralisation. Pertinent and relevant questions are raised which call for open debate and clarification. The following questions come to our mind.

First, for the successful functioning of grassroots democracy, as envisaged by Mehta Study Team, there should be three organically linked institutions. But the abolition of the Zilla Parishad not only dislodged the organic linkage, but created a structure without a head.

Second, how far the institution of nominated advisory bodies were democratic substitutes of Zilla Parishads?

Third, the substitution of advisory bodies almost manned and controlled by the bureaucracy led to bureaucratic supervision
and control of democratic bodies at middle tier and lower tier and raised the question of the soundness of this policy.

Fourth, the main thrust of the Mehta Study Team was to keep bureaucracy under people's control; but the institution of a nominated body at the district level violated the very basic principle recommended by the Study Team.

Summary and Observation

To sum up, in this chapter, we have dealt with the introduction of the three-tier Panchayatiraj in Orissa by way of implementation of the recommendations of Balwantrai Mehta Committee. With this end in view the Government of Orissa got two acts enacted by the State Legislative Assembly.

The village panchayats constitute the lower units of the entire system. A comparison between the previous Act of 1948 and present Act of 1964 shows that in the Grama Panchayat Act of 1964, Adalti Panchayat, a system of grassroots judiciary providing justice at a cheaper rate to the rural poor, was eliminated. This change had the effect of making justice costlier to the rural poor of Orissa.

It has been pointed out how the Grama Panchayat was linked to the Panchayat Samiti at the Block level and the latter
was linked to the Zilla Parishad at the district level. Unfortunately, this integrated system of the three-tier Panchayati Raj was truncated by abolishing the Zilla Parishad in 1968 by another statute of the legislature. This step marked a deviation from the all India pattern of Panchayatiraj. The wisdom of such a hasty step came to be questioned and criticised.

Also, we have noticed that while the neighbouring states of Orissa marched ahead with a notable degree of success in the implementation of three-tier panchayati raj, the abolition of Zilla Parishad in Orissa was considered to be a retrograde step and a clearcut departure from the all India trend in democratic decentralisation.

In course of our analysis, we have observed that the advisory bodies installed in place of Zilla Parishad were fully controlled by the bureaucracy and amounted to an abnegation of democratic values.

With the frequent revisions and alterations made by the government, in case of the district apex body, in the name of 'transfer of power' to the people, the people of Orissa were put under confusion. This belied the hopes for building up democracy from below. Thus, in the first decade of introduction of the three-tier Panchayati Raj, the gradual and steady progress of the process of democratic decentralisation was seriously hampered.