CHAPTER - VIII

RESTRUCTURED GRASSROOTS DEMOCRACY IN ORISSA
In the preceding chapters, we have shown in some detail, rather in a critical way, how grassroots democracy - a natural growth and an institution of the Vedic age, moved through the most turbulent periods of its chequered career witnessing its rise and fall in different periods of time. In these chapters we have attempted to show in detail that the entire journey of grassroots democracy from the idea of 'local self-government' of the Ripon rule in the British era to the concept of 'institution of self-government' of the constitution (seventy-third Amendment) Act, 1993 was not smooth due to the political apathy and bureaucratic interference; and how at last the 73rd Constitutional Amendment embodied a bold attempt to make the languishing units of rural local government at and below the district level vibrant and viable by giving these institutions a respectable constitutional status and thereby making it mandatory upon the constituent state governments to devolve by appropriate legislative and executive measures real and substantial executive and financial powers upon the three-tired representative institutions of the Gram Panchayat, Panchayat Samiti and the Zila Parishad. In the present chapter, we propose to present a critical analysis of the structural arrangement and organisational model of the new pattern of grassroots democracy in the state of Orissa and discuss how far the spirit of the 73rd Amendment Act is reflected in it.

Revival of the Zilla Parishad

As discussed earlier, grassroots democracy in the State of Orissa saw a fascinating evolutionary growth through three distinct
phases. First, the enactment of the Orissa Grama Panchayat Act, 1948 which led to the establishment of Grama Panchayats. Second, the establishment of Panchayat Samitis and Zilla Parishads following the Orissa Panchayat Samiti and Zilla Parishad Act of 1959. Third, the abolition of the Zilla Parishads by the Swatantra-Jana Congress coalition Government in 1968 by passing the Orissa Panchayat Samiti and Zilla Parishad (Second Amendment) Act of 1967 (Orissa act 1 of 1968).

The abolition of Zilla Parishad, the apex body at the district level, virtually crippled grassroots democracy in the State of Orissa as there was no power sharing mechanism below the state level. This can be viewed as a retrograde step, because even under the British rule the institution of a District Board in each district composed of mostly elected representatives functioned to look after essentially local problems affecting primary education, health, sanitation, link roads in rural areas.

Despite Prime Minister Rajiv Gandhi's interest in activating Panchayati Raj institutions at all levels at and below the district level, the Congress Governments in Orissa (1980-1990) did not take any substantial steps to revive and activate the integrated three-tier Panchayati Raj institutions. However, when the Janata Party Government under the leadership of Biju Patnaik came to power in March 1990, it became determined to revive the
abolished Zilla Parishad as a representative body at the district level and reinforce the languishing institutions of the Gram Panchayat and Panchayat Samiti.

In 1991 the Biju Patnaik's Government took the first major step by enacting the Orissa Zilla Parishad Act, 1991. This Act included several progressive features of self-government. Apart from the official and non-official members of all important elected bodies from the Panchayat Samiti upwards, the parishad members also include the chairpersons of each of the urban local bodies constituted in the district. The Act of 1991 also envisaged that only directly elected members, two members from each block, have the right to vote where as such voting rights were denied to M.Ps and M.L.As who enjoyed the right of membership of the Zilla Parishad of their respective districts.

Again, with the conviction to vest more powers to local bodies and with the intention to create a base for female leadership in the State of Orissa, Biju Patnaik also announced 33 percent reservation of seats for women in Municipalities and Panchayats in 1991 even earlier than a similar provision was made in the Constitution 73rd Amendment Act, 1993. Thus, by such progressive provision one-third of the total members of Grama Panchayat, Panchayat Samiti and Zilla Parishad came to be reserved for women, and this provision was also applicable in case of SC and ST women. And, again in the 1991 amendment to the Act, one person could be elected from each grama directly to the Panchayat Samiti.

The Orissa Grama Panchayat Act, 1964 was again amended in 1992 which provided that in every "Grama Panchayat if a Sarpanch, elected or nominated was not a woman, the office of the Naib-Sarpanch in that Grama Panchayat should be given to a woman. Similar amendment was brought in for the posts of chairpersons of the Panchayat Samitis". In 1992, elections were held for grama panchayats and panchayat samitis of the state. As regards women's representation in that election, there were 28,069 women members in the 5267 grama panchayats, 14 women Sarpanches and 5237 women naib-sarpanches in the state. So also in 314 Panchayat Samitis of the state after 1992 elections, there were 17 women chairpersons and 302 Vice-chairpersons. But unfortunately, elections to Zilla Parishads were not held by that time. The main factor responsible for this was the issue of reorganisation of the old districts of the state. Initially, Orissa had 13 districts which were made 17 and from 1st April, 1993 their number was raised to 28, and finally, to 30. At present there was altogether 30 districts in the State of Orissa.

The Conformity Legislation

In pursuance of the provisions of 73rd Constitution Amendment Act, 1993, necessary amendments were made to the existing Acts on Panchayats within a year. The Government of

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Election

As per the 73rd Amendment Act, elections to all tiers of panchayats had to be held within six months of its coming into force. However, Art.243(N) also allows the panchayats to complete their full term, if they were constituted immediately before enforcing the Act.

In Orissa, however, the story was something different. The newly elected Congress party government dissolved in May, 1995 all elected Panchayat bodies. Although under the Constitutional provisions, fresh elections to these bodies had to be held within six months, latest by November, 1995, no such elections were held. Taking the plea of the drought situation in the state, the Congress government decided to postpone the elections and a resolution to that effect was adopted. The Panchayati Raj Minister put up that resolution in the State Legislature for discussion in spite of Law Minister's warning that such resolution would amount to the violation of the Constitution. Ultimately, the State Legislature passed the resolution and, based on such resolution, the Government of Orissa moved the Supreme Court of India with a prayer to obtain the leave to postpone the election. In turn, the Supreme Court of India disallowed the prayer and instructed the State Election Commissioner to hold the election immediately reminding him of his constitutional responsibilities. Then only elections were held in 1997 to all tiers of the panchayats of the

6. See SAMBAD (an Oriya daily), Dated 16.1.97.
state. Such action of the Supreme Court of India upheld the importance and prestige of the constitutional provisions relating to the Panchayats. Thus, the hidden plans of the M.L.A.s to sabotage grassroots democracy and not to share power with the local bodies were exposed and the attempt of the political rulers to prevent these local bodies from 'taking off' indicates the very allergy of the rulers towards these bodies.

New Phase of Panchayati Raj in Orissa

The three-tier Panchayati Raj system currently constituted in the State of Orissa includes 5264 Grama Panchayats in roughly 50,972 villages of Orissa, 314 Panchayat Samitis at the block level and 30 Zilla Parishads at the district level. These three tiers are organically linked and each tier of the Panchayati structure has its own functionaries and its own administrative structure commensurate with its statutory responsibilities.

The Grama Panchayat

In the present setup, the Government is empowered to constitute Grama,7 Grama-sasan, Grama Sabha, Palli Sabha and Grama Panchayat. The State Government by notification could constitute any village or group of contiguous villages as a Grama and assign a name to such a grama. Each Grama should be

7. 'Grama' in Oriya language means village. But for the organisation of village panchayats, Grama denotes a larger area than single village.
constituted with a population between two to ten thousand and for every grama, there shall be a grama-sasan which shall be composed of all persons registered by virtue of the Representation of the People Act, 1950 (43 of 1950).

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

The Government by notification could constitute a Palli Sabha for every village within the grama which was declared a ward of the grama sasan. The Palli Sabha shall consist of all adult persons of the area and shall meet annually in February every year. It shall be the duty of the Palli Sabha at its annual meeting to give its recommendations to the Grama Panchayat relating to such Palli Sabha in respect of the development works and programme that may be taken up during the ensuing year.

The meeting of the Grama Sasan was called grama sabha. The Grama Sabha is the legislative wing of the Grama Sasan. The Grama Sabha can be convened twice in a year, one in the month of February and the other in June. The quorum of Grama Sabha shall be one-tenth of the members of the Grama sasan.
The February session decides the programmes and works to be undertaken by the executive wing on the basis of proposals received from the Palli Sabhas of the grama sasan area. This is the budget session and it only gives recommendations to the grama panchayat. The June session evaluates the report of the programmes and works undertaken during the preceding year by the grama panchayat along with the annual audit report submitted by the Sarpanch.

Thus, the institution of Grama Sabha acts like a unit of participatory democracy where all the adult voters of the locality could participate in the deliberations of its meeting and the Palli Sabha, a unique feature in Orissa, resembles to that of a Swiss commune.

Realising the importance of Grama Sabha, the Study Team headed by R.R. Diwakar comes to the conclusion that, "The Gram Sabha could alone help to create a climate which could secure the essentials of democracy, and endow the total governmental structure of the village community with a social base". Although the 73rd Constitutional Amendment has accorded Grama Sabha a statutory status, the ground reality is absolutely different. Neither its sessions are convened in time nor any substantial business is transacted in them. It has not been able to exercise any effective control over the village Panchayat.


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Constitution of Grama Panchayat

As constituted under the amended Gram Panchayat Act of 1965, Grama Panchayat is the executive body of the Grama Sasan and for every Grama-sasan, there shall be a Grama Panchayat. The Grama Panchayat shall be headed by a Sarpanch who shall be directly elected by all the eligible voters of the Grama. Again, each grama is divided into eleven to twenty-five wards by the Collector of the district. Each such ward elects a member to the grama panchayat who is called a ward member. Following a recent decision, the elections are held on political party symbols. The Act also provides for reservation of seats for the SCs and STs in the grama panchayat on the basis of their population in the area and such seats shall be allotted by rotation to different wards in a Grama Panchayat.

As mentioned earlier, the Government of Orissa made a provision in 1991 for reserving one-third of the seats for women in the Panchayats which was later made a part of the Indian Constitution through 73rd Amendment. Thus, one-third of the total membership of the Grama Panchayat came to be reserved for women which would include women of SC and ST category. These reserved seats for women are allotted by rotation to different wards of the grama-panchayat area. As per the provisions of Article 243-D of the

Constitution, the Government of Orissa made provision for twenty-seven percent reservation of seats in every Grama-Panchayat for backward class of citizens.\textsuperscript{11}

Sarpanch is the chief executive of the grama panchayat. He is directly elected by all the eligible voters of the grama, for a period of five years. According to Section 11 of the Orissa Grama Panchayat Act, in order to be elected as Sarpanch, a person should be twenty one years of age, should have the ability to read and write Oriya; he should not have also been a Sarpanch of any other grama panchayat or a candidate for election as such. 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.

An element of nomination had been introduced in the grama panchayat Act whereby if no person stood for the Sarpanch, or a Naib Sarpanch or ward member's post during the elections, the Sub-divisional Officer has the power to nominate persons but only after holding the second election for the purpose. (Section 13)

Section 24 of the Grama Panchayat Act says that the Sarpanch or the Naib-Sarpanch can be removed from his office, if

\textsuperscript{11. Government of Orissa, Gazette Ext.No.1391/12.12.1995, Notification No.19454-Legis./12.12.1995. For the purpose of this provision OBC would include categories of citizens as specified in the list prepared and maintained by the State Government.}
one-third of the members of the grama panchayat give notice through a resolution expressing no-confidence in him and address it to the Sub-divisional officer and if such a resolution is passed by two-thirds of the members. The meeting for this purpose is convened by the Sub-divisional officer with fifteen days notice over which he or his nominee presides. The resolution so passed is sent to the Collector who puts it on the office notice board to signify the enforcement of the removal.

Powers and functions of the Sarpanch

The Sarpanch presides over the meetings of the Grama Panchayat when it meets from time to time. The Sarpanch is practically the executive head of the Grama Panchayat. The powers and functions of the Sarpanch as provided by Section 19 of the Orissa Grama Panchayat Act are as follows:

(i) To convene and preside over the meetings of the Grama Panchayat and conduct, regulate and be responsible for the proper maintenance of the records of the proceeding of the said meetings;

(ii) To executive documents relating to contracts on behalf of the Grama Sasan;

(iii) To be responsible for the proper custody of all records and documents, all valuable securities and properties and assets belonging to the Grama Sasan;

(iv) To be responsible for the proper working of the Grama Panchayat as required by or under this Act;
(v) To order preparation of all statements and reports required by or under this Act;
(vi) To exercise supervision and control over the acts and proceedings of all officers and employees of the Grama Panchayat;
(vii) To have authority to enter into correspondence on behalf of the Grama Panchayat; and
(viii) To exercise such other powers, discharge such other duties and perform such other functions as may be conferred or imposed on or assigned to him by or under this Act.

Section 21 of the Act provides for the different powers and functions of the Naib-Sarpanch. 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.

Section 22 of the Orissa Grama Panchayat Act provides for the rights of the individual members of the Grama Panchayat. These are as follows:

(i) To supervise during office hours the records of the Grama Panchayat after giving due notice to the Sarpanch;
To move resolution or question on any office bearer on matters connected with the administration of the Grama Panchayat;

To exercise inspection over all works undertaken by the Grama Panchayat;

To supervise all institutions working under the direction, management and control of the Grama Panchayat;

To bring to the notice of the Sarpanch the irregularities, if any, noticed during such inspection.

The present structural arrangement of the Grama Panchayats in the state of Orissa is no doubt revolutionary as it provides for the reservation of historically disadvantaged groups such as SCs, STs, other backward castes and women. But during our survey, we have noticed that representatives of these deprived sections in Grama Panchayats are found sub-ordinated to dominant caste members. There is always a probability of voting according to caste, sex, age, and residential background in the village. Panchayat elections have reinforced kinship and caste feelings. Primary loyalties of an individual are to his own family and lineage. As a result, the politics of choice of good and honest people have been supplanted. In this connection, our attention is drawn to the remarks given years ago by Professor Maddick. He observed, "Castes, the immediate village from which he comes, the

12. The author had a series of discussions with the representatives of SCs, STs and other backward castes to know their mindset during the time of election to Panchayats.
wide ramifications of family ties, questions of personal gain, village factions and pressures from those political parties who have supported his candidature, all tend to make the councillor partial in his approach, to the neglect of the interest of the whole area".13

An important problem that came to our notice during our survey is the persistence of gender bias in social, political and economic spheres of village life. Women are considered weak and suffer from low esteem. As a result, the objectives of reservation of one-third seats for women are not fulfilled. It is often seen that husbands and family members influence the women representatives in taking decisions. In most cases the women representatives are ignored and the male relatives of women representatives are very often taking active part in their official activities. And again, it is observed that women while attending to people's problem and sharing responsibilities of village administration, usually remain away from family life and as a result, the harmony of home and family life is disturbed. Also, the women folk feel physically insecure when they go out to attend panchayat meetings. We have also observed that the women folk lack political consciousness and are affected by the caste and class divisions, feudal attitudes, patriarchal nature of the family and village, ethnic and religious separatism. They are members on record only. Thus, at the initial stage of their induction in Panchayati Raj bodies, no significant

change in the status and power of women is observed in the villages.\textsuperscript{14}

Powers, Functions and Duties of the Grama Panchayat

The Act of 1965 had entrusted the Grama Panchayat with two different types of functions viz., obligatory and discretionary. While the obligatory functions mostly cover civic responsibilities, the discretionary functions are mainly concerned with development and reconstruction. The obligatory functions\textsuperscript{15} are as follows: construction, repair, maintenance, alteration and improvement of public streets; provisions 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 and clearance of marshy areas; supply of drinking water to the villages; adoption of preventive measures against epidemics and other dangerous trade, registration of births and deaths and the preparation of the necessary records for the purpose; management of panchayat properties as assets; maintenance of common pasture for the benefit of the people of the Gram; preparation of census records of men and animals, maintenance of relevant records and submission of periodic records and returns; spread of primary education and its management; soil conservation; control of markets, fairs and other public places.

\textsuperscript{14} These views emerged out of our informal discussions with the various women representatives of different Grama Panchayats.

\textsuperscript{15} Section 44 of the Orissa Grama Panchayat Act, 1965.
within the Grama, supervision of small scale industries, rural housing, poverty alleviation programme and public distribution system;\(^\text{16}\) and performance of such other functions which are assigned to the Grama Panchayat on compulsory basis.

In addition to the obligatory functions, each Grama Panchayat is also required to perform certain discretionary functions\(^\text{17}\) for the development of the rural people. They are as follows: planting and maintenance of trees; development and maintenance of village forests; development of the livestock; construction, maintenance and regulation of slaughter houses; reclamation of cultivable wastes and fallow land; organisation and management of multipurpose co-operative societies; famine relief measures; establishment and maintenance of village libraries; organisation of the fire services and protection of life and property in case of fire; maternity and child welfare and establishment of centres for the purpose; establishment and management of village Akhres and clubs; establishment and maintenance of ferries, fair-weather roads, cattle pounds and imposition of fees therefor; establishment and maintenance of works for providing employment in time of scarcity and establishment of granaries; organisation, management and promotion of cottage industries; construction and maintenance of Dharmasalas and rest houses; organisation and maintenance of industrial and agricultural exhibitions; to keep the records about the unemployment persons; provision for public vaccination and inoculation; control over the disposal of adulterated

\(^{16}\) This function was inserted vide Orissa Act No.9 of 1991.

\(^{17}\) Section 45 of the Orissa Grama Panchayat Act, 1965.
foodstuffs; provision of adult education, establishment of primary
schools with the prior approval of the Panchayat Samiti; to
organise a body of Grama Swechha Sevakas for assisting the Grama
Panchayat; prevention of Gambling and implementing of prohibition.

The discretionary functions which are mentioned above are
merely illustrative but not exhaustive.

From the above analysis of two-types of functions, it is
evident that all the welfare and developmental functions in the
rural areas are given to the Grama Panchayat. But, the very
system of making a distinction between 'obligatory' and
'discretionary' functions does not appear to be conducive to
efficient working of panchayats. During our survey, we have
noticed that the tendency resulting from such classification is to
attend only to the obligatory functions and to leave the
discretionary list untouched. The items of functions described as
'discretionary' without an element of obligation appear to be
somewhat superfluous in the context of the all round development of
the rural areas.18

Considering the meagre financial and administrative
resources at the disposal of the Grama Panchayat, we have noticed
that the Grama Panchayats very often depend on the higher
Panchayat bodies and the State Government in order to perform its
modest duties. In that situation, the Grama Panchayats very often

18. Views of Sarpanches of different Grama Panchayats when they
were asked by the author to opine about the actual functioning
of Grama Panchayats.
act like an agency of the State Government instead of a dynamic and viable forum of people's participation.¹⁹

Again, we have observed that people in rural areas are unaware of the kind of developmental activities undertaken at Panchayat level and the prevalent notion among them is that the Sarpanch is corrupt. Also, we have noticed that the involvement of political parties at the panchayat level divides the people in the villages. Domination of one party in the panchayats facilitates smooth working whereas even strength of more than one party leads to tension, angry debates and mutual recriminations.²⁰

Administration and staffing

The underlying principle and the basic idea of Panchayati Raj is people's welfare and such welfare can only be achieved if there will be a perfect co-ordination between people's representatives and expert administrators. With this end in view each tier in the Panchayati raj structure is assisted by some administrative staff.

At the lowest tier, at the Grama-Panchayat level one secretary is appointed to assist the Sarpanch. For the appointment

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¹⁹. Views of Sarpanches and secretaries of a good number of Grama Panchayats when they were requested by the author to opine about the financial status of Grama Panchayats.
²⁰. These views emerged out in course of our series of discussions with the villagers of rural areas.
of a full-time or part time Secretary, the Grama Panchayat invites applications for the purpose and after interviewing the candidates, the selection for the said post is made. The name of the selected candidate is sent to the District Panchayat Officer for approval. After being approved, the candidate is attached to the office of the District Panchayat Officer where the candidate receives a departmental training for four months. After completion of the training the candidate is appointed as the Secretary of the Grama Panchayat on a regular basis.

The qualifications necessary for being appointed as the secretary of a Grama Panchayat are: he must possess the minimum qualification of being a Matriculate or equivalent qualification; and he must complete eighteen years of age.

Section 123 of the Orissa Grama Panchayats Act, 1965 deals with the power, functions and duties of the secretary. His main functions are to record the proceedings of the meetings of the Grama Panchayat and to be custodian of all records, documents, cash and valuable securities of the Grama Panchayat.

Since Grama Panchayats are over-burdened with a large number of development programmes, the Grama Panchayat may, with the previous approval of the District Panchayat Officer, appoint other staff like scavengers, Tax collectors, peons whose salaries and allowances shall be decided by the Grama Panchayat and shall be met from the Grama fund.
The Grama Panchayat Secretary performs his duties and functions under the direction of the Sarpanch. The Secretary can be removed from his office by the Grama Panchayat if he wilfully omits or refuses to carry out the duties and functions entrusted to him.

During our survey, we have noticed that since the secretary is not considered as a full-fledged government servant and since there is no promotional prospect for him, he suffers from a sense of 'status insecurity' and 'inferiority complex' and the requisite psychological orientation to work among the rural people is also lacking in him.21

Grama Panchayats normally meet at least once a month. In most cases debates and discussions are said to be cordial. Sarpanches play a leading role in drawing up agenda and conducting discussions. For the efficient discharge of its functions the Grama Panchayat shall constitute 'standing committees' and as per the provision of section 126 of the Orissa Grama Panchayats Act, 1965, a joint committee can be constituted by two or more Grama Panchayats.

Finance

Panchayatiraj, in order to function as genuine units of rural local government needs a sound financial base. Proper

21. Views of secretaries of different Grama Panchayats when they were asked by the author to give their honest opinion concerning their role and status in case of the Grama Panchayat.
financial organisation is necessary for implementing development programmes through elected local authorities. Administration cannot deliver the goods without adequate financial resources at its disposal. In the past, Panchayatiraj could not be able to achieve desired results due to its anaemic financial condition. Hence, adequate financial base constitutes the backbone for the successful working of Panchayatiraj.

Sources of Income of the Grama Panchayat

Section 83 of the Orissa Grama Panchayats Act, 1965 provides for the sources of revenue of the Grama Panchayats in Orissa. The Grama Panchayat levies and collects the following taxes and fees:

Taxes
(a) Vehicle tax payable by the owners of the vehicle which are kept or used within the Grama;
(b) Latrine or conservancy tax;
(c) Water charges for water supplied by the Grama Panchayat;
(d) Lighting charges for lighting facility in the public streets and buildings;
(e) Drainage tax

Fees
(a) Fee on private markets, cart-stands and slaughter houses;
(b) Fee on animals brought for sale or sold in a public market;
(c) Fee for regulating the movement of cattle;
(d) Fee for use of any buildings or structures, shops, stalls, pens and stands in the market;
(e) Fee for use of slaughter houses and cart stands maintained by the Grama Panchayat;
(f) Ground rent;
(g) Licence fees on brokers, commission agents, weighmen and measures.

Others

(a) Any other tax, rate or fee which the Grama Panchayat is empowered to collect;
(b) Any other tax, toll, fee and rate which the Grama Panchayat decides to collect with the approval of the State Government.

Grama Fund

Each Grama Panchayat shall have a Grama Fund and the following items shall be credited to the Fund:

(i) All proceeds of taxes, tolls, fees or rates collected by the Grama Panchayat;
(ii) All fines realised under the provision of the Act;
(iii) All funds ordered by the court to be paid to the Grama Panchayat;
(iv) All proceeds from the disposal of its properties;
(v) All incomes accruing from any property, institution, undertaking or work;

(vi) All amounts received by way of penalty or compensation,
(vii) All incomes from any scheme undertaken by the Grama Panchayat;
(viii) Money assigned by the State Government or Samities;
(ix) Such portion of the rent or proceeds of Government property directed by the State Government to be paid to the Grama Panchayat;
(x) All funds assigned by orders of the State Government from out of Government revenue;
(xi) All sums received by way of loans, gifts, contributions or other grants;
(xii) Receipt from cesses;
(xiii) All interests and profits from any investment or any transaction.

As per the Act, it is the duty of every Grama Panchayat to prepare the annual financial estimate of income and expenditure known as the annual budget and forward the same to the concerned panchayat samiti for its approval. The panchayat samiti has got the power to make necessary modifications and return the budget for its implementation by the Grama Panchayat.

Audit and Accounts

It is the basic principle of financial administration that public money should be spent properly and on items for which due
sanction has been accorded. This principle is also applicable to the panchayat raj bodies and it is expected that they should observe the financial discipline. No money should be spent without the approval of the competent authorities, and it should not be spent for purposes other than the purpose for which it has been duly sanctioned.

Section 100 of the Orissa Grama Panchayats Act, 1965 provides for auditing panchayat finance. The Grama Panchayat is expected to keep regular accounts of receipts and disbursement from the Grama fund.

The Local Fund Audit Organisation has been entrusted with the responsibility of auditing Grama Panchayat finance. The Examiner of Local Fund Accounts is entrusted with the duty of audit and inspection relating to the accounts of Grama Fund with the help of auditors. In case of irregularities and in the light of objections raised by the Local Fund Audit Organisation, proceedings may be started against such respective panchayat institution and persons involved in it. Again, as per the provisions of Art.243-I of the Constitution, the Finance Commission is required to review the financial position of Grama Panchayats and to make necessary recommendations to the Governor of the State for the improvement of the financial position of the Grama Panchayat. The Finance Commission, constituted under this provision, is yet to submit its recommendations to the Governor.
While analysing the sources of revenue of the Grama Panchayat, we have observed that the main source of income of the Grama Panchayat comprises taxes, fees and tolls. A tax is a compulsory contribution for the support of government. It is observed that people in rural areas are reluctant to pay taxes. The fear of the people that their money may not be put to proper use is an additional factor for their reluctance to pay taxes. It is again observed in course of our survey that rural people, however, sometimes make gifts or contribution for some particular development projects in the village; for example, contributing patches of land and voluntary labour for the purpose of road-building, or contributing a few hundred rupees for sinking a tube-well. But, the same group of people grumble against any panchayat authority asking for money in the form of taxes or fees. It is again observed that some panchayats where the development works were carried out with all sincerity and co-operation of the people, the attitude of the villagers changed and in addition to the compulsory taxes, the general mass of the people voluntarily came forward to pay more money to meet the needs of a particular amenity, which otherwise could not be provided.²³

During our survey, we have noticed that things have not changed even after 73rd Constitutional Amendment Act. The common features affecting different Grama Panchayats is their meagre income and inadequate resources compared to their responsibilities.

²³. Views and reactions of the rural people expressed before the author in course of discussion.
It is a painful fact that the total income of a vast majority of Gram Panchayats is hopelessly inadequate.

**Government Control**

Under Article 243-G of the Indian constitution grassroots democratic bodies are designed to function as 'units of self-government'. Autonomy is the essence of self-government. But a perusal of Panchayatiraj legislations in various states of India, in general, and such legislation in Orissa, in particular, reveals that the techniques of State government control over these local bodies continue to be almost the same as was the vogue during the days of the British Raj. In the State of Orissa, Panchayatiraj administration even today, is based on the principle of paternalism of State Government and bureaucratic guidance and supervision.

In the State of Orissa, the State Government exercises supervision and control over the Grama Panchayats through legislative and executive means. The structural arrangements of the Grama Panchayats and the various powers and functions conferred upon them are made by the laws enacted by the State Legislature. And, the executive, for the operationalisation of the legislation, makes innumerable rules and regulations, having the same force of law, for the functioning of Grama Panchayats.

From a reading of the Grama Panchayat Act, the executive and bureaucratic control and supervision is reflected in a separate chapter entitled as 'control' containing several sections.
Grama Panchayats have been put under the supervision of a large number of government officials. The district collector or any other officer has been authorised by the orders of the State Government to exercise general powers of inspection, supervision and control over Grama Panchayats. The District Collector is empowered to inspect any book, register, record or document in possession of the Grama Panchayat. He is also empowered to inspect any institution or immovable property belonging to Grama Panchayat or may direct a Grama Panchayat to furnish statements, reports, copies of documents or records of registers relating to Grama Panchayat. The Collector has also the power to direct any officer of any of the departments of the government engaged in development work within the district to attend the meetings of the Grama Panchayat and to advise and assist such panchayat on any matter relating to the work of the department to which such officer belongs. Again, if in the opinion of the Collector, a Grama Panchayat is unable to perform its functions as per the provisions of the Act, the Collector may direct the Panchayat Samiti to act on behalf of the Grama Panchayat for all or any of the purposes so long as such disability continue.²⁴

The district Collector is also empowered under the provisions of the Act, to suspend the Sarpanch or the Naib-Sarpanch, if he feels that they are abusing their powers and also report the matter to the State Government.

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²⁴ Section 113 of the Orissa Grama Panchayat Act, 1965.
There are other more serious aspects of the problem of Government control. Even the sub-divisional officer, under section 114 of the Orissa Grama Panchayats Act, 1965 has the power to annul the resolution of the Grama Panchayat.

A conventional feature of the executive control is reflected in the provisions of the Act for reconstitution, dissolution or supersession of the Grama Panchayats. If in the opinion of the State Government, a Grama Panchayat is not competent to perform, or is persistently making default in performing its duties, or is exceeding or abusing its powers, then the State Government can dissolve the Grama Panchayat by means of a Government notification. When so dissolved, all the members of the Grama Panchayat including its Sarpanch and Naib-Sarpanch are to vacate their offices immediately. During the interval between dissolution and reconstruction of the Grama Panchayat, the powers and duties of the Grama Panchayat and its Sarpanch shall be exercised and discharged as the State Government may determine by the Chairman of the Panchayat Samiti.

Again, even after the reconstitution by fresh election, a Grama Panchayat continues to be incompetent to perform or abuse its powers, the State Government by means of a Government notification can supersede the Grama Panchayat for a period not

exceeding six months. In the event of supersession, all the members of the Grama Panchayat including its Sarpanch and Naib-Sarpanch, shall vacate their offices immediately.

It is universally acknowledged that a certain degree of state control of Panchayat bodies is imperative for the regulation of their activities and to resolve possible conflicts among them. The 'controls' such as supersession and removal of members are like safety valves to be operated only in emergencies to check lapses, malpractices or corruptions of the elected members of the Grama Panchayat.

Panchayat Samiti

The middle-tier in the Panchayat hierarchy in the State of Orissa is known as Panchayat Samiti. The former community development blocks are converted into Panchayat blocks and in each block, there is a Panchayat Samiti, acting as a real instrument of rural development.

Structure and Composition

Every block shall have a Samiti consisting of the following members:26

(a) The Chairman and the Vice-Chairman of the Samiti;
(b) One member elected directly on the basis of adult suffrage from every constituency27 within the block;

27. The Collector shall divide the Samiti area into constituencies having a population of not less than two thousand and more than ten thousand.
(c) Sarpanches of the Grama-Panchayats situated within the block;
(d) Every member of the House of the People and the Legislative Assembly representing constituencies which comprise wholly or partly the area of the Samiti.

A novel and notable provision was made by the Government of Orissa in 1991 for reservation of one-third of the seats of the total membership of different Panchayat bodies for women even prior to the enactment of the 73rd Constitutional Amendment Act. Thus, one-third of the total membership of the Panchayat Samiti is reserved for women including women of SC and ST categories. These reserved seats for women are allotted by rotation to different constituencies in a Panchayat Samiti. Following the provision of 73rd Constitutional Amendment Act, twenty-seven percent of seats of the total membership of Panchayat Samiti shall be reserved for backward class of citizens.  

In the modified Act, there is no category of government nominated officers (as was provided under the previous Act), but the Block Development Officer who has been made the executive officer of the panchayat Samiti has been empowered to attend and participate in the meetings of the Samiti without having a right either to vote or move any resolution.

The Panchayat Samiti has its Chairman and Vice-Chairman. The previous Act was again amended in 1993 to provide for the

electors of the Chairman and Vice-Chairman. The members of the Samiti elected from different constituencies within the block at their first meeting, elect the Chairman of the Samiti from among themselves.

The same electors elect the Vice-Chairman of the Samiti at a meeting convened for the purpose within thirty days from the date of election of the Chairman. The term of office of the elected members including the Chairman and Vice-Chairman shall be five years. The modified Act provides that one-third of the total number of offices of Chairman in Samitis shall be reserved for women. Also there is the provision for reservation for SCs and STs for office of Chairman in Samitis.

The executive authority of the Samitis shall vest in the Chairman and Block Development Officer shall be the executive officer of the Samiti. The Chairman of the Samiti shall convene and conduct the meetings of the Samiti and have power to inspect and supervise all works undertaken by the Samiti. All the members of the Samiti shall have the right to vote at the meetings of the Samiti. However, the Revenue Divisional Commissioner (R.D.C.), the District Collector and the Sub-divisional Officer may attend and take part in the proceedings of the meetings of the panchayat samiti functioning within the local limits of their jurisdiction but shall not be entitled to vote at such meetings.
Section 17 of the Orissa Panchayat Samiti Act 1959 provides that every Samiti is to be a body corporate with perpetual succession and a common seal, with power to acquire, hold and transfer property, to enter into contracts and to do all other things for carrying out the objectives of the act and to sue and be sued in its corporate name.

In course of our survey, we have noticed that majority of the M.Ps and M.L.As hardly attend the meetings of the Samitis and rarely participate in its discussions and deliberations. And, those who attend the meetings of the Samiti, very often dominate over others and render the elected representatives of the Panchayat bodies ineffectual.29

However, in the present system, the shortcomings of the previous system have been rectified. The overdose of government nomination has been reduced providing ample scope for building up local leadership in case of Panchayat bodies to translate the ideals of democratic decentralisation into action, invoking popular representatives' participation at the grassroots level.

Powers and functions

The Panchayat Samiti is entrusted with the following powers and functions:30

(a) Planning, execution and supervision of development

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29. In order to form a clear-cut idea about the actual functioning of Panchayat Samitis, the author had a series of discussion with the elected representatives of a number of Panchayat Samitis of different blocks and their views were sought as regards the participation of M.Ps and M.L.As in the discussions and deliberations of the meetings of Panchayat Samitis.

30. Section 20 of the Orissa Panchayat Samiti Act 1959.
programmes, schemes and works in the block relating to community development and 'Tribal Development Blocks' and such other programmes, schemes and works as may be directed by the Government from time to time by general or specific orders.

(b) Management, control and spread of Primary education in the block.

(c) 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.

(d) Supervision of enforcement of laws relating to vaccination and registration of births and deaths.

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

(f) Supervisory powers over Grama Panchayats within the block to be exercised in the manner as prescribed by the government.

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

As a superior tier, the Panchayat Samiti exercises the powers of supervision over the Grama Panchayats. And, with regard to Primary education, the Samiti does not enjoy the powers in respect of appointment, removal and transfer to teachers and other members of the staff engaged in primary education.
The Chairman usually enjoys a position of pre-eminence as he has been empowered to inspect and supervise all works undertaken by the Samiti and the Block Development Officer in the capacity of the executive officer, functions under the control of the chairman.

The budget of the Samiti is prepared by the Block Development Officer with the approval of the Chairman. It is then placed before the Samiti for sanction and thereat submitted to the Collector of the district who has the power to modify it if he so feels. Under the original act of 1959, the budget of the Panchayat Samiti was being submitted to the Zilla Parishad for approval, but after the Zilla Parishads were abolished in 1968, the Collector had become the approving authority. With the revived Zilla Parishads in 1991 (under the Orissa Zilla Parishads Act, 1991), the original position has been restored.

The Block Development Officer as the executive officer of the Samiti is the main instrument of execution of resolutions, orders, decisions and projects. Apart from acting as the executive officer of the Panchayat Samiti, he has other duties as the field agent of the sub-divisional officer at the block. He has to work, in case of the block, under many authorities with many restrictions. He is answerable to the higher district officials for any failure of government sponsored schemes in respect of the block and simultaneously failures at any level of the government have to be accounted for by him to the local people. Thus, he is hemmed
between higher district officials and panchayat non-officials. The association of the local legislators with institutions of Panchayati Raj also creates problems of conflict. The unwillingness of the B.D.O. to yield to the legislator's pressure in taking administrative decisions favourable to him and his party interests leads to confrontation between them. Due to their access to the state and central government, the M.L.As and M.Ps are extremely influential and are in a position to threaten and harass an otherwise over-burdened and non-too-satisfied B.D.O. Political confrontation among different political factional groups and among legislators belonging to different political parties is a marked feature in case of rural areas. As a result, there is too much of politics and very little emphasis is laid on developmental work.

Administration and Staffing

As discussed earlier, in case of the Panchayat samiti, the executive authority shall vest in the Chairman of the Samiti and the Block Development Officer is the executive officer of the Samiti.

The Block Development Officer in the capacity of the executive officer, exercise supervision and administrative control over all employees of the Panchayat Samiti including employees on deputation from other departments. Also, he maintains the Service Books of all employees of the Panchayat Samiti. The B.D.O. is an over-burdened officer. He performs the twin functions of panchayat
duties and the works as the field officer at the block controlled by the State Government. Although, the B.D.O. is an important officer in Panchayat administration, his post, however, is not regarded as a career appointment; it is just a stage in his general service career.

Under Section 15-B of the Orissa Panchayat Samiti Act 1959 the Government may appoint an additional Block Development Officer in the block under the administrative control of the Block Development Officer who shall assist the Block Development Officer in performance of his duties.

Below the Block Development Officer, there is a ring of Extension Officers at the block level panchayat who are employees of various departments and are placed under the administrative control of the B.D.O. They usually combine the duties of inspecting and educating the Grama Panchayats and their Sarpanches by way of rendering technical instructions to them to carry out their respective duties and responsibilities.

For the efficient discharge of its functions, the Samiti shall constitute different standing committees. An important role has been assigned to the committees in the administration of Panchayat Samiti. The previous Act provides for constitution of five different committees. But under the present system, the Panchayat Samiti has
been empowered to constitute six standing committees. They are (i) Finance, planning, budget etc.; (ii) Agriculture, Poverty Alleviation Programme, Minor Irrigation etc.; (iii) Education, health etc.; (iv) Welfare of the weaker sections etc.; (v) Communication and works etc.; (vi) Administrative co-ordination among Primary, Secondary and Tertiary Sectors and other services etc. In addition to the six standing committees, the Samiti may constitute another additional committee with the prior approval of Government.

The respective standing committees shall deal with the matters referred to it under the provision of the Rules, review those matters and furnish its recommendations to the Samiti. The Samiti shall abide by the recommendations of the committee in finalising the programmes and schemes.

The Chairman and the Vice-Chairman of the Samiti and the B.D.O. shall be the ex-officio members of every standing committee. The Chairman of the Samiti shall be the ex-officio Chairman of every standing committee while the B.D.O. shall be the ex-officio Secretary of all the standing committees. Every standing committee shall consist of five members who shall be elected from among the elected members of the Samiti. As per the Orissa Panchayat Samiti (Constitution of Standing Committee) Rules 1993, in case of the Third Standing Committee, the majority shall consist of elected

32. Ibid.
women members of the Samiti while in case of the Fourth Standing Committee the majority shall consist of elected members of the Samiti belonging to SCs or STs. The term of office of every standing committee shall be co-extensive with the term of office of the Samiti. Due to their ex-officio membership of every standing committee, the Chairman and the Vice-Chairman undoubtedly enjoy an important position in the organisation and functioning of the Panchayat Samiti. The Chairman, by virtue of his ex-officio Chairmanship of every Standing Committee, is no doubt an influential and an important member in case of Standing Committees and as a result, very often, conflicts and tension arose between him and the B.D.O. on issues such as selection of development beneficiaries or allocation of funds to different Grama Panchayats within the block. The Standing Committees, even though theoretically supposed to be important, in actual practice prove to be ineffective.

The elected representatives from rural areas to the Samiti are generally inexperienced so far as implementation of developmental projects are concerned and as a whole, they are not accustomed to developmental administration. And again, the various Extension Officers, supposed to render technical supervision, are usually busy with their career prospects, having little knowledge of developmental administration. In such a situation, developmental administration in rural areas are usually not smooth and effective.
Finance

In Orissa the Panchayat Samiti, at the block level has the following sources of income.\textsuperscript{33}

(i) Funds relating to institutions and schemes transferred by the Government to the Panchayat Samiti.

(ii) Funds relating to the Community Development Programme.

(iii) Aids received from the State and Central Governments and from all India bodies and institutions.

(iv) Donations and contributions received from the Grama Panchayats or the general public.

(v) Prescribed shares from land revenue and other taxes and fees collected by the State Government.

(vi) Taxes, surcharges or fees which the Panchayat samiti is empowered to levy.

(vii) Such contributions as the Samiti may levy from Grama Panchayats.

(viii) Income from endowments, trusts or other institutions administered by the Samiti.

(ix) Grants from any authorities, organisation or statutory bodies.

All money thus received by Samiti shall constitute a fund called the 'Panchayat Samiti Fund'. The Block Development Officer shall remain in charge of the Panchayat Samiti Fund.

\textsuperscript{33} Section 29 of the Orissa Panchayat Samiti Act, 1959.
The Government, by notification, appoint one officer of the Government as the Examiner of Local Accounts. The Examiner, thus appointed by the Government, appoints the auditors with the approval of the Government. The Examiner and the auditors are entrusted with the duty of audit and inspection of all financial matters relating to Panchayat Samiti Fund.

The Finance Commission constituted under the provision of Art.243(I) of the Constitution of India, shall have the duty to review the financial position of Samitis and to recommend to the Governor, the various measures needed for improving the financial base in order to have a sound financial position of the Samitis.

We have observed, in course of our survey, that lack of adequate funds is a common factor among different Samitis. Inadequate financial assistance very often hinders the implementation of different developmental schemes and projects.

Government Control

As is the case in Grama Panchayats, the State Government retains absolute control over Panchayat Samiti. One full chapter on 'Control' containing various sections is provided in the Act.

The district collector or any officer for that matter, authorised by the State Government may at any time (a) inspect any
immovable property or any work in progress under the control of any Samiti, (b) inspect the office of, or any institution maintained by or under the control of Panchayat Samiti and also inspect any records, registers or any other documents maintained by such institution or such office, (c) call for and inspect any document, record or register which may be in the possession of a Panchayat Samiti.

The State Government has again sufficient scope for influencing the decision-making process of a Panchayat Samiti. The State Government has the right to annul any resolution or order passed by a Samiti, if it feels that such resolution or order is not legally passed, or is in excess or abuse of powers or is likely to cause danger to human life, health or safety or to lead to breach of peace.

The State Government has again the right to remove the Chairman and Vice-Chairman from their offices, if the Government feels that such functionaries refuse to carry out or violate the provisions of the Act, any rules or orders or abuse the powers vested in them. Of course, the aggrieved persons have been given the opportunity of being heard. The persons removed as a result of the proceedings, shall not be eligible to hold any of the said offices for a period of four years from the date of the removal.
The threat of dissolution or supersession is the most powerful means through which the State Government retains absolute control over Panchayat Samiti. The Government, by notification, may direct the Samiti to be dissolved, fresh orders may be issued for reconstitution of the Samiti or could issue orders of supersession, if in its opinion, a Panchayat Samiti either has shown incompetence to perform its duties or has persistently made default in the performance of its duties, or has neglected to discharge the functions imposed on it, or has exceeded or abused its powers. Once the orders of supersession or dissolution of the Samiti is issued, all the members including the Chairman shall have to vacate their office forthwith. The Act provides that the total period of supersession should not exceed six months. Whether, it is a case of dissolution or supersession, the State Government is legally required to give specific reasons for it.

Control and supervision are necessary for the smooth functioning of Panchayat bodies; but what is important is that these governmental controls should not be used for political purposes rather it should be applied in case of administrative compulsions.

Zilla Parishad

As discussed earlier, the first batch of Zilla Parishads were constituted in the State of Orissa in the year 1961 following
the recommendations of Balwantrai Mehta Committee. Later, these bodies were abolished in 1968 and replaced by an advisory body. The Zilla Parishads were revived again in 1991 by a fresh Act (The Orissa Zilla Parishad Act, 1991).

Structure and Composition

Zilla Parishad is the apex tier of Panchayatiraj at the district level. Every district shall have a Parishad consisting of the following members:

(a) One member elected directly on the basis of adult suffrage from every constituency within the Parishad area;
(b) Chairman of each Samiti situated within the district;
(c) every member of the House of the People and of the State Legislative Assembly representing Constituencies which comprise wholly or partly the area of the Parishad.

Like other tiers, the provision of reservation is made applicable in case of Zilla Parishad. Thus, one-third of the total membership of the zilla Parishad is reserved for women. This provision is also made applicable for SC and ST women. These reserved seats for women are allotted by rotation to different constituencies within the territorial area of a Zilla Parishad. Following the provisions of 73rd Constitutional Amendment Act,

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34. Section 6 of the Orissa Zilla Parishad Act, 1991 (as substituted by Orissa Act 17 of 1993).

35. The Collector shall divide the Parishad area into constituencies each having a population of forty thousand.
twenty-seven percent of seats of the total membership of Zilla Parishad shall be reserved for backward class of citizens.

The Act of 1991, as amended upto-date, does not provide for any category of government nominated officers (as was provided under the original Act of 1991), but, the Collector of the district and the Project Officers of District Rural Development Agency who have been made the Chief executive officer and the ex-officio secretary of the Parishad respectively have been empowered to attend and participate in the meetings of the Parishad without having a right to vote or to move any resolution.

The Parishad has its President and Vice-President. The members of the Parishad elected from different constituencies within the Parishad area to the Parishad elect the President from among them at their first meeting. The same electors, at a subsequent meeting, specially convened for the purpose, elect the Vice-President from among them within thirty days from the date of the election of the President.

Every Parishad shall continue for five years and all the members of the Parishad including the President and the Vice-President shall have the right to vote in the meetings of the Parishad. The Act further provides that one-third of the total number of offices of President in the Parishad shall be reserved for

36. Initially District Development Officer was the ex-officio secretary of the Parishad, but subsequently, Project Officers of D.R.D.A. are made ex-officio secretary of the Parishad vide Orissa Act 17 of 1993.

37. The word 'President' and 'Vice-President' are substituted for 'Chairman' and 'Vice-Chairman' vide Orissa Zilla Parishad (Amentment) Act, 1994.
women and where the President elected is a male, the office of the Vice-President shall be reserved for women. Also, there is the provision of reservation for SCs and STs for the offices of President of the Parishad. The executive authority of the Parishad shall vest in the President and Collector of the district shall be the chief executive officer of the Parishad. The Project Officers of District Rural Development Agency shall be the ex-officio Secretary of the Parishad. The Act, further provides that, the State Government, if it so likes, may appoint other executive officers to the Parishad who shall remain under the administrative control of the Chief Executive Officer. Thus, the executive powers and the emergency powers of the Parishad are vested in the President. He is empowered to implement the resolutions and decisions. Whenever, the emergency power is exercised, it is subject to approval of the Parishad at its next meeting.

Section 3, sub-section (2) of the Orissa Zilla Parishad Act, 1991 provides that every Parishad shall be a corporate body with perpetual succession and a common seal, with power to acquire, hold and transfer property, to enter into contracts and to do all other things for carrying out the objectives of the act, and to sue and be sued in its corporate name.

It may be noted here that overdose of government nomination as provided in the Act of 1991 has been reduced by subsequent amendments. Still then, the key posts like Chief
executive officer, other executive officers appointed by the State
Government and the Secretary, who constitute the executive staff of
the Parishad, all are from the district administration. This
obviates the need for a separate cadre of administrative officers to
run the affairs of the Zilla Parishad. Furthermore, the district
administrative officers working under the headship of the
Collector provide a trained apparatus to implement the resolutions
and decisions of the Zilla Parishad.

The association of political elements like M.Ps and M.L.As
with the Parishad, is also a major factor, so far as the
resolutions, discussions and decisions of the Parishad are
concerned. They are likely to dominate over the elected members of
the Parishad and their influences cannot be understimated. In the
process, they will influence the decisions of the Parishad suiting
their party interests and the elected members will simply remain as
silent spectators. But as the elected members gain in experience,
it may be hoped that they will gradually assert themselves in the
deliberations of the Zilla Parishad.

Powers and Functions

As the apex body the Parishad has been entrusted with
the following powers: 38

(a) To undertake schemes or adopt measures including giving of
    financial assistance relating to the development of agriculture,

social forestry, livestock, industries, co-operative movement, rural credit, water supply, distribution of essential commodities, rural electrification including distribution of electricity, minor irrigation, public health and sanitation including establishment of dispensaries and hospitals, communications, primary, secondary and adult education including welfare and other objects of general utility.

(b) To prepare plans for economic development and social justice and to implement schemes for economic development and social justice and to undertake execution of such scheme, performance of such act or management of such institution or organisation as the Government may entrust to it including those in relation to the matters listed in the Eleventh Schedule to the Constitution of India.

(c) To manage or maintain any work of public utility or any institution vested in it or under its control and management.

(d) To grant aid to any school, public library, public institution or public welfare organisation within the district.

(e) To contribute sums towards the cost of maintenance of any institution situated outside the district which is beneficial to and habitually used by the inhabitants of the district.

(f) To establish scholarships or award stipends within the state for the furtherance of technical or other special forms of education.

(g) To acquire and maintain village hats and markets either directly or through the Panchayat Samitis or Grama Panchayats.
(h) To make grants to Samitis or Grama Panchayats within the district.

(i) To contribute sums towards the cost of water-supply or anti-epidemic measures undertaken by a Municipality or Notified Area Council within the district with the approval of Government.

(j) To adopt measures for the relief of distress.

(k) To co-ordinate and integrate the development plans and the schemes prepared by a Samiti in the district.

(l) To examine and approve the budget estimate of Samitis in the district.

(m) To prepare, execute and supervise the district plan relating to:

   (i) monitoring and supervision of programmes like Jawahar Rojgar Yojana (J.R.Y.) to be directly implemented by Grama Panchayat and Panchayat Samitis,

   (ii) Implementation and supervision of anti-poverty programmes,

   (iii) discharge of responsibilities and functions as assigned to the District Rural Development Agencies from time to time,

   (iv) distribution of untied funds.

(n) To collect necessary data and to publish statistics relating to the various developmental activities of Grama Panchayats and Samitis in the district.

(o) To require any Grama Panchayat or Samiti to furnish information in relation to measures for the regulation of its developmental activities.
The Act of 1991 also provides that the Parishad shall prepare an annual report each year with a true and full account of its activities during the previous year and shall forward it to the Government.

An analysis of the different powers and functions of the Parishad would reveal that the top tier body is expected to undertake the various developmental activities within each district. At the district level the Zilla Parishad has the task of co-ordinating and integrating the development plans and schemes prepared by block-level panchayats. It has been given the power to forward an annual report to the Panchayatiraj Department, Government of Orissa on all matters relating to the development work among lower tier panchayats in the district. Generally the Zilla Parishad undertakes or executes any scheme which extends to more than one development block but it can do so also by itself subject to any general or specific direction of the state government. Regarding the general development activities it is the Panchayat Samiti which is to organise all the development efforts and a Zilla Parishad is not to undertake or execute any scheme confined to a block unless the implementation of such a scheme is beyond the competence of Panchayat Samiti concerned, financially or otherwise. But as the apex body of the Panchayat system, the Zilla Parishad is to exercise general powers of supervision over lower tier panchayats in the district and it is the duty of these authorities to give effect to any directions of the Zilla Parishad on matters of policy or planning for development. Besides, the
Parishad acts as the educational authority in the rural areas in relation to Primary, Secondary, and adult education. Also the Parishad has to look after medical and sanitary affairs within its jurisdiction. In short, the Zilla Parishad is to act as the pivot of all round development activities in the district.

In pursuance of the 73rd Constitutional Amendment Act, no doubt, certain changes were brought in the original act of 1991. But, while legislating on the functions, the Government of Orissa has not endowed the apex tier decentralised management of education. The Parishad does not enjoy the powers in respect of appointment, removal and transfer of teachers and other members of the staff engaged in Primary, Secondary and adult education. And again, discussions are still going on and the Government has not been able to transfer various functions to the Parishad enlisted in the 11th Schedule to the Constitution of India.

Zilla Parishads, in the State of Orissa, as mentioned earlier, were abolished in 1968 and the second batch of Zilla Parishads were instituted by the Act of 1991. Election to the revived Parishads were conducted in 1997, and as a matter of fact, the various Parishads, in the State of Orissa have started functioning recently. The real functioning of the parishad, in order to set the pace of development in case of the district, can only be known and realised in the years to come.
Administration and Staffing

Like other tiers, the Parishad has its own administrative staff for the efficient discharge of its functions.

The administrative set up of the Zilla Parishad is headed by the Chief Executive Officer who is the Collector of the district. In addition, the State Government may appoint other Executive Officers to the Parishad who shall remain under the administrative control of the Chief Executive Officer. The Project Officers of District Rural Development Agency, shall be the ex-officio Secretary of the Parishad. In addition, each Zilla Parishad has its own clerical and accounts setup.

The Chief Executive Officer exercises general control and supervision over the employees of the Zilla Parishad. He controls the entire administration of the Parishad. The Chief Executive Officer shall be the ex-officio Secretary of all the standing committees of the Parishad. In that capacity, he ensures the attendance of the officers and records the minutes of the proceedings of the meetings of the committees and places such minutes in the next meeting of the Parishad for confirmation. Above all, he is responsible for serving the Parishad in all matters concerning its smooth running and execution of its policy decisions.

As per the provisions of the Act, a Parishad shall meet not less than four times during any year for the transaction of its
business and a period of more than three months shall not be allowed to elapse between two successive meetings.

The functions of the Zilla Parishad are performed by a number of standing committees. Under the provisions of the present act, the Zilla Parishad is empowered to constitute six standing committees. There are (1) Finance, Planning and budget; (2) Crop Husbandry and Soil Management, agriculture, Minor Irrigation, water management and Industries etc.; (3) Education, health and rural electrification etc.; (4) Weaker sections and public distribution etc.; (5) Communication and works etc.; (6) Administrative co-ordination.

In addition to the six functional standing committees, a Parishad may constitute an additional committee which shall be designed as the seventh standing committee.

A committee is to consist of
(a) The President and the Vice-President of the Parishad and the Chief Executive Officer as ex-officio members;
(b) Five members elected from among the elected members of the Parishad.

Besides, a Parishad may co-opt not more than three persons, not being members of the Parishad, having experience and

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knowledge of the subjects assigned to respective standing committees, to first, third, fourth and fifth standing committees. Also, a Parishad shall co-opt representatives not exceeding three in number from among the different Banks and Insurance Corporations functioning within the local area of the Parishad, to Second and Sixth Standing committees. The Act provides that in case of third and fourth standing committees the majority shall consist of elected women members and elected members belonging to SCs and STs respectively.

The President of the Parishad shall be the ex-officio Chairman of every Standing Committee and the Chief Executive officer shall be the ex-officio Secretary of all the Standing Committees. The term of office of every standing committee shall be co-extensive with the term of office of the Parishad. Every meeting of the standing committee shall be presided over by the Chairman of the standing committee.

The committees scrutinise the issues which are referred to them and offer expert opinion and advice. Since the committees are very often engaged in self-criticism and introspection at the time of scrutinising a particular issue, they, no doubt cause delay in the disposal of matters. But, useful service is rendered by the committees as every matter is examined thoroughly before any recommendation is made by them. Since it is not possible on the part of the Zilla Parishad to deliberate and discuss in detail on
the various matters which come for its consideration, this work is better performed by the committees, enabling the Parishad to perform its work smoothly and effectively.

At present, in the State of Orissa, no career service is available for Zilla Parishad in particular and Panchayat administration in general. Sufficient attention has not been shown by the Government of Orissa to recruit right type of personnel for Zilla Parishad nor a separate Panchayati Raj Service has been created in the State of Orissa for Panchayat administration as we find in case of the State of Rajasthan.

Finance

Section 15(1) of the Orissa Zilla Parishad Act, 1991 provides for the sources of income of the Parishad. The following are the sources of income of the Zilla Parishad.

(a) The Central or State Government funds allotted to the Parishad.
(b) Grants from All India Bodies and Institutions for the development of cottage, village and small scale industries.
(c) Prescribed shares of land cess, any other cess, taxes or fees collected by the state.
(d) Income from endowments, trusts, or other institutions administered by the Parishad.
(e) Contributions from the Samitis or from the public.
Section 14 of the Orissa Zilla Parishad Act, 1991 provides that all the moneys received by the Parishad shall constitute a fund known as the "Zilla Parishad Fund" and the Chief Executive Officer or any other executive officer specified by the Government by notification, shall be the custodian of such fund.

The Parishad is required to prepare its own budget showing the expected income and expenditure. Budget is necessary for proper assessment of the resources and fixing the priorities for development. The Chief Executive officer of the Parishad is authorised to prepare the budget of each year and place such budget before the Parishad through its President. The Parishad shall sanction the budget and the sanctioned budget shall be submitted to the Panchayatiraj Department, Government of Orissa.

An analysis of the different sources of income of the Parishad would reveal that the Parishad receives grants and contributions both from higher authorities like the Central and State Governments and also from lower authorities like Panchayat Samitis or other authorities. A sizeable amount of the total income of the Parishad comes from the State Government. In that case, it is feared that in future years, the Parishad would look to the state for financial assistance in order to implement various development schemes and as a matter of fact, the Parishad would act as an agent of the State Government.
The Act of 1991 further provides for audit control. The provision is made for the audit of the Zilla Parishad fund by auditors appointed by the State Government. And as per the provisions of Art.243-I of the Constitution of India, it shall be the duty of the Finance Commission to review the financial position of the Parishad and to make necessary recommendations to the Governor of the state in order to maintain a sound financial position of the Parishads.

However, due to the absence of trained personnel in the Zilla Parishad and the highly perfunctory nature of management of this apex body, the chances of financial impropriety and lapses in the maintenance of accounts and audit report, cannot be ruled out. In such a situation financial and audit control shall prove to be ineffective and dilatory.

Government Control

Like Grama Panchayat and Panchayat Samiti, a number of measures have been provided in the Act of 1991 to control Zilla Parishad. A full chapter has been devoted in the act prescribing various methods of Government control.

The Director of Grama Panchayats has been made the Director of the Parishad administration in the State. The Director or any officer authorised by the state in this behalf may at any time (a) inspect any immovable property or any work in progress, any institution maintained by or under the control of, or the office of
the Zilla Parishad and also inspect any records, registers or any other document of the Parishad and of the institutions under the control of, or maintained by the Parishad, (b) call for any document which may be in the possession of a Zilla Parishad, (c) require a Zilla Parishad to furnish such information as he may think necessary.

Apart from this power of inspection, the Government has at its disposal other methods for supervising Zilla Parishad. The Government may by order, in writing, cancel any resolution or order passed by a Zilla Parishad or by any of the authorities of such Parishad, if it appears to the Government that such resolution or order has not been legally passed or is in excess or abuse of powers or is likely to cause danger to human life, health or safety or to lead to breach of peace. Of course, the Government shall, before taking such action, give the Parishad an opportunity for explanation.

The State Government has again the right to remove the President and Vice-President of the Parishad from their offices, if the Government feels that such functionaries refuse to carry out or violate the provisions of the Act, any rules or orders or abuse the powers vested in them. Of course, the aggrieved persons have been given the reasonable opportunity of being heard. The persons removed as a result of the proceedings shall not be eligible to hold any of the said offices for a period of four years from the date of the removal.
Apart from these techniques of control over Zilla Parishad, the most powerful means through which the State Government retains absolute control over this apex body, is the orders of dissolution or supersession. The State Government by notification, may direct the Parishad to be dissolved and fresh orders may be issued for reconstitution of the Parishad or could issue order of supersession. Such action would be warranted when a Parishad has either shown incompetence to perform its duties or has persistently made default in the performance of its duties, or has neglected to discharge the functions imposed on it, or has exceeded or abused its powers. Once the order of supersession or dissolution of the Parishad is issued, all the members including the President and Vice-President shall have to vacate their offices forthwith. The Act provides that the total period of supersession should not exceed six months. Whether it is a case of supersession or dissolution, the State Government is legally required to give specific reasons for it and the Parishad has been given the right to show cause against the proposals of dissolution or supersession of the Government.

From the foregoing survey, it is evident and clear that the State Government infiltrates into the autonomy of this democratic institution at the district level through the techniques of 'control continuum', restricting this apex body to function as 'Institution of self-government' as enshrined in the 73rd Constitutional Amendment Act. Thus, it is apprehended that frequent intervention by the State
Government would reduce the autonomy of the Zilla Parishad as a representative body to function as a unit of self-government at the district level.

**State Council of Parishads**

Section 31-A of the Orissa Zilla Parishad Act, 1991, provides for the constitution of a 'State Council of Parishads' by the Government to aid and advice the Government in the matters relating to the growth and development of Panchayati Raj institutions in the state.

Such council shall consist of (a) Chief Minister, (b) Minister in charge of Panchayati Raj, (c) Presidents of Parishads as its members. The Chief Minister and the Minister in charge of Panchayati Raj shall be the Chairman and the Vice-Chairman of the council respectively, while the Director of the Parishad Administration shall be its ex-officio Secretary. The Council may co-opt the Ministers incharge of Finance and Planning as its members and may call for the participation of any officials connected with the development administration. Among other things, the Council shall decide all disputes arising between two or more Parishads, as may be referred to it in the prescribed manner from time to time.

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40. This provision has been inserted in the Act of 1991 by Orissa Act 16 of 1993.
Summary and observation

Now, we may attempt a brief summary of the findings, we have recorded in this chapter.

To conform with the 73rd Constitutional Amendment Act, the Government of Orissa has amended the Orissa Zilla Parishad Act, 1991 and the Acts relating to Grama Panchayat and Panchayat Samiti. Again, as a Constitutional imperative, one Finance Commission was instituted and necessary provisions were made for the appointment of State Election Commissioner. Thus, a full fledged three-tier Panchayati Raj started operating in the State of Orissa. But, in course of our survey, we have noticed that the Government of Orissa, while legislating on the functions of different tiers of Panchayat bodies, has not kept in mind the various subjects listed in the 11th Schedule of the Constitution of India, nor also sufficient attention has been shown to demarcate the functions listed in the 11th Schedule among different tiers of Panchayat bodies.

The concept of "Institution of self-Government" which is the heart and soul of 73rd Constitutional Amendment Act, essentially denotes functional, financial and administrative autonomy of the Panchayat bodies. But, the various measures to control these bodies provided in the Panchayat Acts clearly indicate that not only the State Government retains substantial control over these Panchayat
bodies, but infiltrates into the very autonomy of these bodies, rendering these bodies the mere agents of the State Government.

Further, we have noted, in course of our analysis that even though, XI Schedule of the Constitution of India, contains five items on education, sufficient zeal and enthusiasm has not been shown by the State Government to provide much space for decentralised management of education in the Panchayat Acts.

The administrative approach adopted in the State of Orissa has been to attach a generalist executive officer to the Panchayat bodies at the district and block levels and there is no provision for separate Panchayati Raj service in the Panchayat Acts of Orissa to recruit persons of ability for the realisation of the potentials of Grassroots democracy.

In course of our survey, thus, we have observed that there is no substantial difference between the three-tier model created in the state in pursuance of the recommendations of Mehta Committee and the model created after 73rd Constitutional Amendment Act. The highly perfunctory nature in which the programmes of Panchayati Raj are taken up by the State Government, clearly reveals that the Government of Orissa while legislating for panchayats, has only accepted the letter of the 73rd Constitutional Amendment Act without giving due attention for the realisation of the spirit of the said amendment.
Panchayati Raj is no more a development outfit; it is a system of governance by Panchayats recognised constitutionally as a government. Hence, a strong political will, and effective and meaningful people's participation is required to make it a full-fledged Panchayat government like the Central and State in order to realise the essence of grassroots democracy.