

Powers and Functions of Gram Panchayat in Odisha

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Abstract

The first and foremost duty of the Gram Sabha is to meet twice annually. It must consider and pass the annual budget in the first half-yearly meeting and at the other half-yearly meeting it should consider the accounts of the preceding year. At both the meetings the Gram Sabha shall consider the half-yearly returns of business submitted by the Pradhan. Other functions of, the Gram Sabha are to elect the Pradhan, and the Gram Panchayat. These are the vital functions, of the Gram Sabha. Election of Pradhan and election of its Executive Committee are basic to the formation of the Panchayat Body. These functions, therefore, may be classified as obligatory functions of the Gram Sabha. Besides these, a Gram Sabha may hold extra-ordinary general meetings at any time, it may adopt resolutions suggesting changes in the jurisdiction of the Gram Sabha; It may remove the Pradhan; it may sign an instrument for constituting a joint committee to deal with matters of common interest. These functions may be called optional since they may or may not be discharged depending on circumstances.

Key words: Gram Panchayat, Powers, Functions.

Introduction

The Act has also prescribed the procedure for the transaction of business. Meetings of the Gram Sabha are to be held in the village where the office of the Gram Sabha is located. The Pradhan or in his absence the Up-Pradhan is to convene the meeting with a 15 days' notice. The notice must mention time, date and place or meetings. The notice may be affixed in a public place and also announced by beat of drum. The first task of the Gram Sabha meeting is to read the minutes of the last meeting and confirm it after which it will be signed by the Pradhan. The second item is to consider the accounts of the period elapsed since the last meeting the third item is miscellaneous. All decisions shall be arrived at by majority vote. All proceedings also must be recorded and a copy must be sent to the Panchayat Extension Officer within 7 days.

The decisions of Gram Sabha as regards budget and accounts of the preceding year are not final. Its role is subservient to that of the government which is the final authority to approve accounts of income and expenditure In case a Gram Sabha does not consider the accounts of Income and expenditure, government can order the Gram Panchayat to supply it relevant information and may prepare the accounts itself. After the budget is thus prepared and sent to the Gram Sabha, the latter must approve it. If the Gram Sabha fails to approve, the budget will be deemed to have been passed. Besides, a budget approved by the Gram Sabha may be altered or amended by the Government. Thus, Gram Sabha is only an advisory body whose decisions may or may not be accepted by Government.

Although, Gram Sabha has power to remove the Pradhan and up-Pradhan, the procedure for removal is very difficult. Gram Sabha has no control over its Executive Committee because its decisions are not binding on the latter. Gram Sabha has no control over the Pradhan also. Regarding holding meetings, date, time and place etc., Gram Sabha has no control. It all depends on the President.

Gram Sabha's statutory position does not make any difference in its actual status as just a formal body. This is the position in all the states where Gram Sabha exists. Indeed, scholars and thinkers are divided on the issue. There is one school of thought which is in favour of revitalization of Gram Sabha and giving it a very effective role. The other school does not favour the idea. The first school seems to be inspired by ideological considerations whereas the Meetings do not follow the procedure laid down by rules, strictly. Proceedings of the earlier meetings held some few months ago remain on the paper or conveniently forgotten. Very rarely earlier proceedings are placed before the meeting for confirmation. It is

also useless to seek confirmation since no one is interested in the minutes of the previous meetings. A meeting usually starts with a speech by the Pradhan describing the activities of the Panchayat during the preceding months and the tentative programme for the coming months. But, in, majority of such addresses government's plans and programmes are described;

Functioning of the Gram Sabha

- (a) Participation and level of awareness of the Gram Sabha, (b) Issues of discussion and the process of decision-making, (c) Pattern of leadership Capacity of Gram Sabha's, (d) Transparency and accountability of the three tiers (GP, PS & ZP) to the Gram Sabha.

The functioning of Gram Sabha and Palli Sabha in Orissa reveal a dismal figure of attendance, lack of leadership and decision, lack of vision and activity mostly due to want of attendance. India is exemplary in its democratic trend despite its very strong history of aristocracy. Present democracy of India can be viewed as centrifugal trend as it had spread from Delhi to its periphery. What is needed is demand based democracy, from periphery to Centre, the centripetal way of democratic functioning. It is Gandhian oceanic circle of villages constituting India. We, the citizens have certain obligations of attending the Gram Sabha in large numbers suddenly and fulfilling the democratic ideology. But surprisingly, this is vitally lacking everywhere.

Presently, the Gram Sabha strongly needs attendance of villagers, in the spirit of democracy, with all sections and cross-sections of villagers. Barring attendance, proxy management without quorum cannot manage the village affairs long. Each one of us must be motivated to glorify Indian democracy by paying due worth to Gram Sabha, at least by attending it. One warning for apathetic in democracy is heard in Greece, where Pericles speech disclosed the vital element of democratic instinct, here (in Athens) each individual is interested not only in his own affairs, in the affairs of the State as well; even those who are mostly occupied with their own business, are extremely well informed on general politics... This is peculiarity of ours, we don't say that man who takes no interest in politics is a man who minds his own business, and we say that he has no business here at all. In context of Gram Sabha, it can be interpreted as, affair of Gram Sabha, as the affair of every citizen villager, each attendant can seek social justice and accountability, suggest plans and programmes of the Gram Panchayat. In case he abandons it, he has no voice, none of his allegations is going to be heard as regards to village politics and BPL selection and the likes. Rather, his choice of road, water, electricity will not be honoured.

There is no detailed discussion. There is no disturbance at meetings: Concrete and constructive discussion does not take place. Because most of the time is taken by Pradhan, Block Development Officer, Extension Officers or sometimes some distinguished leader. Besides dissemination of information on various issues of public importance and sometimes people's grievances ventilated by an over-enthusiastic participant also take much time. Proceedings are not recorded on the spot. Panchayat Secretary prepares it later on according to his convenience. Those who attended would not always put their signature for recording attendance. Budget is also often adopted without much discussion.

Thus, Gram Sabha is just a formal body which does not really transact any business worth the name, except that it creates fresh hopes among the villagers from time to time and arouses their political interest.

Membership

Members of the Gram Panchayat are elected directly by the members of the Gram Sabha. A Gram Sabha is divided into a number of constituencies for the purpose. Every registered voter is entitled to vote. The electoral roll of the Assembly is not the basis of franchise as in other States. At first there was open ballot system, but it was abolished by an amendment of rules in 1974 for reasons enumerated earlier. Secret ballot has been introduced as it ensures secrecy of voting. Electors can vote according to their choice without fear or favour. Under this system electors need not wait in an enclosure for long hours in scorching sun or rain. It is also more advantageous in ensuring peaceful poll. Any member of the Gram Sabha can contest in the election to the Gram Panchayat. It means that he must be 21 years of age and a registered resident of the village. He must not be a bankrupt or an undischarged insolvent, or one convicted for a criminal offence or moral turpitude. He must not suffer from leprosy or be dumb or blind. He also must not be in arrears of any tax or rate or fee due from him. He must not hold any office of profit either. Theoretically, this is true. In practice, however, persons who are in arrears of their dues are not restrained from contesting.

Rights and Obligations

Every member has the right to move a resolution and put questions to the Pradhan, on matters connected with administration. But this is a limited right. A member may not be permitted by the Sarpanch to raise an issue which the latter considers beyond the jurisdiction of the Gram Sabha. Other rights like participation in the deliberations, right to vote, right to call attention of the committee to the wants of his locality, and access to records and files of the Panchayat are obvious, although these may not be exercised always by all members. Members have to take oath of allegiance as usual. They are to attend meetings regularly and they should pay their dues. Every member is also liable for the loss, waste and misappropriation of any money or property belonging to the panchayat.

Removal

A member may be removed on the report of the Panchayat Extension Officer on any of the following grounds:

- 1) Absence of a member from three successive meetings,
- 2) Refusal of a member to act or inability to act,
- 3) if a member is charged for moral turpitude,
- 4) if he abuses his position,
- 5) if his continuance as a member is considered undesirable in public interest and
- 6) refusal to take oath Members however, cannot be recalled. Duties and Functions

Members' duties and functions have not been enumerated by the Act or the rules. This is a common practice in all the States. Perhaps the idea is, as a member is a representative of the people, he is to do whatever is necessary for people's interest. But what is people interest is not always clear. A village councillor cannot be blamed if he equates it with his own family interest or interest of a few persons. He may not consider it his duty to attend meetings, join the deliberations, ask for clarifications and voice demand of his locality. He may not know many other things vital for his role. In view of the poor standard of literacy and poor enlightenment in various matters, it is desirable that members should be instructed thoroughly about their duties and functions. Although there are training centres for members in Tripura, few get chance of training. Besides, a few days training is not sufficient for them. Sometimes, refreshers course is also held but that is organized rarely since government is always running short of fund. But, the point is that training serves very temporary purpose. Besides training, members may be served with written instructions clearly pointing out their duties and rights, powers and functions. Members are not paid travelling allowance, nor any honorarium. Although members may not be paid any salary due to various reasons of which paucity of fund is one, it is desirable that they should be paid some allowance, at least. It is said that public service is a thankless job, and very few people would like to devote their time and energy for public cause. Besides, if members of Parliament and Legislative Assemblies can be entitled to monthly pay and pension why not the members of local bodies at the grass-root level? In fact members resented non-payment of allowances to them when the Pradhan's were granted the same. Thus, lack of instructions and training may keep members ignorant about their proper role. This will not help the supply of good quality of members. Every member must be able to study a confusing variety of subjects so that he may be able to find out the information on all subjects with which local administration is concerned in order to act upon them intelligently.

Gram Panchayats

Gram Panchayats have been entrusted with a long list of functions, powers and duties. The Statute has made a distinction between obligatory functions and optional functions. The obligatory functions are

- Construction, maintenance, cleaning and lighting of public streets
- Medical relief Cl Sanitation
- Water supply
- Agriculture, commerce and industry
- Administration of civil and criminal justice
- Control and regulation of burial and burning grounds, non-government fairs, bazars, hats, and grazing grounds
- Maintenance and preservation of property vested in the Panchayat

- Welfare of children and mother etc.

Discretionary functions included:

- Planting of trees
- Improved breeding and medical treatment of cattle
- distribution of Government loans and subsidy
- helping the liquidation of debts and the establishment of sound credit system
- Development of co-operative efforts
- Establishment and maintenance of library and reading rooms, primary schools, gymnasium, clubs etc.
- providing relief against famine and other natural calamities
- arrangement of residential quarters for the backwards and down-trodden
- to establish stock of high class seed and agricultural equipment
- to raise village volunteers force
- Promotion of good will and social harmony between different communities.

Besides, the above two categories of functions, the Act has laid special emphasis on some selected functions of the Gram Panchayat. Gram Panchayats have been asked to construct new bridges and culverts, with the sanction of the prescribed authority a Gram Panchayat could start small irrigation projects. Section 18 of the Act has emphasized steps to be taken in regard to sanitary functions. Section-19 empowers the Panchayat to adopt measures «for the maintenance and improvements of schools. Gram Panchayats are also to establish primary schools, hospitals and dispensaries for which grant would be given by the Government. Section 22 and 23 of the Act have authorized Gram Panchayats to recommend appointment, dismissal or transfer of Some petty government employees at the village level and also to enquire and report about the misconduct of such employees serving within the area of the Gram Sabha.

Thus, these may be regarded as purely administrative functions of the Panchayat. Although the enumerated functions have covered almost all spheres of rural life, some very vital functions which are supposed to engage maximum attention and all out efforts of Panchayats, have not been treated with sufficient care and importance. The development-oriented functions have been classified under discretionary head. Besides, under the Act, Panchayats have not been entrusted with any developmental planning directly or indirectly. It is difficult to assume that Panchayats at the grass-root level would be able to look after all the socioeconomic and administrative functions. The Act itself limited the obligatory field when it provided that subject to funds available the panchayats are to discharge their functions. In fact, Panchayats in the sample studied, were not found tuned to the job for which they were created.

Panchayat bodies are amateurish. Members are not trained. They may have enthusiasm but they do not have technical know ledge, administrative skill or managerial resources. Both in the internal organizational matters as well as performance in the external spheres, Panchayats have very poor achievement. To begin with organizational affairs, Panchayats did not meet regularly. Meetings were convened but sometimes it so happened, that members did not receive timely notice. Notices were affixed in the Panchayat office notice board which refers to the door of the office house in most cases. Sometimes notices were served by host and sometimes panchayat secretary would inform members available within his easy reach. Even when members received it office, some would not attend due to personal reasons, some due to distance between meeting place and residence. Meeting place was not fixed always. But usually Pradhan's residence was the meeting place which was another reason for some members, not in good terms with the Pradhan, for non-attendance. Nevertheless, Gram Panchayat meetings are held just in a casual manner. There is little initiative shown by the members. Members remain busy with their own house-hold affairs. Panchayat Secretary who is in touch with the Block Development office and under direct official care of the Panchayat Extension Officer, carries necessary instructions and messages to his Pradhan, and after mutual consultation fixes the date, time and agenda of the meetings. Panchayat secretary briefs the Pradhan about the issues to be discussed and probable resolutions so that these may fit in the policy framework of the government. Meetings are usually attended by Pradhan himself, Up-Pradhan and few others. Lack of quorum is ignored in view of the fact that after

the meeting is over Panchayat Secretary would take the signature of some absentee members. Thus, absence of members from successive meetings also is ignored. There is not a single case when membership was forfeited for absence at three consecutive meetings.

References

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