

Rural Government in West Bengal - A Critical Analysis

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ABSTRACT

In the 59th year of independence, Indian parliament passed “national rural employment guarantee act” (NREGA) in September 2005, towards partial fulfillment of a constitutional obligation under article 41. The rural development generally refers to the process of improving the quality of life and economic well-being of people living in relatively isolated and sparsely populated areas. Mahatma Gandhi national rural employment guarantee act (mgnrega) is considered as a “silver bullet” for eradicating rural poverty and unemployment, by way of generating demand for productive labour force in villages. It provides an alternative source of livelihood which will have an impact on reducing migration, restricting child labour, alleviating poverty, and making villages self-sustaining through productive assets creation such as road construction, cleaning up of water tanks, soil and water conservation work, etc. for which it has been considered as the largest anti-poverty programme in the world. In this paper, based on the secondary data, an attempt has been made to comprehensively understand the development effort to rebuild the rural life and livelihood on the basis of various secondary data. Introduction in India, out of total population of 121 crores, 83.3 crores live in rural areas (census of India, 2011). Thus, nearly 70 per cent of the India’s population lives in rural areas. These rural populations can be characterised by mass poverty, low levels of literacy and income, high level of unemployment, and poor nutrition and health status. In order to tackle these specific problems, a number of rural development programmes are being implemented to create opportunities for improvement of the quality of life of these rural people. The term “rural development” is the overall development of rural areas to improve the quality of life of rural people. And it is a process leading to sustainable improvement in the quality of life of rural people especially the poor (Ramesh, 2012). The rural developmental programme intends to reduce the poverty and unemployment, to improve the health and educational status and to fulfill the basic needs such as food, shelter and clothing of the rural population. To improve the conditions of rural people, government of India launched some schemes through the planning commission of India such as Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA), Rastriya Sama Vikas Yojana (RSVY), Indira Awas Yojana (IAY), Sampoorna Grameen Rozgar Yojana (SGRY), Integrated Tribal Development Project (ITDP), Pradhan Mantri Gram Sadak Yojana (PMGSY), Integrated Child Development Services (ICDS), Development of Women and Children in Rural Areas (DWCA), etc. All these schemes are aimed to reduce the gap between rural and urban people which would help reduce imbalances and speed up the development process.

However, let us first see in brief some of the problems which stand in its way for effective functioning.

1. Lack of interest in community participation.
2. Political consideration.

Key Words : NREGA, Poverty, Unemployment, Rural people

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INTRODUCTION

A formal system of local governance, though a very weak one, was introduced in the country during the British period. After independence need for having a system of local governance in the rural areas was felt and the same was also accepted as one of the Directive Principles of the Constitution; the Article 40 of which says that “The State shall take steps to organise village Panchayats and endow them with such powers and authority as may be necessary to enable them to function as units of self-government.” However, Panchayat being a State subject progress in this regard was widely different across the country. In view of the need for establishing a system of local governance, *i.e.*, the Panchayats, in the rural areas of the entire country the Constitution was amended in the year 1993 and that made the Panchayats to be the third stratum of government (along with Municipalities in the urban areas) of the country.

Meaning and background :

– There is no universally accepted definition of rural development. The term is used in different ways in vastly divergent contexts. As a concept, it connotes overall development of rural areas with a view to improve the quality of life rural people. As a phenomenon, it is the result of various physical, technological, economic, socio-cultural and institutional factors. As a discipline, it is multi-disciplinary in nature representing an intersection of agricultural, social, behavioural and management of sciences. In short, rural development is a process that aims at improving the standard of living of the people living in the rural areas.

– The background of any activity or programme provides its genesis, which may direct the authorities for its effective implementation in future. Many programmes of rural development were conceived and implemented for the development of Indian society and most of them failed because of either their inappropriate objectives or wrong implementation. These programmes could not provide the full benefits to the society. Therefore, the changing theme of rural development and its associated schemes, which have been implemented by the Central Government and Nagaland Government for the upheaval of socio-economic status of the people of the state, should be viewed critically here to understand the salient features of rural development schemes implemented for the state.

Historical evolution of Panchayat Raj System :

– In India, the **Panchayati Raj** generally refers to the system introduced by the constitutional amendment in 1992, although it is based upon the traditional panchayat system of South Asia. The Panchayati Raj system was formalized in 1992, following a study conducted by a number of Indian committees on various ways of implementing more decentralized administration.

– Mahatma Gandhi advocated Panchayati Raj as the foundation of India’s political system. The term for such a vision was Gram Swaraj (“village self-governance”). Instead India developed a highly centralized form of government. However, this has been moderated by the delegation of several administrative functions to the local level, empowering elected gram panchayats.

– In India, the Panchayati Raj now functions as a system of governance in which gram panchayats are the basic units of local administration. The system has three levels: Gram Panchayat (village level), Mandal Parishad or Block Samiti or Panchayat Samiti (block level), and Zila Parishad (district level). It was formalized in 1992 by the 73rd amendment to the Indian Constitution.

Post Independence Period :

Provision of Panchayat in Constitution :

After independence of India in 1947, the introduction of democratic process with the approval of adult suffrage to elect representatives to the Parliament and Assembly showed immense involvement and response of the people. Though during freedom struggle the Indian National Congress considered local self-governance as the true voice of democracy and Gandhiji's vision on 'Gram Swaraj' the first Draft of the Constitution of India made no mention of it. Later, *an* Amendment was moved for inserting Article 40- organization of village Panchayats in part IV of the Constitution—Directive Principles of the State Policy. Article 40 reads "the State should take steps to organize village Panchayat and endow them with such power and authority as may be necessary to enable them to function as units of self-governments."

Community Development Programme :

For the socio economic development of the rural area 'Community Development Program (CDP) was introduced in 1952 by setting up Community Development Block (CD Block). There was strengthened by a National Extension Service but people's participation was simply taken. The participation was only of nominated representative.

Balwant Raj Mehta Committee Recommendation :

The Balwant Rai Mehta Committee was a committee appointed by the Government of India in January 1957 to examine the working of the Community Development Programme (1952) and the National Extension Service (1953) and to suggest measures for their better working. The Chairman of this committee was Balwant Rai G Mehta. The committee submitted its report in November 1957 and recommended the establishment of the scheme of 'democratic decentralisation' which finally came to be known as Raj. The main aim of Panchayat raj system is to settle the local problems locally and to make the people politically conscious.

The specific recommendations of the committee are:

1. Establishment of a three-tier Panchayati Raj system-Gram Panchayat at the village level, Panchayat Samiti at the block level, and Zila Parishad at the district level. These tiers should be organically linked through a device of indirect elections. The main purpose of this division is to simplify and to decrease the work load of the state and central government.
 2. The village Panchayat should be constituted with directly elected representatives, whereas the Panchayat Samiti and Zila Parishad should be constituted with indirectly elected members. This is because Panchayat is similar to that of state assembly where there is place for politics whereas Samiti and Zilla Parishad members should be more educated and knowledgeable and may not need the majority support.
 3. All planning and developmental activities should be entrusted to these bodies.
 4. The Panchayat Samiti should be the executive body while the Zila Parishad should be the advisory, coordinating and supervisory body.
 5. The District Collector should be the Chairman of the Zila Parishad.
 6. There should be a genuine transfer of power and responsibility to these democratic bodies.
 7. Sufficient resources should be transferred to these bodies to enable them to discharge their functions and fulfil their responsibilities.
 8. A system should be evolved to effect further devolution of authority in future.
- These recommendations were accepted by the National Development Council in January

1958. The planners and policy makers realised that the development afforded in rural areas would be fruitful only if the development strategy is based on invoking peoples' participation through Panchayats as recommended by the study team. The team report is that development cannot progress without responsibility and power. Community development can be real only when the community understands its problems, realises its responsibilities, exercises the necessary powers through its chosen representatives and maintains a constant and intelligent vigilance on local administration. With this objective, we recommend an early establishment of statutory elective local bodies and devolution to them of the necessary resources, power and authority.

– Thus the Post-Independence Panchayati Raj System formally came into existence in 1959 with a basic objective. These were –

1. Democratic decentralization; and
2. Local participation in planned programs.

– According to the Balwant Rai Mehta Committee Recommendations, this Panchayati Raj System was to function at three tier levels, namely –District Level (ZillaParishad), Intermediate Level (Block/Panchayat Samiti), and Lower Level (Village Panchayat). The team felt that it is the way of the Panchayati Raj System, would be able to establish a link between the people and the Government.

Departing Attitude of the Government Towards the Approach of the Local Self-Government:

– During late 50s and early 60s there was critical food crisis in the Country. To tackle the situation the Government had to import huge quantity of food-grains for several years and the economic situation of the Country aggravated to such extent that ultimately the Government had to announce plan holiday for the period 1966-69. The severe food crisis emphasized the need for greatest concentration on food production.

Decline of Panchayat Raj System :

– By this time, the first generation Panchayat or the first phase of ascendancy of Panchayat Raj (1959-64) in other States of India was at its closing part. This was followed by the period of stagnation and decline of Panchayat Raj system (1965-77). Some of the reasons as identified are—

- political and bureaucratic unwillingness and resistance in sharing of powers and resource with Panchayats;
- lack of clarity about Local Self- Government;
- inadequate statute to make Panchayat responsive and strong;
- lack of fund;
- the Panchayat Raj system adopted in various States was different.

Ashok Mehta Committee Report :

– In December 1977, the Janata Government appointed a committee on Panchayati Raj institutions under the chairmanship of Ashoka Mehta. The committee submitted its report in August 1978 and made 132 recommendations to revive and strengthen the declining Panchayati Raj system in the country. As a result of this report, the Indian states of Karnataka, Andhra Pradesh, and West Bengal passed new legislation. However, the flow of politics at the state level did not allow the institutions to develop their own political dynamics.

– The main recommendations of the committee were:

1. The three-tier system of Panchayati Raj should be replaced by the 2-tier system: Zilla Parishad at the district level, and below it, the Mandal Panchayat consisting of a group of villages covering a population of 15000 to 20000.

2. A district should be the first point for decentralisation under popular supervision below the state level.

3. Zila Parishad should be the executive body and made responsible for planning at the district level.

4. There should be an official participation of political parties at all levels of Panchayat elections.

5. The Panchayat Raj institutions should have compulsory powers of taxation to mobilise their own financial resources.

6. There should be a regular social audit by a district level agency and by a committee of legislators to check whether the funds allotted for the vulnerable social and economic groups are actually spent on them.

7. The state government should not supersede the Panchayat Raj institutions. In case of an imperative supersession, election should be held within 6 months from the date of supersession.

8. The Nyaya Panchayats should be kept as separate bodies from that of development Panchayats. They should be presided over by a qualified judge.

9. The Chief Electoral Officer of the state in consultation with the Chief Election Commissioner should organise and conduct the Panchayati Raj elections.

10. Development functions should be transferred to the Zila Parishad and all development staff should work under its control and supervision.

11. The voluntary agencies should play an important role in mobilising the support of the people for Panchayati Raj.

12. A minister for Panchayati Raj should be appointed in the state council of ministers to look after the affairs of the Panchayati Raj institutions.

13. Seats for SCs and STs should be reserved on the basis of their population.

14. A Constitutional recognition should be accorded to the Panchayati Raj institutions. This would give them the requisite status and an assurance of continuous functioning.

– Due to the collapse of the Janata Party Government, before the completion of its term no action could be taken on the recommendation of the Ashok Mehta Committee at the central level. Still it is an important step towards achieving democracy at grass root levels. The various recommendations of this committee though not practically implemented immediately, still hold a high scheme in making a good, effective and easy Panchayat system in India. But only three States *i.e.*, Andhra Pradesh, Karnataka, West Bengal made necessary changes in their political hierarchy to implement the recommendations of the Ashok Mehta Committee.

GVK Rao Committee :

– The GVK Rao Committee was set up in 1985. It recommended the following:-

- The appointment of a State Finance Commission once in every five years to determine the quantum of money to be provided to each Zilla Parishad by the State Government,

- Setting up of a State Development Council with the Chief Minister as the Chairman,

- Panchayat Samity as at the Block level and Gram Panchayat for every village or a group of villages should function with the elected representatives of the area,

- Reservation for the Scheduled Castes, Scheduled Tribes, women etc. in the election of Panchayat Raj Institutions *i.e.*, PRIs,

- Voluntary agencies, non-government organizations servicing in different rural areas for the welfare of the poor should be involved in the development process.
- Elections to the PRI bodies should be held regularly.

Object of the Study :

The primary object is to desire to study the role of PRIs relation to formation, grading and federation of SHGs at Block level where most of such activities are centred. To the extent SHGs under SGSY are conceived as primary agencies of livelihood generation we will be focusing on SGSY related SHGs primarily. A related objective is judge the effectiveness of the Convergent Model in terms of its efficacy and effectiveness for rural development in an effort to understand the nature of progress in moving towards political decentralization through PRIS.

Statement of the Problem :

The Swarnjayanti Gram Swarozgar Yojana (SGSY) is a major self-employment scheme launched in April, 1999 after restructuring and combining the IRDP with allied programmes *i.e.* TRYSEM, DWCRA, SITRA, GKYS, MWS, It has been designed as a holistic self-employment scheme aimed at providing sustainable income to rural BPL families through income generating assets and economic activities so as to bring them out of the poverty line. It is a process oriented scheme involving processes like organization of the rural poor (BPL) into Self-Help Groups (SHGs) through social mobilization, capacity building and training, provision of revolving fund, making available credit and subsidy, technology, infrastructure and marketing. Each preceding process has a bearing on the successive process. The fund for SGSY is shared between the Centre and the State on 75:25 basis. SGSY is a credit cum subsidy programme wherein, credit is the key component and subsidy is only a minor and enabling element. Subsidy under the SGSY will be uniform at 30% of the project cost, subject to a maximum of Rs. 7500. In respect of SC/STs and disabled however, these will be 50% and Rs. 10,000/-, respectively. For Groups of Swarozgaris (SHGs), the subsidy would be at 50% of the cost of the scheme or per capita subsidy of Rs. 10,000/- or Rs. 1.25 lakh, whichever is less. There will be no monetary limit on subsidy for irrigation projects. Subsidy is back ended. The SGSY seeks to promote multiple credits rather than a onetime credit injection. The SGSY has a special focus on the vulnerable groups among the rural poor; SC/STs shall account for at least 50 per cent and women 40 per cent of the total Swarozgaris. Minorities and the persons with physical disability shall constitute 15 per cent and 3 per cent of the swarozgaris, respectively. Under the scheme focus is on the group approach. The SHGs may consist of 10-20 members and in case of minor irrigation, and in case of disabled persons and difficult areas *i.e.* hills, deserts and sparsely populated areas, this number may be from 5-20. Self-Help Group (SHG) should also be drawn from the BPL list approved by the Gram Sabha. The SHGs broadly go through three stages of evolution such as group formation, capital formation through the revolving fund and skill development and taking up of economic activity for income generation. Making institutional arrangements for marketing of rural products is a thrust area under the SGSY. In order to assist the poor rural BPL swarozgaris to showcase and market their products, the Ministry of Rural Development organizes SARA's fairs across the country. These fairs provide ideal venues to the rural BPL poor to sell the products directly to buyers. Since 2003-2004, the Ministry has organized 93 SARAS Fairs in different parts of the country and more than 29000 rural SHGs/ Artisans have benefited from these Fairs. Under Swarnjayanti Gram Swarozgar Yojana (SGSY), since inception (*i.e.* 1.04.1999) up to March, 2008, 28, 35, 772 Self-Help Groups (SHGs) have been formed, out of which 23, 29,528 were women

SHGs which is 82% of the total Groups formed. The total Swarozgaris assisted during the period was 1,02,53,593 out of which 47,83,110 Swarozgaris were SC/STs and 56,66,463 Swarozgaris were women which is 46% and 53%, respectively. So far the total investment incurred since inception is Rs. 22,099.30 crores, out of which Rs. 14857.41 crores is credit and Rs. 7241.90 crores is subsidy. The average per capita investment during the period stands at Rs. 22031.

However, due to many independent as well as interdependent causes, this institution has not been allowed a smooth sailing. It has been reported by different review committees, its performance has not been much satisfactory. Sometimes, it has lost its purpose and instead of bringing welfare to the people, it has created a number of problems for them. However, this is not to say that the institution itself has created problem rather its wrong and faulty process of implementation, it has given rise to this sort of consequential problems. However, let us first see in brief some of the problems which stand on its way for effective functioning.

1. Lack of interest in community participation.
2. Political consideration.

Legislations :

Constitutional Provisions of Panchayats :

Article 243 :

Definitions In this Part, unless the context otherwise requires,

- (a) District means a district in a State;
- (b) Gram Sabha means a body consisting of persons registered in the electoral rolls relating to a village comprised within the area of Panchayat at the village level;
- (c) Intermediate level means a level between the village and district levels specified by the Governor of a State by public notification to be the intermediate level for the purposes of this Part;
- (d) Panchayat means an institution (by whatever name called) of self-government constituted under article 243B, for the rural areas;
- (e) Panchayat area means the territorial area of a Panchayat;
- (f) Population means the population as ascertained at the last preceding census of which the relevant figures have been published;
- (g) Village means a village specified by the Governor by public notification to be a village for the purposes of this Part and includes a group of villages so specified

Article 243A :

Gram Sabha a Gram Sabha may exercise such powers and perform such functions at the village level as the Legislature of a State may by law, provide

Article 243B :

Constitution of Panchayats :

- (1) There shall be constituted in every State, Panchayats at the village, intermediate and district levels in accordance with the provisions of this Part
- (2) Notwithstanding anything in clause (1), Panchayats at the intermediate level may not be constituted in a State having a population not exceeding twenty lakhs

Article 243C :

Composition of Panchayats :

(1) Subject to the provisions of this Part, the Legislature of a State may, by law, make provisions with respect to the composition of Panchayats: Provided that the ratio between the population of the territorial area of a Panchayat at any level and the number of seats in such Panchayat to be filled by election shall, so far as practicable, be the same throughout the State,

(2) All the seats in a Panchayat shall be filled by persons chosen by direct election from territorial constituencies in the Panchayat area and, for this purpose, each Panchayat area shall be divided into territorial constituencies in such manner that the ratio between the population of each constituency and the number of seats allotted to it shall, so far as practicable, be the same throughout the Panchayat area

(3) The Legislature of a State may, by law, provide for the representation

(a) of the Chairpersons of the Panchayats at the village level, in the Panchayats at the intermediate level or, in the case of a State not having Panchayats at the intermediate level, in the Panchayats at the district level;

(b) If the Chairpersons of the Panchayats at the intermediate level, in the Panchayats at the district level;

(c) of the members of the House of the People and the members of the Legislative Assembly of the State representing constituencies which comprise wholly or partly a Panchayat area at a level other than the village level, in such Panchayat;

(d) Of the members of the Council of States and the members of the Legislative Council of the State, where they are registered as electors within

(i) A Panchayat area at the intermediate level, in Panchayat at the intermediate level;

(ii) a Panchayat area at the district level, in Panchayat at the district level

(4) The Chairperson of a Panchayat and other members of a Panchayat whether or not chosen by direct election from territorial constituencies in the Panchayat area shall have the right to vote in the meetings of the Panchayats

(5) The Chairperson of

(a) Panchayat at the village level shall be elected in such manner as the Legislature of a State may, by law, provide; and

(b) A Panchayat at the intermediate level or district level, shall be elected by, and from amongst, the elected members thereof

Article 243D :

Reservation of seats :

(1) Seats shall be reserved for

(a) The Scheduled Castes; and

(b) the Scheduled Tribes, in every Panchayat and the number of seats so reserved shall bear, as nearly as may be, the same proportion to the, total number of seats to be filled by direct election in that Panchayat as the population of the Scheduled Castes in that Panchayat area or of the Scheduled Tribes in that Panchayat area bears to the total population of that area and such seats may be allotted by rotation to different constituencies in a Panchayat

(2) Not less than one third of the total number of seats reserved under clause (1) shall be reserved for women belonging, to the Scheduled Castes or, as the case may be, the Scheduled Tribes

(3) Not less than one third (including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes) of the total number of seats to be filled by direct

election in every Panchayat shall be reserved for women and such seats may be allotted by rotation to different constituencies in a Panchayat

(4) The offices of the Chairpersons in the Panchayats at the village or any other level shall be reserved for the Scheduled Castes the Scheduled Tribes and women in such manner as the Legislature of a State may, by law, provide: Provided that the number of offices of Chairpersons reserved for the Scheduled Castes and the Scheduled Tribes in the Panchayats at each level in any State shall bear, as nearly as may be, the same proportion to the total number of such offices in the Panchayats at each level as the population of the Scheduled Castes in the State or of the Scheduled Tribes in the State bears to the total population of the State: Provided further that not less than one third of the total number of offices of Chairpersons in the Panchayats at each level shall be reserved for women: Provided also that the number of offices reserved under this clause shall be allotted by rotation to different Panchayats at each level

(5) The reservation of seats under clauses (1) and (2) and the reservation of offices of Chairpersons (other than the reservation for women) under clause (4) shall cease to have effect on the expiration of the period specified in article 334

(6) Nothing in this Part shall prevent the Legislature of a State from making any provision for reservation of seats in any Panchayat or offices of Chairpersons in the Panchayats at any level in favour of backward class of citizens

Article 243E :

Duration of Panchayats, etc. :

(1) Every Panchayat, unless sooner dissolved under any law for the time being in force, shall continue for five years from the date appointed for its first meeting and no longer

(2) No amendment of any law for the time being in force shall have the effect of causing dissolution of a Panchayat at any level, which is functioning immediately before such amendment, till the expiration of its duration specified in clause (1)

(3) An election to constitute a Panchayat shall be completed

(a) Before the expiry of its duration specified in clause (1);

(b) before the expiration of a period of six months from the date of its dissolution: Provided that where the remainder of the period for which the dissolved Panchayat would have continued is less than six months, it shall not be necessary to hold any election under this clause for constituting the Panchayat

(4) A Panchayat constituted upon the dissolution of a Panchayat before the expiration of its duration shall continue only for the remainder of the period for which the dissolved Panchayat would have continued under clause (1) had it not been so dissolved

Article 243F :

Disqualifications for membership :

(1) A person shall be disqualified for being chosen as, and for being, a member of a Panchayat

(a) if he is so disqualified by or under any law for the time being in force for the purposes of elections to the Legislature of the State concerned: Provided that no person shall be disqualified on the ground that he is less than twenty five years of age, if he has attained the age of twenty one years;

(b) if he is so disqualified by or under any law made by the Legislature of the State

(2) If any question arises as to whether a member of a Panchayat has become subject to any

of the disqualifications mentioned in clause (1), the question shall be referred for the decision of such authority and in such manner as the Legislature of a State may, by law, provide

Article 243G :

Powers, authority and responsibilities of Panchayats Subject to the provisions of this Constitution the Legislature of a State may, by law, endow the Panchayats with such powers and authority and may be necessary to enable them to function as institutions of self government and such law may contain provisions for the devolution of powers and responsibilities upon Panchayats, at the appropriate level, subject to such conditions as may be specified therein, with respect to

- (a) The preparation of plans for economic development and social justice;
- (b) The implementation of schemes for economic development and social justice as may be entrusted to them including those in relation to the matters listed in the Eleventh Schedule

Article 243H :

Powers to impose taxes by, and funds of, the Panchayats the Legislature of a State may, by law,

- (a) authorise a Panchayat to levy, collect and appropriate such taxes, duties, tolls and fees in accordance with such procedure and subject to such limits;
- (b) assign to a Panchayat such taxes, duties, tolls and fees levied and collected by the State Government for such purposes and subject to such conditions and limits;
- (c) Provide for making such grants in aid to the Panchayats from the Consolidated Fund of the State; and
- (d) Provide for constitution of such Funds for crediting all moneys received, respectively, by or on behalf of the Panchayats and also for the withdrawal of such moneys therefrom, as may be specified in the law

Article 243I :

Constitution of finance Commissions to review financial position :

(1) The Governor of a State shall, as soon as may be within one year from the commencement of the Constitution (Seventy third Amendment) Act, 1992 , and thereafter at the expiration of every fifth year, constitute a Finance Commission to review the financial position of the Panchayats and to make recommendations to the Governor as to

- (a) The principles which should govern
 - (i) the distribution between the State and the Panchayats of the net proceeds of the taxes, duties, tolls and fees liveable by the State, which may be divided between them under this Part and the allocation between the Panchayats at all levels of their respective shares of such proceeds;
 - (ii) The determination of the taxes, duties, tolls and fees which may be assigned to, or appropriated by, the Panchayats;
 - (iii) The grants in aid to the Panchayats from the Consolidated Fund of the State;
- (b) The measures needed to improve the financial position of the Panchayats;
- (c) Any other matter referred to the Finance Commission by the Governor in the interests of sound finance of the Panchayats

(2) The Legislature of a State may, by law, provide for the composition of the Commission, the qualifications which shall be requisite for appointment as members thereof and the manner in which they shall be selected

(3) The Commission shall determine their procedure and shall have such powers in the performance of their functions as the Legislature of the State may, by law, confer on them,

(4) The Governor shall cause every recommendation made by the Commission under this article together with an explanatory memorandum as to the action taken thereon to be laid before the Legislature of the State

Article 243J :

Audit of accounts of Panchayats The Legislature of a State may, by law, make provisions with respect to the maintenance of accounts by the Panchayats and the auditing of such accounts

Article 243K :

Elections to the Panchayats The superintendence, direction and control of the preparation of electoral rolls for, and the conduct of, all elections to the Panchayats shall be vested in a State Election Commission consisting of a State Election Commissioner to be appointed by the Governor

(2) Subject to the provisions of any law made by the Legislature of a State the conditions of service and tenure of office of the State Election Commissioner shall be such as the Governor may by rule determine: Provided that the State Election Commissioner shall not be removed from his office except in like manner and on the like ground as a Judge of a High Court and the conditions of service of the State Election Commissioner shall not be varied to his disadvantage after his appointment

(3) The Governor of a State shall, when so requested by the State Election Commission, make available to the State Election Commission such staff as may be necessary for the discharge of the functions conferred on the State Election Commission by clause (1)

(4) Subject to the provisions of this Constitution, the Legislature of a State may, by law, make provision with respect to all matters relating to, or in connection with, elections to the Panchayats

Article 243L :

Application to Union territories The provisions of this Part shall apply to the Union territories and shall, in their application to a Union territory, have effect as if the references to the Governor of a State were references to the Administrator of the Union territory appointed under 239 and references to the Legislature or the Legislative Assembly of a State were references, in relation to a Union territory having a Legislative Assembly, to that Legislative Assembly: Provided that the President may, by public notification, direct that the provisions of this Part shall apply to any Union territory or part thereof subject to such exceptions and modifications as he may specify in the notification

Article 243M :

Part not to apply to certain areas

(1) Nothing in this Part shall apply to the Scheduled Areas referred to in clause (1), and the tribal areas referred to in clause (2), of article 244

(2) Nothing in this Part shall apply to

(a) The States of Nagaland, Meghalaya and Mizoram;

(b) the Hill areas in the State of Manipur for which District Councils exist under any law for the time being in force

(3) Nothing in this Part

(a) Relating to Panchayats at the district level shall apply to the Hill areas of the District of Darjeeling in the State of West Bengal for which Darjeeling Gorkha Hill Council exists under any law for the time being in force;

(b) Shall be construed to affect the functions and powers of the Darjeeling Gorkha Hill Council constituted under such law

(4) Notwithstanding anything in this Constitution

(a) the Legislature of a State referred to in sub clause (a) of clause (2) may, by law, extend this Part to that State, except the areas, if any, referred to in clause (1), if the Legislative Assembly of that State passes a resolution to that effect by a majority of the total membership of that House and by a majority of not less than two thirds of the members of that house present and voting;

(b) Parliament may, by law, extend the provisions of this Part to the Scheduled Areas and the tribal areas referred to in clause (1) subject to such exceptions and modifications as may be specified in such law and no such law shall be deemed to be an amendment of this Constitution for the purposes of Article 368

Article 243N :

Continuance of existing laws and Panchayats Notwithstanding anything in this Part, any provision of any law relating to Panchayats in force in a State immediately before commencement of the Constitution (Seventy third Amendment) Act, 1992 , which is inconsistent with the provisions of this part, shall continue to be in force until amended or repealed by a competent Legislature other competent authority or until the expiration of one year from such commencement whichever is earlier: Provided that all the Panchayats existing immediately before such commencement shall continue till the expiration of their duration, unless sooner dissolved by a resolution passed to that effect by the Legislative Assembly of that State or, in the case of a State having a Legislative Council, by each house of the Legislature of that State

Article 243O :

Bar to interference by courts in electoral matters notwithstanding anything in this Constitution

(a) the validity of any law relating to the delimitation of constituencies or the allotment of seats to such constituencies made or purporting to be made under article 243K, shall not be called in question in any court;

(b) no election to any Panchayat shall be called in question except by an election petition presented to such authority and in such manner as is provided for by or under any Law made by the legislature of a State

Statutory Provisions of West Bengal Panchayat Act, 1973:

Gram Panchayat :

Constitution of Gram Panchayat :

Section 3. Gram :

(1) The State Government may, by notification, declare for the purposes of this Act any mauza or part of a mauza or group of contiguous mauza's or parts thereof to be a Gram:

(2) The notification under sub-section (1) shall specify the name of the Gram by which it shall be known and shall specify the local limits of such Gram.

(3) The State Government may, after making such enquiry as it may think fit and after consulting the views of the Gram Panchayat or Panchayats concerned, by notification—

- (a) Exclude from any Gram any area comprised therein; or
- (b) include in any Gram any area contiguous to such Gram or separated by an area to which this Act does not extend or in which the remaining sections of this Act referred to in sub-section (3) of section 1 have not come into force; or
- (c) divide the area of a Gram so as to constitute two or more Grams, or (d) unite the area of two or more Grams so as to constitute a single Gram.

Section 4. Gram Panchayat and its constitutions :

(1) For every Gram the State Government shall constitute a Gram Panchayat bearing the name of the Gram.

(2) Persons whose names are included in the electoral roll [prepared in accordance with such rules as may be made by the State Government in this behalf and in force on such date as the State Election Commissioner may declare for the purpose of an election] pertaining to the area comprised in the Gram, shall elect by secret ballot at such time and in such manner as may be prescribed, from among themselves such number of members [not being less than five] or [more than thirty] [as the prescribed authority may, having regard to the number of voters in hill areas and other areas and in accordance with such rules as may be made in this behalf by the State Government, determine].

Power and Duties of Gram Panchayat :

Section : 19 Obligatory duties of Gram Panchayat :

(1) A Gram Panchayat shall function as a unit of self-government and, in order to achieve economic development and secure social justice for all, shall, subject to such conditions as may be prescribed or such directions as may be given by the State Government,—

(a) prepare a development plan for the five-year term of the office of the members and revise and update it as and when necessary with regard to the resources available;

(b) prepare an annual plan for each year by the month of October of the preceding year for development of human resources, infra-structure and civic amenities in the area;

(c) implement schemes for economic development and social justice as may be drawn up by, or entrusted upon it.

(2) [Without prejudice to the generality of the provisions of subsection (1) and subject to such conditions as may be prescribed or such directions as may be given by the State Government,] the duties of a Gram Panchayat shall be to provide within the area under its jurisdiction for—

(a) sanitation, conservancy and drainage and the prevention of public nuisances;

(b) curative and preventive measures in respect of malaria, small pox, cholera or any other epidemic;

(c) supply of drinking water and the cleansing and disinfecting the sources of supply and storage of water;

(d) the maintenance, repair and construction of public streets and protection thereof;

(e) the removal of encroachments of public streets or public places;

(f) the protection and repair of buildings or other property vested in it;

(g) the management and care of public tanks, subject to the provisions of the Bengal Tanks Improvement Act, 1939, common grazing grounds, burning ghats and public graveyards;

(h) the supply of any local information which the District Magistrate, the Zilla Parishad [the Mahakuma Parishad, the Council] or the Panchayat Samiti within the local limits of whose jurisdiction the Gram Panchayat is situated may require;

- (i) organising voluntary labour for community works and works for the upliftment of its area;
 - (j) the control and administration of the Gram Panchayat Fund established under this Act;
 - (k) the imposition, assessment and collection of the taxes, rates or fees leviable under this Act;
 - (l) the maintenance and [control of Dafadars, Chowkidars and Gram Panchayat Karmees] within its jurisdiction and securing due 3 [performance by the Dafadars, Chowkidars and Gram Panchayat Karmees] of the duties imposed on them under this Act;
 - (m) the constitution and administration of the Nyaya Panchayat established under this Act;
- and
- (n) the performance of such functions as may be transferred to it under section 31 of the Cattle-trespass Act, 1871.

(3) A Gram Panchayat shall not omit or refuse to act upon any recommendations of a Gram Sansad relating to prioritization of any list of beneficiaries or scheme or programme so far as it relates to the area of the Gram Sansad unless it decides in a meeting for reasons to be recorded in writing that such recommendation or recommendations are not acceptable or implementable under the provisions of the Act or any rule, order or direction thereunder; such decision of the Gram Panchayat shall be placed in the next meeting of the Gram Sansad.

Section : 20 Other duties of Gram Panchayat :

(1) A Gram Panchayat shall also perform such other functions as the State Government may assign to it in respect of—

- (a) primary, social, technical[vocational, adult or non-formal education;]
- (b) rural dispensaries, health centres and maternity and child welfare centres;
- (c) management of any public ferry under the Bengal Ferries Act, 1885;
- (d) irrigation [including minor irrigation, water management and watershed development];
- (e) agriculture including agricultural extension and fuel and fodder;
- (f) care of the infirm and the destitute;
- (g) rehabilitation of displaced persons;
- (h) improved breeding of cattle, medical treatment of cattle and prevention of cattle disease;
- (i) its acting as a channel through which Government assistance should reach the villages;
- (j) bringing waste land under cultivation [through land improvement and soil conservation];
- (k) promotion of village plantations [, social forestry and farm forestry];
- (l) arranging for cultivation of land lying fallow;
- (m) arranging for co-operative management of land and other resources of the village;
- (n) assisting in the implementation of land reform measure in its area;
- (o) implementation of such schemes as may be formulated or performance of such acts as may be entrusted to the Gram Panchayat by the State Government;
- (p) field publicity on matters connected with development works and other welfare measures undertaken by the State Government;
- (q) minor forest produce;
- (r) rural housing programme;
- (s) rural electrification including distribution of electricity;
- (t) non-conventional energy sources; and
- (u) women and child development.

(2) If the State Government is of opinion that a Gram Panchayat has persistently made default in the performance of any of the functions assigned to it under sub-section (7), the State Government

may, after recording its reasons, withdraw such function from such Gram Panchayat.

Section : 21 Discretionary duties of Gram Panchayat :

Subject to such conditions as may be prescribed, a Gram Panchayat may, and shall if the State Government so directs, make provision for—

- (a) the maintenance of lighting of public streets;
- (b) planting and maintaining trees on the sides of public streets or in other public places vested in it;
- (c) the sinking of wells and excavation of ponds and tanks;
- (d) the introduction and promotion of co-operative fanning, co-operative stores, and other co-operative enterprises, trades and callings;
- (e) the construction and regulation of markets, the holding and regulation of fairs, melas and hats and exhibitions of local produce and products of local handicrafts and home industries;
- (f) the allotment of places for storing manure;
- (g) assisting and advising agriculturists in the matter of obtaining State loan and its distribution and repayment;
- (h) filling up of insanitary depressions and reclaiming of unhealthy localities;
- (i) the promotion and encouragement of cottage [, Khadi, village and small-scale including food processing] industries;
 - (1) promotion of dairying and poultry;
 - (2) promotion of fishery;
 - (3) poverty alleviation programme;
- (j) the destruction of rabbit or ownerless dogs;
- (k) regulating the production and disposal of foodstuffs and other commodities in the manner prescribed;
 - (1) the construction and maintenance of surais, dharmasalas, rest houses, cattle sheds and cart stands;
 - (m) the disposal of unclaimed cattle;
 - (n) the disposal of unclaimed crops and carcasses;
 - (o) the establishment and maintenance of libraries and reading rooms;
 - (p) the organisation and maintenance of akharas, clubs and other places for recreation or games;
 - (1) cultural activities including sports and games;
 - (2) social welfare including welfare of the handicapped and mentally retarded;
 - (3) welfare of socially and educationally backward classes of citizens and, in particular, of the Scheduled Castes and the Scheduled Tribes;
 - (4) public distribution system;
 - (5) maintenance of community assets;
- (q) the maintenance of records relating to population census, crop census, cattle census and census of unemployed persons and of other statistics as may be prescribed;
- (r) the performance in the manner prescribed of any of the functions of [the Zilla Parishad or the Mahakuma Parishad or the Council, as the case may be,] with its previous approval, calculated to benefit the people living within the jurisdiction of the Gram Panchayat;
- (s) rendering assistance in extinguishing fire and protecting life and property when fire occurs;
- (t) assisting in the prevention of burglary and dacoity; and

(u) any other local work or service of public utility which is likely to promote the health, comfort, convenience or material prosperity of the public, not otherwise provided for in this Act.

Section : 22 State Government to place funds necessary for the performance of functions and duties under Section 20 or 21 at the disposal of Gram Panchayat.

Where the State Government assigns any function to a Gram Panchayat under section 20 or where it directs a Gram Panchayat to make provision for any of the items enumerated in section 21, it shall place such funds at the disposal of the Gram Panchayat as may be required for the due performance of such function or for making such provision, as the case may be.

Section : 25 Power of Gram Panchayat over public streets, water-ways and other matters :

(1) A Gram Panchayat shall have control over all public streets and waterways within its jurisdiction other than canals as defined in section 3 of the Bengal Irrigation Act, 1876, not being private property and not being under the control of the Central or State Government or any local authority and may do all things necessary for the maintenance and repair thereof, and may,—

(a) construct new bridges and culverts;

(b) divert or close any such public street, bridge or culvert;

(c) widen, open, enlarge or otherwise improve any such public street, bridge or culvert and with minimum damage to the neighbouring fields, plant and preserve trees on the sides of such street;

(d) deepen or otherwise improve such waterways;

(e) with the sanction of the Zilla Parishad [or the Mahakuma Parishad or the Council, as the case may be,] and where there is a canal as defined in the Bengal Irrigation Act, 1876, with the sanction also of such officer as the State Government may prescribe, undertake irrigation projects.

(f) trim hedges and branches of trees projecting on public streets; and

(g) set apart by public notice any public source of water supply for drinking or culinary purposes and likewise prohibit all bathing, washing or other acts likely to pollute the source so set apart.

(2) A Gram Panchayat may, by a notice in writing, require any person who has caused obstruction or encroachment on or damage to any public street or drain or other property under the control and management of the said Gram Panchayat, to remove such obstruction or encroachment or repair such damage, as the case may be, within the time to be specified in the notice.

(3) If the obstruction or encroachment is not removed or damage is not repaired within the time so specified the Gram Panchayat may cause such obstruction or encroachment to be removed or such damage to be repaired and the expenses of such removal or repair shall be recoverable from such person as a public demand.

(4) For the purpose of removal of obstruction or encroachment under sub-section (J), the Gram Panchayat may apply to the Sub-divisional Magistrate and the Sub-divisional Magistrate shall, on such application, provide such help as may be necessary for the removal of such obstruction or encroachment

Section : 26 Power of Gram Panchayat in respect of polluted water-supply :

(1) A Gram Panchayat may, by written notice, require the owner of, or the person having control over, a private water-course, spring, tank, well, or other place, the water of which is used for drinking or culinary purpose, after taking into consideration his financial position, to take all or any of the following steps within a reasonable period to be specified in such notice, namely—

(a) to keep and maintain the same in good repair;

- (b) to clean the same, from time to time of silt, refuse or decaying vegetation;
- (c) to protect it from pollution; and
- (d) to prevent its use, if it has become so polluted as to be prejudicial to public health:

(2) If the order contained in a notice served as aforesaid has not been set aside by the prescribed authority and if the person upon whom the notice has been served fails, without sufficient reason, to comply with the order in its original form or the order as modified by the prescribed authority, within the time specified in the notice or within the time fixed by the prescribed authority, as the case may be, he shall be liable, on conviction by a magistrate, to a fine which may extend to two hundred and fifty rupees.

Section : 27 Power of Gram Panchayat to prevent growth of water-hyacinth or other weed which may pollute water :

(1) Notwithstanding anything contained in the Bengal Water Hyacinth Act, 1936, a Gram Panchayat may, by written notice, require the owner or occupier of any land or premises, containing a tank or pond or similar deposit of water after taking into consideration his financial position, not to allow water-hyacinth or any other weed which may pollute water to grow thereon and to eradicate the same therefrom within such reasonable period as may be specified in the notice:

(2) If the order contained in a notice served as aforesaid has not been set aside by the prescribed authority and if the owner or occupier upon whom the notice has been served fails, without sufficient reason, to comply with the order in its original form or the order as modified by the prescribed authority, within the time specified in the notice or within the time fixed by the prescribed authority, as the case may be, he shall be liable, on conviction by a magistrate, to a fine which may extend to two hundred and fifty rupees.

Section : 28 Emergent power on outbreak of epidemic :

In the event of an outbreak of cholera or any other water-borne infectious disease in any locality situated within the local limits of the jurisdiction of a Gram Panchayat, the Pradhan, the Upa-Pradhan or any other person authorised by the Pradhan may, during the continuance of the outbreak, without notice and at any time, inspect and disinfect any well, tank or other place from which water is, or is likely to be, taken for the purpose of drinking and may further take such steps as he deems fit to prevent the drawing of water therefrom.

Section : 29 Power of recovery of cost for work carried out by Gram Panchayat on failure of any person :

If any work required to be done by an order contained in a notice served under sections 24, 26 or 27 is not executed within the period specified in the notice or where an appeal is made to the prescribed authority, within an equal period from the date of the decision on the appeal, the Gram Panchayat may, in the absence of satisfactory grounds for noncompliance cause such work to be carried out and the cost of carrying out such work shall be recoverable as an arrear of public demand from the person on whom the notice was served.

Section 32 : Delegation of functions of Gram Panchayat to its Pradhan :

A Gram Panchayat may, at a meeting specially convened for the purpose, by a resolution delegate to its Pradhan such duties or powers of the Gram Panchayat as it thinks fit and may at any time by a resolution, withdraw or modify the same:

Section 32A :

(1) Subject to such direction as may be issued by the State Government in this behalf, a Gram Panchayat shall as soon as may be within three months following the first meeting referred to in section 9, constitute Upa-Samitis as referred to in sub-section (2) and delegate its powers, functions and duties to such Upa-Samitis, in such manner as may be prescribed.

(2) Without prejudice to the generality of any other provisions of this Act, a Gram Panchayat shall constitute in such manner as may be prescribed the following UpaSamitis:—

i. Artha O ParikalpanaUpa-Samiti,

ii. Krishi O PranisampadBikasUpa-Samiti,

iii. Siksha O JanasasthyaUpa-Samiti,

iv. Nari, SishuUnnayan O SaniajKalyanUpa-Samiti,

v. Shilpa O ParikathamaUpa-Samiti, and

vi. such other Upa-Samiti as the Gram Panchayat may, subject to the approval of the State Government, constitute.

(3) The Upa-Samitis referred to in sub-section (2) shall consist of the following members:—

(a) the Pradhan and the Upa-Pradhan, ex-officio;

(b) such number of members as may be prescribed, to be elected by the members from among themselves; and

(c) such number of members as may be appointed by the State Government by any general or special order:—

(i) from among the officials of the Panchayat bodies having jurisdiction, the State Government or any Statutory Board, Corporation or Organisation or any individual official receiving grant, financial assistance or remuneration from the State Exchequer, and

(ii) any person having any specialised knowledge about the locality or any area of activity;

(d) the Artha O ParikalpanaUpa-Samiti shall have the Sanchalaks elected in the manner as mentioned in subsection (4), as members of the Upa-Samiti and shall have no other member referred to in clause (b) of subsection (3);

(e) the Nari, SishuUnnayan O SamajKalyanUpa-Samiti shall have not less than half of the members referred to in clause (b), elected from among the women members of the Gram Panchayat, in the manner as may be prescribed.

(4) Members of each Upa-Samiti shall elect one member from among themselves in such manner as may be prescribed to act as Sanchalak for such Upa-Samiti and such Sanchalak shall be responsible for convening the meetings of such Upa-Samiti, coordinate function of members within such Upa-Samiti and prepare and place report of actions taken or proposed to be taken relating to such Upa-Samiti within the budgetary provision of the Gram Panchayat to the Pradhan and the Gram Panchayat from time to time:

(5) The Upa-Samitis shall devise its own procedure for holding the meetings and for performing other functions subject to the direction of the State Government and the Gram Panchayat.

(6) The members of the Upa~Samitis may,—

(a) take, subject to the direction of the Pradhan, the assistance of the employees of the Gram Panchayat,

(b) seek advice and help of the employees of the State Government of any Department at the appropriate level in discharge of their duties,

(c) place before the Pradhan and the Gram Panchayat a proposal for execution of a scheme, programme or project within the budgetary provisions of the Gram Panchayat for such purpose

when the Pradhan or the Gram Panchayat shall consider the proposal for execution and for sanction of funds:

(d) call for any information, return, statement, account or report from the office of the Gram Panchayat and enter on and inspect any immovable property of the Gram Panchayat or inspect any work in progress connected with the functions and duties of the Upa-Samiti.

(e) exercise such other powers, perform such other functions and discharge such other duties, as the Gram Panchayat may, by general or special resolution, direct or as the State Government may, by rules made in this behalf, prescribe.

(7) Each Upa-Samiti shall hold at least six meetings in a year in the office of the Gram Panchayat

Section : 34 Powers, functions and duties of Gram Panchayat of Pradhan and Upa-Pradhan:

(1) The Pradhan shall—

(a) be responsible for the maintenance of the records of the Gram Panchayat;

(b) have general responsibility for the financial and executive administration of the Gram Panchayat;

(c) exercise administrative supervision and control over the work of the staff of the Gram Panchayat and the officers and employees whose services may be placed at the disposal of the Gram Panchayat by the State Government;

(d) for the transaction of business connected with this Act or for the purpose of making any order authorised thereby, exercise such powers, perform such functions and discharge such duties as may be exercised, performed or discharged by the Gram Panchayat under this Act or the rules made thereunder:

(e) exercise such other powers, perform such other functions and discharge such other duties as the Gram Panchayat may, by general or special resolution, direct or as the State Government may by rules made in this behalf, prescribe.

(2) The Upa-Pradhan shall—

(a) exercise such of the powers, perform such of the functions and discharge such of the duties of the Pradhan as the Pradhan may from time to time, subject to rules made in this behalf by the State Government, delegate to him by order in writing: Provided that the Pradhan may at any time withdraw all or any of the powers, functions and duties so delegated to the Upa-Pradhan;

(b) during the absence of the Pradhan, exercise all the powers, perform all the functions and discharge all the duties of the Pradhan;

(c) exercise such other powers, perform such oilier functions and discharge such other duties as the Gram Panchayat may, by general or special resolution, direct or as the State Government may, by rules made in this behalf, prescribe.

Nyaya Panchayat :

Constitution of Nyaya Panchayat :

Section : 51 Constitution of Nyaya Panchayat :

(1) Every Gram Panchayat shall, if authorised by the State Government by notification to do so, constitute a Nyaya Panchayat, consisting of five members, to be called Vicharaks, elected by it at such lime and in such manner as may be prescribed from amongst persons whose names are included in the electoral roll of the West Bengal Legislative Assembly for the time being in force pertaining to the area comprised in the Gram, other than a person who is a member of any Gram

Panchayat, Panchayat Samiti, Zilla Parishad, Mahakuma Paris-had or Council or of any municipal authority constituted under any of the Acts referred to in sub-section (2) of section I, for the trial of—

(a) the offences specified in the Second Schedule or a case transferred to the Nyaya Panchayat under sub-section (2) of section 52;

(b) all or any of the classes of civil suits specified in section 61: Provided that no person shall be elected to be a member of Nyaya Panchayat if he has any of the disqualifications mentioned in section 8.

(2) Every Nyaya Panchayat constituted under sub-section (1) shall be notified in the Official Gazette, or in such other manner as may be prescribed, and shall come into office with effect from the date specified in the said notification.

(3) Every Nyaya Panchayat shall elect at such time and in such manner as may be prescribed one of its members to be called Pradhan Vicharak to preside over its sittings and in the absence of the Pradhan Vicharak, the Vicharaks present at the sitting of the Nyaya Panchayat shall elect one of them to be the Pradhan Vicharak for the purpose of that sitting.

(4) The term of office of a member of a Nyaya Panchayat shall be five years from the date of the notification mentioned in subsection (2):

Provided that the members of a Nyaya Panchayat shall continue in office until the election of the members of the Nyaya Panchayat by the newly constituted Gram Panchayat after a general election and assumption of office by such members.

(5) No Nyaya Panchayat shall try any suit, case or other proceeding pending before it unless at least three members of the Nyaya Panchayat are present during such trial.

(6) The Secretary to the Gram Panchayat shall act as the Secretary to the Nyaya Panchayat for the purpose of keeping the records of its proceedings and decisions, and doing such other duties as may be prescribed.

Power of Nyaya Panchayat :

Section : 54 Power to dismiss or refuse to entertain petition :

(1) If upon the face of the petition, or on examining the petitioner, the Nyaya Panchayat is of opinion that the petition is frivolous, vexatious or untrue, it shall dismiss the case by an order in writing.

(2) If at any time it appears to the Nyaya Panchayat—

(a) that it has no jurisdiction to try the case; or

(b) that the offence is one for which the sentence which it is competent to pass would be inadequate; or

(c) that the case is one which should not be tried by it, it shall direct the petitioner by an order in writing to the court which would have had jurisdiction to try the offence but for the provisions of this Act.

Section 59: Power to impose fine or to award compensation :

(1) A Nyaya Panchayat shall, after hearing the parties and after considering the evidence adduced by the parties, record its decision in writing, and may sentence any offender convicted by it to pay a fine not exceeding fifty rupees: Provided that if the members of the Nyaya Panchayat present during the trial of a case fail to come to a unanimous decision, the decision of the majority of such members shall be the decision of the Nyaya Panchayat: Provided further that in the case of

equality of votes of the members of a Nyaya Panchayat present during the trial of a case, the Pradhan Vicharak, or the person who is elected as Pradhan Vicharak for that sitting, shall have a second or casting vote and the decision of the Nyaya Panchayat shall be in accordance with such second or casting vote.

(2) No sentence of imprisonment, simple or rigorous, whether substantive or in default of payment of fine shall be awarded by any Nyaya Panchayat.

(3) When a Nyaya Panchayat imposes a fine under sub-section (1), it may, when passing the order, direct that the whole or any part of the fine recovered shall be applied in payment of compensation for any loss or injury caused by the offence.

(4) If a Nyaya Panchayat is satisfied that a complaint made before it or transferred to it for trial is false, vexatious or frivolous, it may order the complainant to pay to the accused, such compensation not exceeding twenty-five rupees, as it thinks fit.

(5) If such fine or compensation is not paid or realised within thirty days of the passing of the sentence or order or within such further time as the Nyaya Panchayat may allow, the Nyaya Panchayat shall record an order declaring the amount of fine imposed or compensation awarded and that it has not been paid, and shall forward the same to the nearest Sub-divisional Judicial Magistrate, who would have had jurisdiction to try the case but for the provisions of this Act, and the Sub-divisional Judicial Magistrate shall—

(a) proceed to execute the order as if it were an order passed by himself, or

(b) in default of payment, sentence the accused to imprisonment in accordance with Chapter III of the Indian Penal Code, notwithstanding anything contained in subsection (2) of this section:

Section : 71 Power to determine :

(1) Subject to the provisions of clauses (c) and (d) of section 62, the Nyaya Panchayat shall add as parties to a suit any person whose presence as parties it considers necessary for a proper decision thereof, and shall enter the names of such parties in the register of suits, and the suit shall be tried as between the parties whose names are entered in the said register:

(2) In all cases where a new party appears under the proviso to subsection (1) during the trial of a suit, he may require that the trial shall begin de novo.

Panchayat Samati :

Constitution of Panchayat Samati :

Section : 94 Panchayat Samati and its constitution :

(1) For every Block the State Government shall constitute a Panchayat Samiti bearing the name of the Block.

(2) The Panchayat Samiti shall consist of the following members, namely:—

(i) Pradhans of the Gram Panchayats within the Block, ex-officio;

(ii) such number of persons not exceeding three as may be prescribed on the basis of the number of voters in hill areas and other areas to be elected from each Gram within the Block, the Gram being divided by the prescribed authority for the purpose into as many constituencies as the number of the persons to be elected, and the election being held by secret ballot at such time and in such manner as may be prescribed, from amongst the persons, whose names are included in the electoral roll (pertaining to the area comprised in the Block, prepared in accordance with such rules as may be made by the State Government in this behalf and in force on such date as the State Election Commissioner may declare for the purpose of an election) by persons whose names are

included in such electoral roll pertaining to the constituency comprised in such Gram:]

(iii) (a) members of the House of the People and the Legislative Assembly of the State elected thereto from a constituency comprising the Block or any part thereof, not being [Ministers;]

(b) members of the Council of States, not being Ministers, [(registered as electors within the area of the Block;) and]

(c) members of the Zilla Parishad, not being Sabhadhipati or Sahakari Sabhadhipati, elected thereto from the constituency comprising any part of the Block.

(3) Every Panchayat Samiti constituted under this section shall be notified in the Official Gazette and shall come into office with effect from the date of its first meeting at which a quorum is present.

(4) Every Panchayat Samiti shall be a body corporate having perpetual succession and a common seal and shall by its corporate name sue and be sued.

Power, Duties and Function of Panchayat Samiti

Section : 109 Power of Panchayat Samiti.

(1) A Panchayat Samiti shall function as a unit of self-government and, in order to achieve economic development and secure social justice for all, shall prepare—

(i) a development plan for the five-year term of the office of the members, and

(ii) an annual plan for each year by the month of January of the preceding year, in furtherance of its objective of development of the community as a whole and socio-economic upliftment of the individual members of the community and, without prejudice to the generality of the above provisions, shall have power to—

(a) (i) undertake schemes or adopt measures, including the giving of financial assistance, relating to the development of agriculture, fisheries, live stock, khadi, cottage and small-scale industries, co-operative movement, rural credit, water-supply, irrigation and minor irrigation including water management and watershed development, public health and sanitation including establishment and maintenance of dispensaries and hospitals, communication, primary and secondary education, adult and non-formal education, welfare of students, social forestry and farm forestry including fuel and fodder, rural electrification including distribution, nonconventional energy sources, women and child development, social welfare and other objects of general public utility;

(a) (ii) undertake execution of any scheme, performance of any act, or management of any institution or organisation entrusted to it by the State Government or any other authority;

(a) (iii) manage or maintain any work of public utility or any institution vested in it or under its control and management;

(a) (iv) make grants in aid of any school, public institution or public welfare organisation within the Block;

(b) make grants to the Zilla Parishad [or Mahakuma Parishad or Council] or Gram Panchayat;

(c) contribute with the approval of the State Government such sum or sums as it may decide, towards the cost of water-supply or anti-epidemic measures undertaken by a municipality within the Block;

(d) adopt measures for the relief of distress;

(e) co-ordinate and integrate the development plans and schemes prepared by Gram Panchayats in the Blocks if and when necessary;

(2) Notwithstanding anything in sub-section (1), a Panchayat Samiti shall not undertake or execute any scheme confined to an area over which a Gram Panchayat has jurisdiction unless the Gram Panchayat is of opinion that the implementation of such a scheme is beyond its competence

financially or otherwise and passes a resolution to that effect. In the latter case the Panchayat Samiti may execute the scheme itself or entrust its execution to the Gram Panchayat. and give such assistance as may be required:

(3) A Panchayat Samiti may undertake or execute any scheme if it extends to more than one Gram.

Section : 111 Power of Panchyat Samiti to transfer roads or properties to the State Government or the Zilla Parishad or a Gram Panchyat.

A Panchayat Samiti may transfer to the State Government or to the Zilla Parishad [or Mahakuma Parishad or Council] [or to a Gram Panchayat] any road or part of a road or any other property, which is under its control or management, or which is vested in it, on such terms and conditions as may be agreed upon.

Section : 113 Power of Panchyat Samiti to divert,discontinue or close road.

A Panchayat Samiti may direct, discontinue or close temporarily any road, which is under its control and management or is vested in it, and may, with the approval of the State Government, close any such road permanently.

Section : 115 Power of supervision by Panchyat Samiti over the Gram Panchyat,etc.

(1) A Panchayat Samiti shall exercise general powers of supervision over Gram Panchayats in the Block and it shall be the duty of these authorities to give effect to the directions of the Panchayat Samiti.

(2) 3A Panchayat Samiti may—

(a) inspect, or cause to be inspected, any immovable property used or occupied by Gram Panchayat within the Block or any work in progress under the direction of a Gram Panchayat,

(b) inspect or examine, or depute an officer to inspect or examine, any department of a Gram Panchayat, or any service, work or thing under the control of the Gram Panchayat,

(c) inspect or cause to be inspected utilisation of funds in respect of schemes or programmes assigned to the Gram Panchayats by the State Government for execution either directly or through the Zilla Parishad [or the Mahakuma Parishad or Council] or the Panchayat Samiti,

(d) require a Gram Panchayat, for the purpose of inspection or examination,—

(i) to produce any book, record, correspondence or other documents, or

(ii) to furnish any return, plan, estimate, statement of accounts or statistics, or

(iii) to furnish or obtain any report or information.

Section : 116 Power of prohibit certain offensive and dangerous trades without licence and to levy fee.

(1) No place within a Block shall [on conviction by a Magistrate,] be used for any trade or business declared by the State Government, by notification, to be offensive or dangerous, without a license, which shall be renewable annually, granted by the Panchayat Samiti, subject to such terms and conditions as the Panchayat Samiti may think fit to impose.

(2) The Panchayat Samiti may levy in respect of any license granted by it under subsection (1) a fee subject to the maximum rate prescribed by the State Government under sub-section (1) of section 133.

(3) Whoever uses without a license any place for the purpose of any trade or business declared under sub-section (1) to be offensive or dangerous, or fails to comply with any condition in respect of such license, shall be punished with a fine, which may extend to one hundred rupees, and to a further fine, which may extend to twenty-five rupees for each day after conviction during which he continues to do so.

(4) The Panchayat Samiti may, upon the conviction of any person for failure to comply with any condition of a license granted under subsection (1), suspend or cancel the license granted in favour of such person.

Section : 117 Power of Panchayat Samiti to grant licence for hat or market :

A Panchayat Samiti may require the owner or the lessee of a hat or market or an owner or a lessee of land intending to establish a hat or market thereon, to obtain a license in this behalf from the Panchayat Samiti on such terms and conditions as may be prescribed and subject to the provisions of section 133, on payment of a fee for such license.

Section : 118 Powers, functions and duties of Sabhapati and Sahakari Sabhapati :

(1) The Sabhapati shall—

(a) be responsible for maintenance of the records of the Panchayat Samiti;

(b) have general responsibility for the financial and executive administration of the Panchayat Samiti;

(c) exercise administrative supervision and control over the work of the staff of the Panchayat Samiti and the officers and employees whose services may be placed at the disposal of the Panchayat Samiti by the State Government;

(d) for the transaction of business connected with this Act or for the purpose of making any order authorised thereby, exercise such powers, perform such functions and discharge such duties as may be exercised, performed or discharged by the Panchayat Samiti under this Act or the rules made thereunder:

(e) exercise such other powers, perform such other functions and discharge such other duties as the Panchayat Samiti may, by general or special resolution, direct or as the State Government may by rules made in this behalf, prescribe.

(2) the Sahakari Sabhapati shall—

(a) exercise such of the powers, perform such of the functions and discharge such of the duties of the Sabhapati as the Sabhapati may, from time to time, subject to rules made in this behalf by the State Government, delegate to him by order in writing:

(b) during the absence of the Sabhapati, exercise all the powers, perform all the functions and discharge all the duties of the Sabhapati;

(c) exercise such other powers, perform such other functions and discharge such other duties as the Panchayat Samiti may, by general or special resolution, direct or as the State Government may, by rules made in this behalf, prescribe.

Zilla Parishad :

Constitution of Zilla Parishad :

Section : 140 Zilla Parishad and its constitution :

(1) For every district, except the district of Darjeeling] the State Government shall constitute a Zilla Parishad bearing the name of the district.

(2) The Zilla Parishad shall consist of the following members, namely:—

(i) Sabhapatis of the Panchayat Samitis within the district, ex officio;

(ii) [(such number of persons, not exceeding three, as may be prescribed on the basis of the number of voters in the area from each Block within the district, the Block being divided {by the prescribed authority} for the purpose into constituencies in the prescribed manner, elected by secret

ballot at such time and in such manner as may be prescribed from amongst the persons whose names are included in the electoral roll, pertaining to any Block within the district, prepared in accordance with such rules as may be made in this behalf by the State Government and in force on such date as the State Election Commissioner may declare for the purpose of an election,) by persons whose names are included in such electoral roll pertaining to the constituency comprised in such Block:]

(3) Every Zilla Parishad constituted under this section 7 shall be notified in the Official Gazette and shall come into office with effect from the date of its first meeting at which a quorum is present.

(4) Every Zilla Parishad shall be a body corporate having perpetual succession and a common seal and shall by its corporate name sue and be sued.

(5) (a) Notwithstanding anything contained in the foregoing provisions of this section, when the area of a district (hereinafter referred to as the former district) is divided so as to constitute two or more districts, for each of the newly constituted districts the State Government shall by notification constitute a Zilla Parishad bearing the name of the district with the following members, namely:—

(i) Sabhapatis of the Panchayat Samitis within the newly constituted district, ex officio;

(ii) the members elected to the Zilla Parishad of the former district under clause (ii) of sub-section (2) from the constituencies referred to therein comprised in the Blocks within the newly constituted district;

(iii) members of the House of the People and the Legislative Assembly of the State elected thereto from a constituency comprising the newly constituted district or any part thereof, not being Ministers;

(iv) members of the Council of States, not being Ministers, having a place of residence in the newly constituted district.

(b) Notwithstanding anything in this Act, every Zilla Parishad constituted under this sub-section shall be deemed to have been duly constituted in accordance with the provisions of this Act and shall come into office with effect from the date of its first meeting at which a quorum is present, and the Zilla Parishad of the former district shall, with effect from the date of coming into office of the newly constituted Zilla Parishads, cease to exist.

(c) The members of the newly constituted Zilla Parishad, other than the ex officio members, shall, subject to the provisions of section 145, hold office with effect from the date of its first meeting at which a quorum is present for the unexpired portion of the term of office of the members of the Zilla Parishad of the former district.

(d) All rules, orders, bye-laws and notifications made or issued from time to time under any law for the time being in force, applicable to the Zilla Parishad of the former district and continuing in force immediately before the coming into office of the newly constituted Zilla Parishads under this sub-section, shall, after the coming into office of the newly constituted Zilla Parishads, continue in force in so far as they are not inconsistent with the provisions of this Act and shall be applicable to the newly constituted Zilla Parishads until they are repealed or amended.

(e) The properties, funds and liabilities of the Zilla Parishad of the former district shall vest in the newly constituted Zilla Parishads in accordance with such allocation as may be determined by order in writing by the prescribed authority, and such determination shall be final.

(6) An order made 1 [under clause (e) of sub-section (5)] may contain such supplemental, incidental and consequential provisions as may be necessary to give effect to such reorganisation.

Power, Function and Duties of Zilla Parishad :

Section : 153 Powers of Zilla Parishad :

A Zilla Parishad shall function as a unit of self-government and, in order to achieve economic development and secure social justice for all, shall prepare—

(i) a development plan for the five-year term of the office of the members, and
(ii) an annual plan for each year by the month of January of the preceding year, in furtherance of its objective of development of the community as a whole and socio-economic upliftment of the individual members of the community and, without prejudice to the generality of the above provisions, shall have power to—

(a) (i) undertake schemes or adopt measures, including the giving of financial assistance, relating to the development of agriculture, fisheries, live-stock, khadi, cottage and small-scale industries, cooperative movement, rural credit, water-supply, irrigation and minor irrigation including water management and watershed development, public health and sanitation including establishment and maintenance of dispensaries and hospitals, communication, primary and secondary education, adult and non-formal education, physical education and games and sports, welfare of students, social forestry and farm forestry including fuel and fodder, rural electrification including distribution, non-conventional energy sources, women and child development, social welfare and other objects of general public utility,

(a) (ii) undertake execution of any scheme, performance of any act, or management of any institution or organisation entrusted to it by the State Government or any other authority,

(a) (iii) manage or maintain any work of public utility or any institution vested in it or under its control and management,

(a) (iv) make grants in aid of any school, public library, public institution or public welfare organisation within the district,

(a) (v) contribute such sums as may be agreed upon towards the cost of maintenance of any institutions, situated outside the district, which are beneficial to, and habitually used by, the inhabitants of the district,

(a) (vi) establish scholarships or award stipends within the State for the furtherance of technical or other special forms of education,

(a) (vii) acquire and maintain village hats and markets;

(b) make grants to the Panchayat Samitis or Gram Panchayats;

(c) contribute, with the approval of the State Government, such sum or sums as it may decide, towards the cost of water-supply or anti-epidemic measures undertaken by the commissioners of a municipality within the district;

(d) adopt measures for the relief of distress;

(e) co-ordinate and integrate the development plans and schemes prepared by Panchayat Samitis in the district; and

(2) A Zilla Parishad shall have the power to advise the State Government on all matters relating to the development work among Gram Panchayats and Panchayat Samitis.

(3) Notwithstanding anything in sub-section (1), a Zilla Parishad shall not undertake or execute any scheme confined to a block unless the implementation of such a scheme is beyond the competence of the Panchayat Samiti concerned financially or otherwise. In the latter case the Zilla Parishad may execute the scheme itself or entrust its execution to the Panchayat Samiti and give it such assistance as may be required:

Provided that a Zilla Parishad may undertake or execute any scheme referred to in sub-clause

(ii) of clause (a) of sub-section (1) confined to an area over which a Panchayat Samiti has jurisdiction.

(4) A Zilla Parishad may undertake or execute any scheme if it extends to more than one block.

Section : 154 Zilla Parishad to have powers of Magistrate in district to which the Vaccination Act extends.

In a district to which the Bengal Vaccination Act, 1880, has been, or may hereafter be extended, the Zilla Parishad shall exercise all or any of the powers exercisable by the Magistrate of the district under section 25 of the said Act.

Section : 158 Power of Zilla Parishad to divert,discontinue or close road :

A Zilla Parishad may divert, discontinue or close temporarily any road, which is under its control and management or is vested in it, and may, with the approval of the State Government, close any such road permanently.

Section : 159 Power of Zilla Parishad to transfer roads to State Government or Panchayat Samiti :

A Zilla Parishad may transfer to the State Government, the commissioners of a municipality, Panchayat Samiti or a Gram Panchayat any road or part of a road or any other property which is under its control or management or which is vested in it, on such terms and conditions as may be agreed upon.

Section : 160 Vesting of Zilla Parishad with certain powers :

(1) A Zilla Parishad may be vested by the State Government with such powers under any local or special Act as the State Government may think fit.

(2) A Zilla Parishad shall perform such functions as may be transferred to it by notification under section 31 of the Cattle-trespass Act, 1871.

(3) A Zilla Parishad shall exercise such other powers, perform such other functions or discharge such other duties as the State Government may, by general or special order, direct.

Section : 162 Power of Zilla Parishad to grant licence for fair or mela :

A Zilla Parishad may require the owner or the lessee of a fair or mela or an owner or a lessee of land intending to hold a fair or mela thereon to obtain a license in this behalf from the Zilla Parishad on such terms and conditions as may be prescribed and on payment of a fee for such license.

Section : 163 Power of supervision by Zilla Parishad over the Panchayat Samiti,etc. :

(1) A Zilla Parishad shall exercise general powers of supervision over Panchayat Samitis and Gram Panchayats in the district and it shall be the duty of these authorities to give effect to any directions of the Zilla Parishad

(2) A Zilla Parishad may—

(a) inspect, or cause to be inspected, any immovable property used or occupied by a Panchayat Samiti under it or any work in progress under the direction of the Panchayat Samiti,

(b) inspect or examine, or depute an officer to inspect or examine, any department of the Panchayat Samiti, or any service, work or thing under the control of the Panchayat Samiti,

(c) inspect or cause to be inspected utilisation of funds in respect of schemes or programmes assigned to the Panchayat Samiti by the State Government for execution either directly or through the Zilla Parishad,

(d) require a Panchayat Samiti, for the purpose of inspection or examination,—

(i) to produce any book, record, correspondence or other documents, or

(ii) to furnish any return, plan, estimate, statement, accounts or statistics, or

(iii) to furnish or obtain any report or information.

(3) Notwithstanding anything contained in the foregoing provisions of this section or elsewhere in this Act, a Zilla Parishad may—

(a) require a Panchayat Samiti or Gram Panchayat to take into consideration any objection which appears to it to exist to the doing of anything which is about to be done or is being done by such Panchayat Samiti or Gram Panchayat or any information which appears to it to necessitate the doing of anything by such Panchayat Samiti or Gram Panchayat within such period as it may fix;

(b) direct a Panchayat Samiti or Gram Panchayat to discharge any duty under this Act within a specified period if such Panchayat Samiti or Gram Panchayat fails to discharge such duty in accordance with the provisions of this Act and, if such duty is not discharged within the period as aforesaid, appoint any person or persons or authority to discharge such duty and direct that the expenses thereof shall be paid by the Panchayat Samiti or the Gram Panchayat concerned within such period as it may fix: Provided that such person or persons or authority shall, for the purpose of discharging the duty as aforesaid, exercise such of the powers under this Act as might have been exercised by the Panchayat Samiti or the Gram Panchayat concerned while discharging such duty;

(c) direct a Panchayat Samiti or Gram Panchayat to levy any tax, toll, fee or rate, if it fails to do so in accordance with the provisions of this Act;

(d) call for meetings of a Panchayat Samiti or any of its Sthayee Samitis or a Gram Panchayat if no meeting of such Panchayat Samiti or Sthayee Samiti or Gram Panchayat is held in accordance with the provisions of this Act or the rules made thereunder,

(4) When a Zilla Parishad takes any action or issues any direction in respect of any Gram Panchayat, such action may be taken and such direction may be issued through and with the assistance of the Panchayat Samiti having jurisdiction.

(5) A Panchayat Samiti or Gram Panchayat, as the case may be, may appeal to the State Government against any direction under clause (b) of sub-section (3) within thirty days from the date of such direction, and the decision of the State Government on such appeal shall be final.

Section : 165 Powers, functions and duties of Sabhadhipati and Sahakari Sabhadhipati :

(1) The Sabhadhipati shall—

(a) be responsible for the maintenance of the records of the Zilla Parishad;

(b) have general responsibility for the financial and executive administration of the Zilla Parishad;

(c) exercise administrative supervision and control over all officers and other employees of the Zilla Parishad and the officers and employees whose services may be placed at the disposal of the Zilla Parishad by the State Government;

(d) for the transaction of business connected with this Act or for the purpose of making any order authorised thereby, exercise such powers, perform such functions and discharge such duties as may be exercised, performed or discharged by the Zilla Parishad under this Act or the rules made thereunder: Provided that the Sabhadhipati shall not exercise such powers, perform such

functions or discharge such duties as may be required by the rules made under this Act to be exercised, performed or discharge by the Zilla Parishad at a meeting;

(e) exercise such other powers, perform such other functions and discharge such other duties as the Zilla Parishad may, by general or special resolution, direct or as the State Government may, by rules made in this behalf, prescribe.

(2) The Sahakari Sabhadhipati shall—

(a) exercise such of the powers, perform such of the functions and discharge such of the duties of the Sabhadhipati as the Sabhadhipati may, from time to time, subject to rules made in this behalf by the State Government, delegate to him by order in writing: Provided that the Sabhadhipati may at any time withdraw the powers and functions delegated to the Sahakari Sabhadhipati;

(b) during the absence of the Sabhadhipati, exercise all the powers, perform all the functions and discharge all the duties of the Sabhadhipati;

(c) exercise such other powers, perform such other functions, and discharge such other duties as the Zilla Parishad may, by general or special resolution, direct or as the State Government may, by rules made in this behalf prescribe.

73rd Amendment of the Constitution of India, 1992 :

73rd Constitutional Amendments was passed by Parliament in December, 1992. Through the amendment of local self-governance was introduced in rural India. The Acts came into force as the Constitution (73rd Amendment) Act, 1992 on April 24, 1993. The amendment added one new part to the Constitution, namely, 73rd Amendment added Part IX titled “The Panchayats”. The Local bodies—‘Panchayats’ came under Part IX of the Constitution after 43 years of India becoming a republic.

Salient Features of the 73rd Constitution Amendment Acts Panchayats will be “institutions of self-government”.

1. Basic units of democratic system-Gram Sabhas (villages) comprising all the adult members registered as voters.

2. Three-tier system of panchayats at village, intermediate block/taluk/mandal and district levels except in States with population is below 20 lakhs (Article 243B).

3. Seats at all levels to be filled by direct elections [Article 243C (2)].

4. Seats reserved for Scheduled Castes (SCs) and Scheduled Tribes (STs) and chairpersons of the Panchayats at all levels also shall be reserved for SCs and STs in proportion to their population.

5. One-third of the total number of seats to be reserved for women. One-third of the seats reserved for SCs and STs also reserved for women. One-third offices of chairpersons at all levels reserved for women (Article 243D).

6. Uniform five year term and elections to constitute new bodies to be completed before the expiry of the term. In the event of dissolution, elections compulsorily within six months (Article 243E).

7. Independent Election Commission in each State for superintendence, direction and control of the electoral rolls (Article 243K).

8. Panchayats to prepare plans for economic development and social justice in respect of subjects as devolved by law to the various levels of Panchayats including the subjects as illustrated in Eleventh Schedule (Article 243G).

9. 74th Amendment provides for a District Planning Committee to consolidate the plans prepared by Panchayats and Municipalities (Article 243ZD).

10. Funds: Budgetary allocation from State Governments, share of revenue of certain taxes, collection and retention of the revenue it raises, Central Government programmes and grants, Union Finance Commission grants (Article 243H).

11. Establish a Finance Commission in each State to determine the principles on the basis of which adequate financial resources would be ensured for panchayats and municipalities (Article 243I).

List of Amendments to W.B. Panchayat Act, 1973 :

- a. West Bengal Panchayat Act, 1973
- b. W.B. Panchayat (Amendment) Act,2010
- c. W.B. Panchayat (2nd Amendment) Act,2010
- d. West Bengal Panchayat (Amendment) Ordinance,2012
- e. W.B. Panchayat (Amendment) Act,2012
- f. W.B.Panchayat (2nd Amendment)Act 2012
- g. The W.B. Panchayat Amendment Act, 2014
- h. The W.B. Panchayat Second Amendment Act,2014
- i. The W.B. Panchayat Amendment Act, 2015
- j. West Bengal Panchayat Amendment Act 2017

Role of Panchayati Raj Institution :

Panchayati Raj Institution is becoming a social foundation of democracy in the country and a powerful instrument, not only in the political but also in the social and economic fields. Panchayat can be called as a watchdog of the village and pivotal agency for unleashing comprehensive rural development. As a result, success in the realm of land reforms can be appreciated from the success in the working of panchayat. The pattern of implementation of land reform measures can be visualized mainly form two contents viz., the progress in the recording of the names of the Bargadars, a programme known as ‘Operation Barga’ and secondly, from the total quantum of vested land distributed to the marginal and landless farmers.

It may be agreed with little doubt that the Government of West Bengal in the recent past has accomplished a relatively praiseworthy task in the agrarian front by revitalizing the age old panchayats and thereby making it the chief agency in the overall task of rural development. If the electoral success of the ruling force in West Bengal is takes into consideration, then it can be safely argued that panchayat in West Bengal has succeeded, to an extent, in delivering the desired goods to the people dwelling in the rural countryside.

The Britishers destroyed the traditional village artisan and cottage industry in order to further their own interest and made land a salable commodity by introducing the Permanent Settlement Act of 1793. As a result, the process of pauperization of the peasantry started for the first time in India and the country took the path of capitalistic development and brought in drastic transformation in the entire socio-economic and political fabric in the then India. For this reason, Karl Marx categorized the British rule as “the only genuine social revolution in the Indian soil”.

The Britishers apart from furthering their economic interest also tried to build a solid social base in the form of zamindars to act as a feed back to carry on the rule of tyranny and oppression over the large army of peasant folk. As a result, the newly-created zamindars, the product of Permanent Settlement Act, were made the overall masters over the village communities. Armed with the power of hereditary ownership rights over land, after the enactment of the Permanent

Settlement Act, the entire socio-economic fabric of the then Bengal Presidency got completely transformed, in tune with capitalist trends. Against the dual onslaught of the British masters and native zamindars, the peasantry of Bengal began to unite and consolidate themselves and soon began to burst out into a series of revolts, which were both anti-British (anti-imperialist) and anti-zamindar (antifeudal) in character. The Wahabi, Farazi, Kol, Bhil, Fakir, Sanyasi uprisings etc. are the few examples of peasants' insurrections having both the anti-imperialist and anti-feudal temper. These recurrent movements helped to the formation of consciousness and assertiveness among the peasants in Bengal.

In the third decade of 20th century the 'Bangiya Pradeshik Krishak Sabha' (BPKS) was formed and under its leadership the peasants fought unitedly, to the true heritage of anti-feudal and anti-imperialist character, cutting across political affiliation, values, beliefs, and religions with the ultimate aim of ending the long-drawn anti-people British rule in India and thereby eradicating the evils of zamindari system.

Thus from the historic past the peasantry of Bengal was somewhat united and consolidated and succeeded to an extent to resist the severest form of onslaught over them which succeeded in creating a revolutionary potential within themselves. It may be described as that the panchayat in West Bengal is the index of strength of the rebelling peasantry.

It is not merely that the political will of the present ruling front in West Bengal is enough to create this pro-poor panchayat system as the effective pillar of democracy and a meaningful means of decentralized planning system on the basis of popular participation. Rather, it is due to the consciousness and assertiveness of peasantry that the panchayats are acting according to the wishes of the rural have-nots.

The long legacy and heritage of peasant resistance and recurrent popular upsurge "from below" have made the sub-alterns of Bengal, a more formidable and potential class of oppressed than it is found in other states. More over, for sufficient consolidation of the small peasantry and due to the sustained peasant movement for enforcing different land laws in independent India, the skewed pattern of landholding system was effectively curtailed thereby paving way for creating an egalitarian socio-economic fabric in West Bengal. In other words, panchayats in West Bengal has been fairly successful in playing a pivotal role in importing the overall task of rural development, with land reforms as a major component.

Conclusion and Suggestions :

Conclusion :

The present study makes an empirical analysis of the working of village panchayats in West Bengal in leadership context . It is based on the study of the Village Panchayats. The study has examined the role of Panchyati leadership in realizing the objectives of West Bengal New Panchayati Act 1994 , with special reference to democratic decentralizaion , modernization , decision-making , and political linkage.

A brief discussion has been made on Structure and Development of Panchyati Raj . It is found that in the eleventh Scheduled, the act is giving discretion the PRIs to select schemes depending on local resources and problems . It may be added that prospect of PRIs would be on increase keeping in mind the pace of economic liberalisation in India . In fact , they would become watchdog bodies to ensure proper implementation of the generation programmes like the JRY, poverty alleviation and special programmes like IRDP, TRYSEM , and area development programmes like DPAP, DDP, etc., all schemes falling under MNP and programmes of the nature of local development

works .In fact, the PRIs would play an important role in accelerating socioeconomic development in rural areas .

It can be observed that the democratisation of our pluralistic society can not be ensured merely through and administrative actions of the state. These enabling provisions will require massive mobilization support and non-governmental organizations academics and professional bodies political parties and other groups should involve themselves in exerting pressure to restore power to the place where it belongs .For the entire exercise of decentralization ,people like school teachers , progressive farmers, social workers and professionals should involved . The Panchayati Raj system is at the cross-roads. We are to choose a path for progress and development ,devoid corruption, nepotism and venality , A strong and honest leadership at the top is a necessary condition .but it is not sufficient to attain this goal

Suggestions :

1. The members, both of PRIs and SHGs, get politically empowered in the sense of greater awareness, ability, leadership, education in governance and a larger vision of autonomy and self reliance or get more 'administered' and increasingly apolitical or anti-political.

2. There has been a change of policy in real terms towards an integrated approach of development of PRIs and Rural Development to one of rural development through a Convergence Model in which PRIs are no longer seen as the primary agents of democratic decentralization.

3. In West Bengal, Panchayati Raj System is excellent but there are some recommendations which are follows –

- i. lack of interest in community participation.
- ii. people are becoming more concerned about their interest.
- iii. lack of administrative knowledge.
- iv. limited resources.
- v. lack of co-ordination.
- vi. superiority of political people.
- vii. unripe of Indian villagers.

REFERENCES

Books:

- (1) Singh, M. P., The Constitution of India, Delhi Law House, Delhi, 4th Edition 2015.
- (2) Bakshi, P. M., The Constitution of India, Universal Law Publishing Co. Pvt. Ltd., Delhi, 3rd Edition 1996.
- (3) Pandey, Dr. J. N., Constitutional Law of India, Central Law Publications, Allahabad, 49th Edition 2012.
- (4) Roy, M., The West Bengal Panchayat Act, 1973, TAX'N LAW, Kolkata, Edition 2011.

Websites:

- (1) http://webcache.googleusercontent.com/search?q=cache:NJ24E0XNWBkJ:shodhganga.inflibnet.ac.in/jspui/bitstream/10603/156740/13/13_chapter%25204.pdf+%&cd=8&hl=en&ct=clnk&gl=in. 01 February 2018.
- (2) http://shodhganga.inflibnet.ac.in/bitstream/10603/2970/13/13_chapter%209.pdf. 01 February 2018.
- (3) http://www.wbja.nic.in/wbja_adm/files/The%20West%20Bengal%20Panchayat%20Act,%201973.pdf. 01 February 2018.

- (4) http://www.atiwb.nic.in/index_htm_files/Local_Self_Governance.pdf. 01 February 2018.
- (5) <https://academy.gktoday.in/article/constitution-73rd-amendment-and-panchayati-raj-in-india/>. 01 February 2018.
- (6) http://www.wbja.nic.in/wbja_adm/files/The%20West%20Bengal%20Panchayat%20Act,%201957.pdf. 02 February 2018.
- (7) <https://www.importantindia.com/11849/powers-and-functions-of-gram-panchayat/>. 02 February 2018.
- (8) <http://www.agriinfo.in/default.aspx?page=topic&superid=7&topicid=552>. 02 February 2018.
- (9) <http://www.agriinfo.in/default.aspx?page=topic&superid=7&topicid=554>. 02 February 2018.
- (10) http://webcache.googleusercontent.com/search?q=cache:6dPMHO59oYJ:hooghlyprd.org/get_order_guidelines.php%3Fid%3D263+&cd=2&hl=en&ct=clnk&gl=in. 02 February 2018.
- (11) http://shodhganga.inflibnet.ac.in/bitstream/10603/2970/13/13_chapter%209.pdf. 03 February 2018.
- (12) http://shodhganga.inflibnet.ac.in/bitstream/10603/165904/10/10_chapter_01.pdf. 03 February 2018.
- (13) <http://www.yourarticlelibrary.com/constitution/73rd-amendment-of-the-constitution-of-india-1992-summary/46681>. 03 February 2018.
- (14) <http://personal.lse.ac.uk/ghatak/epw.pdf>. 03 February 2018.
- (15) http://shodhganga.inflibnet.ac.in/bitstream/10603/165904/11/11_chapter_02.pdf. 03 February 2018.
- (16) http://shodhganga.inflibnet.ac.in/bitstream/10603/155627/14/14_conclusion.pdf. 04 February 2018.
- (17) http://shodhganga.inflibnet.ac.in/bitstream/10603/13368/11/11_chapter%205.pdf. 04 February 2018.
- (18) http://siprd.org.in/upload_file/pri_rd_acts/wb_pachayat_act_1973_rules.pdf. 04 February 2018.
- (19) <https://wb.gov.in/portal/web/guest/relevant-acts32>. 04 February 2018.
