

## **Powers and Functions of Gram Panchayat**

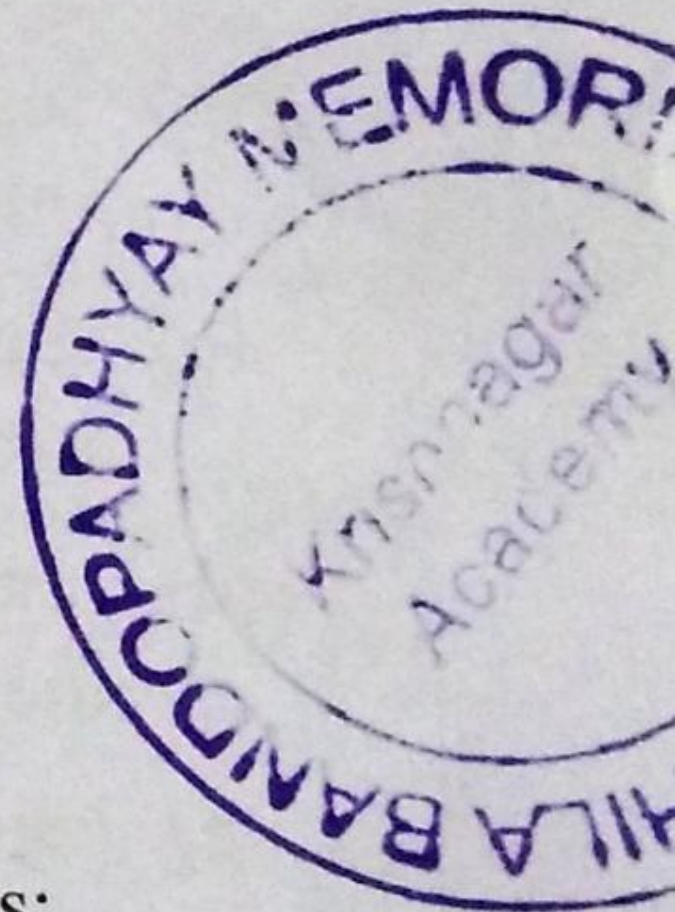
The powers and functions of Gram Panchayat are more or less similar in all the States.

The Gram Panchayat performs several functions—rule-making, rule implementation, financial functions and even minor judicial functions.

These functions can be broadly divided into two categories—obligatory and discretionary. They cover a wide range, including civic administration, cultural, social and development activities from sanitation, conservancy, crop experiments, promotion of cottage industries to the registration of births and deaths.

**(A) General Powers and Duties.** Subject to such rules as may be prescribed, it is the duty of the Gram Panchayat, within the limits of the funds at its disposal, to make arrangement for satisfying the needs of its area in respect of the following matters, including all subsidiary works and buildings connected therewith :

1. any public place including its sanitation, the drains ;
2. wells, water pumps, baolies, springs, ponds and tanks for the supply of water for drinking, washing and bathing ;
3. burial and cremation grounds ;
4. the lighting of public places ;
5. buildings for the accommodation of travelers ;
6. ponds for animals ;
7. the relief for the poor ;
8. public health and sanitation ;
9. the organisation and celebration of public festivals, other than religious festivals;
10. the improvement of the breeds of animals used for agricultural or domestic purpose;
11. public gardens, playgrounds, establishment and maintenance of recreation parks, organization of games and sports, supply of sports materials and holding of tournaments;





12. libraries and reading rooms ;
13. the voluntary registration of the sales of cattle, camels and horses ;
14. the development of agriculture and village industries;
15. starting and maintaining a grain fund for the cultivators and lending them seed for sowing purposes on such conditions as the Gram Panchayat may approve ;
16. the construction, repair and maintenance of public places and buildings of public utility ;
17. allotment of places for preparation and conservation of manure;
18. construction and maintenance of culverts and bridges ;
19. the laying out of new roads and pathways and maintenance of existing ones ;
20. framing and carrying out schemes for the improved methods of cultivation and management of land to increase production ;
21. supply of water for domestic use and for cattle ;
22. the organization of 'Young Farmers Club' and 'Mahila Mandal' for the organization of games and sports and execution of development, social and cultural works in the Sabha area;
23. planting and preservation of trees ;
24. measures to promote the moral, social and material well-being or convenience of the inhabitants of the Sabha area ;
25. community listening; and
26. organizing of village voluntary force for watch and ward and for assisting the executive in the discharge of its functions.

**(B) Power to make General Order.** A Gram Panchayat may, by general order to be published in the manner prescribed :

- (a) prohibit the use of water of a well, pond or other excavation suspected to be dangerous to the public health ;
- (b) regulate or prohibit the watering of cattle or bathing or washing at or near wells, ponds or other excavations, reserved for drinking water ;
- (c) regulate or prohibit the steeping of hemp or any other plant in or near ponds or other excavation within two hundred and twenty yards of the residential area of a village ;
- (d) regulate or prohibit the dyeing or tanning of skins within four hundred and forty yards of the residential area of a village ;
- (e) regulate or prohibit the excavations of earth or stones or other materials within two hundred and twenty yards of the residential area of a village;
- (f) regulate or prohibit the establishment of brick-kilns and charcoal kilns within eight hundred and eighty yards and pottery-kilns two hundred and twenty yards of the residential area of a village.



**(C) Powers to Enquire and Report about misconduct of Petty Officials.** On a complaint being made to the Gram Panchayat by any person that a peon, constable, chowkidar, patrol of the Irrigation Department, forest guard, patwari, canal overseer, head constable, game watcher or any other class of public servants to which Government may by notification extend the provisions of this section has misconducted himself in his official capacity, the Gram Panchayat may enquire into the matter and submit a report along with the *prima facie* evidence to the superior officer whom it may concern, or the Deputy Commissioner or the Sub Divisional Officer as the case may be.

The authority shall, after such further enquiry, as may be required, take suitable action and inform the Gram Panchayat of the result.

A Gram Panchayat can direct that intoxicating liquor may not be sold at any licensed shop within the local area of the Gram Panchayat.

The Gram Panchayat may with the consent of district board start managing and regulating new fairs, and markets with such conditions to the share of income securing there from as may be mutually agreed upon.

**(D) Power to Name Streets and Numbering of Houses.** A Gram Panchayat may select a name to be given to a street by affixing into or painting it on any building or otherwise in such a position or manner as it may think fit:

Cause a number to be affixed to or painted on any building in such a position or manner as it may think fit ;

A Gram Panchayat shall, if so prescribed by Government and so far as practicable assist any government servant in the performance of his duties within its area :

Provided that no work costing more than five hundred rupees shall be entrusted to, or undertaken by a Panchayat except with the previous approval of the Director, Local Bodies.

**(E) Judicial Functions in respect of Criminal Offences.** Every Panchayat with enhanced powers, and every Adalti Panchayat shall have jurisdiction to try :

1. the offences mentioned in Schedule—B of the Gram Panchayat Act, 1952 provided that the value of the property concerned with the offence is not in excess of two hundred and fifty rupees, shall not empower the said Panchayats to try any person liable to enhance punishment under section 75 of the I.P.C.
2. any other offence, not punishable with imprisonment for more than two years, which Government may by notification, declare to be triable by such Panchayats.

For the purpose of deciding whether an offence falls within the jurisdiction of a Gram Panchayat, the provisions of sections 179 to 182 of the Code of Criminal Procedure 1898, shall apply. Panchayat shall be deemed to be a criminal court when trying criminal case.

Any person who wishes to institute a criminal case before a Panchayat shall make a complaint orally or in writing to the Sarpanch, and in his absence to any Panch and shall at the same time pay the fee as prescribed in Schedule III.

The Panchayat may, after examining the complaint, and after further enquiry, if necessary, either dismiss the complaint or summon the accused to attend.



If the complainant fails to appear on the date fixed for hearing or if in the opinion of the "Panchayat" he shows negligence in prosecuting the case, the Panchayat may dismiss the case and such order shall, subject to the provisions of the sub-section (3), operate as an acquittal.

If the complainant satisfies the Panchayat that his absence was due to some unavoidable cause and that he could not notify the Panchayat thereof before the hearing, the Panchayat may revive the proceeding.

If at any time it appears to the Panchayat that the offence is one for which the sentence which the Panchayat is competent to pass would be inadequate, it shall send the record of the case by order in writing to the District Magistrate.

If the accused fails to appear or cannot be found, the Panchayat shall report the fact to the nearest Magistrate.

The Magistrate shall issue a warrant for the arrest of the accused and shall direct by endorsement of the warrant that if such person presents himself in the manner provided by section 76 of the Code of Criminal Procedure, 1898, he shall be released from custody.

When the accused appears before the magistrate, he shall direct him to execute a bond with or without sureties to appear before the Panchayat, Sarpanch, or any Panch on such date as he may direct and thereafter to continue to appear before the Panchayat as directed by such person or the Panchayat.

On his failure to execute such bond, the magistrate shall order that the accused be produced in custody before the person mentioned in sub-section (3) of the Panchayat Act on such date not more than fifteen days later as he may direct.

If the accused fails to appear before the Panchayat after executing a bond under sub-section (3), the Panchayat shall report the fact to the Magistrate before whom the bond was executed, and such Magistrate shall proceed in accordance with the provisions of Chapter XLII of the Code of Criminal Procedure, 1898.

**(F) Civil, Revenue and Judicial Functions.** Notwithstanding any other law for the time being in force and subject to the other provisions of this Act, the jurisdiction to try any of the suits mentioned hereunder shall vest in a Panchayat :

- (a) suits for the recovery of movable property or the value of such property;
- (b) suits for money or goods sold on contracts, or price thereof ;
- (c) suits for compensation for wrongfully taking or injuring movable property; and
- (d) suits mentioned in clause (i), (k), (l) and (n) of Sub-section (3) of Section 7-7 of the Punjab Tenancy Act, 1887.

Thus the Gram Panchayats have been assigned a large number of functions.

In some States like Assam, Bihar, U.P. and Orissa, the Panchayats are also required to make arrangements for watch and ward duties. With the introduction of Panchayati Raj, greater and greater emphasis is being placed on the developmental functions of Gram Panchayats which include agriculture, animal husbandry, cooperation, minor irrigation, village industries, primary education, local communications, sanitation, health and local amenities, etc. Besides, there are enabling



## II. THE PANCHAYAT SAMITI: THE INTERMEDIATE LEVEL PANCHAYATI RAJ INSTITUTION

The Panchayat Samiti is the intermediate tier in the Panchayati Raj system. In different States, the Panchayat Samitis have been given different names. Madhya Pradesh calls them the Janapada Panchayats, Assam, the Anchalik Panchayats, Tamil Nadu, the Panchayat Union Councils and U.P., the Kshetra Samitis. The Taluka level body is known in Gujarat as the Taluka Panchayat and in Karnataka as the Taluka Development Board.

**The most popular name, however, happens to be Panchayat Samiti.**

**1. Area of Jurisdiction.** In a majority of States, the jurisdiction of a Panchayat Samiti is co-extensive with the block, which is generally a smaller unit compared with the Taluka. In some States the jurisdiction of this intermediate tier is co-extensive with that of the Taluka.

**2. Membership and Constitution of Panchayat Samiti.** This intermediate tier of the Panchayati Raj generally comprises the following categories of members : (i) Six to ten members of the Panchayat Samiti are elected directly by the voters of all the constituencies falling within the area of the Panchayat Samiti. In fact one member of the Panchayat Samiti is elected for a population unit of 15000. (ii) elected representatives of the Sarpanches of Panchayats, (iii) local MLAs and MLCs (with or without the right to vote), (v) persons representing women, scheduled castes and tribes whose seats are reserved. (vi) In every Panchayat Samiti seats are reserved for SCs, women, and OBCs. Not more than 1/3rd of all the seats that stand reserved for SCs are, reserved for women belonging to SCs.

1/3rd (Now 1/2) of seats, out of the total number of directly elected seats of a Panchayat Samiti stand reserved for women.

**3. Tenure.** The term of Panchayat Samiti is five years in all the states.

**4. Meetings.** A Panchayat Samiti ordinarily meets at the least six times each year for the transaction of its business and not more than two months are to be allowed to be elapsed between any two successive meetings. A meeting of Panchayat Samiti is either ordinary or special. Any business can be transacted at an ordinary meeting unless required by this Act or the rules made thereunder to be transacted at a special meeting. The date of every meeting is fixed by the Chairman, or in his absence by the Vice-Chairman. Notice of every meeting specifying the time and place thereof and the business to be transacted thereat is dispatched to every member of the Panchayat Samiti and exhibited at the office of the Samiti not less than ten clear days before an ordinary meeting and four clear days before a special meeting.

Any meeting of a Panchayat Samiti can, with the consent of the majority of the members present, be adjourned and its business can be transacted at the next following meeting.

At every meeting of a Panchayat Samiti the Chairman or President, if present, or in his absence, the Vice-Chairman or Vice-President, and if there be no Chairman or Vice-Chairman present then such one of its members as the members present may elect, presides over the meeting.

**5. Chairman and Vice-Chairman of the Panchayat Samiti.** The Panchayat Samiti, in its very first meeting elects two of its members as Chairman and Vice-Chairman. Chairmanships of at least 1/3<sup>rd</sup> (Now 1/2) Panchayat Samitis stand reserved for women members. Likewise, the some of these



offices stand reserved for members belonging to SCs. The tenure of the Chairman is equal to the tenure of the Panchayat Samiti. Further, the members of a Panchayat Samiti can remove the Chairman by passing a resolution by a 2/3rd majority. This can be done only in a special meeting of the Panchayat Samiti. But a removal resolution can be passed only after the expiry of two years of his term and in case such a resolution is rejected by the Panchayat Samiti, a fresh removal resolution can be moved only after two years.

**6. Quorum.** For the transaction of business at a meeting of a Panchayat Samiti, the quorum has been fixed as the majority of total members.

Even Panchayat Samiti is helped in its work by a BDO/BDPO and a team of Block Extension Officers who are specialist of various fields.

## POWERS AND FUNCTIONS OF PANCHAYAT SAMITI

**1. Agriculture.** Doing everything necessary to step up agricultural production and in particular :

- (i) multiplication and distribution of improved seeds ;
- (ii) distribution of fertilizers ;
- (iii) popularisation of improved techniques, methods and practices and improved implements ;
- (iv) achieving self-sufficiency in green manure and composting of farm-yard manure;
- (v) encouraging fruit and vegetable cultivation ;
- (vi) reclamation of land and swamps and conservation of soil ;
- (vii) providing credit for agriculture purposes ;
- (viii) propagating and assisting in plant protection methods ;
- (ix) laying out demonstration plots and working out better methods of farm management ;
- (x) bringing more area under irrigation by renovating and sinking wells, repairing and digging private tanks and maintaining government minor irrigation sources and supply channels ;
- (xi) utilising more power for agricultural purposes ;
- (xii) exploiting underground water sources by sinking wells, filter points and tube-wells;
- (xiii) tree planting; and
- (xiv) growing of village forests.

**2. Animal Husbandry and Fisheries.**

- (i) Upgrading local stock by introducing pedigree breeding bulls and castrating scrub bulls ;
- (ii) introducing improved breeds of cattle, sheep, pigs and poultry ;
- (iii) controlling contagious diseases by systematic protection ;
- (iv) introducing improved fodders and feeds ;
- (v) establishing and maintaining of artificial insemination centres ; first aid centres and minor veterinary dispensaries ;
- (vi) dairying and milk supply ;



- (vii) developing inland fisheries ;
- (viii) educating the people about the importance of cattle for both milk and draught.

### 3. Health and Rural Sanitation.

- (i) Maintenance and expansion of health services including vaccination and control of epidemics ;
- (ii) provision of protected drinking water facilities ;
- (iii) dissemination of knowledge regarding family planning ;
- (iv) inspection of aushdhalayas, dispensaries, maternity centres and primary health centres ;
- (v) carrying out environmental sanitation and health campaigns and educating the public in : (a) nutrition, (b) maternity and child health and (c) communicable diseases ;
- (vi) popularising smokeless *Chullahs* ;
- (vii) anti-malarial measures and destruction of locusts, rats and other pests.

**4. Communication.** Construction, repairs and maintenance of inter-village roads and culverts on such roads and other means of communication.

**5. Social Education.** The creation of a new outlook among the people and making them self-reliant, hard-working and responsive to community action and in particular :

- (i) establishment of information, community and recreation centres ;
- (ii) establishment of Youth Organisation, Mahila Mandals, Farmer Clubs, Villager Clubs and the like ;
- (iii) establishment and popularisation of libraries ;
- (iv) organisation of watch and ward ;
- (v) encouragement of physical and cultural activities ;
- (vi) organisation of voluntary sanitary squads ;
- (vii) training and utilisation of the services of Gram Sahayaks.
- (viii) promotion of physical culture by encouragement of games and sports.

### 6. Co-operation.

- (i) Promotion of co-operation by helping in the establishment and strengthening of service co-operatives, industrial, irrigation, farming and other societies;
- (ii) participation in and assistance to service co-operatives.

### 7. Miscellaneous.

- (i) Development of cottage and small scale industries in order to provide employment opportunities and to promote village self-sufficiency ;
- (ii) management of all property vested in the Panchayat Samiti ;
- (iii) inspection and maintenance of serais, rest-houses, markets, public parks and gardens and other public institutions ;



- (iv) securing or removing dangerous buildings or places ;
- (v) regulation and control of vehicular traffic on roads other than motor traffic ;
- (vi) construction, repair and maintenance of relief works, relief houses and other measures of relief on account of famines, floods, earthquakes, and calamities of like nature ;
- (vii) management of such public ferries as may be entrusted to the charge of the Panchayat Samiti ;
- (viii) establishment and management of ponds ;
- (ix) Organization and management of Panchayats Samiti fairs, agricultural shows and industrial exhibitions ;
- (x) encouragement of thrift through small savings and insurance ;
- (xi) disposal of unclaimed dead bodies ;
- (xii) management of any property vested in the government which the government may entrust to the Panchayat Samiti ;
- (xiii) registration of births, deaths and marriages ;
- (xiv) regulation of offensive and dangerous trades and practices.
- (xv) any other local works or measures likely to promote the health, comfort, convenience and interest of the public ;
- (xvi) any other matter which the government may generally or in respect of a particular Panchayat Samiti declare to be fit and appropriate matter to be brought under the control and administration of the Panchayat Samiti.

Panchayat Samitis have an impressive list of functions and responsibilities. These do not have their own financial resources. Their resources mainly consist of a share in the land or local cess and duty on transfer of property, community development grants and funds allotted by the State government or the Zila Parishad for specific schemes. These resources are found grossly inadequate in terms of their responsibilities. With such inadequacy of funds, Panchayat Samitis have not been able to give adequate attention to the maintenance of roads, buildings, furniture in schools and other such work.

Though Panchayat Samities, in many States, are statutorily made responsible for the preparation of block development plans with regard to agricultural production, industries etc., the Samitis do not seem to have made appreciable impact in this regard.

Each Panchayat Samiti operates through its statutory committees. Generally speaking, they deal with : (1) production programmes, (2) social welfare, (3) cooperatives, cottage industries, etc., (4) education, rural water supply, health and sanitation, (5) communication and other allied subject, and (6) finance, taxation and administration. The number of these committees varies from a minimum of three in the Punjab to a maximum of eight in Bihar. The Assam Act provides for the constitution of any number of committees. The statutory committees exercise only the powers delegated to it by the Panchayat Samiti.

The Panchayat Samitis, like other Panchayati Raj institutions, have not been very successful in carrying out their work. The team of extension officers led by BDPO has, however, been doing a



good work towards the implementation of development Schemes. After the revamping of Panchayati Raj by the 73rd Amendment Act, the Panchayat Samitis are trying to act more effectively and efficiently as instruments of rural development in their respective areas.



Answer the following:

1. State all the functions of Gram Panchayat.
2. Discuss the composition along with the meetings of the Panchayat Samiti.
3. Mention all the functions of the Panchayat Samiti.