

## Local Government (Panchayati Raj or Rural Local Self Government)



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- Added by 73 CAA 1992
- Part IX
- 11th Schedule
- Article 243-243O
- Panchayat word was mentioned under Arc-40 (Gandhian DPSP)
- As per the amendment act 29 State subjects should be transferred to Panchayats

- 24 April:Panchayati raj day

## Levels of Rural Local Government

- Zila Parishad/District Panchayat/District Council
- Block Level:Panchayat Samiti/Janpad Panchayat
- Village Level/Gram Panchayat

## Evolution of Panchayati Raj System

- Balwant Rai Mehta Committee:Appointed and submitted its report in 1957
  - Recommended establishment of Democratic decentralisation(Panchayati Raj)
  - 3 Tier system
  - On 2 Oct 1959,Rajasthan was the first state to adopt these recommendations in Nagaur District
  - Second was Andhra Pradesh in 1959
- Ashok Mehta Committee:Established in 1977 & Submitted report in 1978
  - Recommended Two Tier system i.e District level and Mandal Level
  - Recommended the constitutional status for Panchayati Raj
- GVK Rao Committee:Established in 1985 during the time of Rajiv Gandhi
  - Set up by planning commission
  - Recommended that power should be given at District level
- LM Singhvi Committee(1986):Demanded constitutional status for Panchayati Raj

- Thungon committee and Gadgil committee in 1988 also demanded for constitutional status

#### Notes:

- Rajeev Gandhi Government after all these recommendations passed a law for constitutional status of Panchayati raj in Lok sabha 64CA 1989 but it was not accepted in Rajya sabha
- VP Singh after that also tried for the same but his government fall
- Finally Narshimha Rao Govt passed 73 CA 1992 which was enforced from 24 April 1993 adding 11the schedule with Part IX (243-243O)
- 243 G describes the power of Panchayat ,29 subjects were decided to be given to Panchayats like Fisheries,Agriculture, Drinking water etc

### Provisions for Panchayats

Compulsory	Voluntary
Village,Intermediate and District level estb	Devolution of Powers(Which power to be given will be decided by state)
Direct election for all Members of Panchayat	Granting Financial Powers
Indirect election for the chair person of Block and district level	Representation of Parliament and state legislature to be decided by State govt
21 Years age	Seats reserved for OBC
Reservation for SC and ST with Minimum 1/3 for Women	

SEC and SFC	
5 year tenure for Panchayats	
Presence of Gram Sabha(Registered voters of particular area)	

## Features of 73 CA 1992

- Presence of Gram Sabha(Registered Voters)
- 3 Tier System
- Election of all the members in all levels will be direct but election of Chairperson for Block and Zila level will be indirect
- Village level chair person will be decided by state legislature
- Reservation will be in proportion of Population for SC,ST and minimum 1/3 for Women and Reservation of OBC will be decided by State Legislature
- Tenure will be 5 years and if dissolved before that then election must be within 6 months
- Disqualification will be decided by State Legislature
- State election commissioner will be appointed by the Governor
- State finance commission will be established in every 5 years by the governor to work for the distribution of taxes between State and Panchayats
- Auditing provisions will be decided by State legislature
- Application for UTs will be decided by President
- Exempted areas or states like Nagaland,Mizoram etc
- Continuance of existing laws:1 year time was allotted to adopt new provisions from 24 April 1993
- \* Bar on court to interfere in the electoral disputes of Panchayats.Will be decided by State Legislature



## Provisions of Panchayat Extension to Scheduled Areas Act-1996(PESA)

- This act was passed for those areas where part IX is not applicable i.e 5th schedule areas
- Under Schedule 5, Socially and economically backward areas are included with an objective to protect the Tribes of those areas
- Difference between tribes of 5 and 6 the schedules is that in 5th schedule particular tribe is living in one area whereas in 6th schedule many tribes are living in particular area
- Also 5th schedule tribes are properly mixed up with the people whereas 6th schedule tribes are not ..
- In short 6th schedule Tribes are the real tribes(Need more protection)
- Under 5th schedule 10 states are present and central govt also has the responsibility to protect them
- Parliament passed PESA act to be applicable in schedule areas and these areas will be identified by President
- At present, Scheduled Areas have been declared in the States of Andhra Pradesh ,Telangana,Chhattisgarh, Gujarat, Himachal Pradesh, Jharkhand, Madhya Pradesh, Maharashtra, Odisha and Rajasthan.
- Objective is to extend part IX with modifications

### **Note:**

- *Gram Sabha is the Sabha of the electorate.*
- *The term Gram Sabha is defined in the Constitution of India under Article 243(b). Gram Sabha is the Sabha of the electorate. All other institutions of the Panchayati Raj like the Gram Panchayat, Block Panchayat and Zilla Parishad are constituted by elected representatives.*

- *Persons, those who are above 18 years of age, living in the village and whose names are included in the electoral rolls for the Panchayat at the village level are the members of Gram Sabha.*

## Features of PESA Act

- Panchayats in scheduled areas should be made in accordance with the Social-Religious practises
- Gram sabha at every village level
- Gram sabha will have the power to safeguard and preserve the traditions ,customs and cultural identity
- Gram sabha will approve the plans and will also decide the beneficiary for poverty alleviation program
- Village panchayats has to take Permission from Gram Panchayat to use the funds
- All seats of Chairperson and half seats of members will be reserved for Tribal people(STs)
- Acquisition of land will be done after permission from Gram sabha
- Gram sabha will provide lease for mining of Minor minerals
- Ownership of Minor Forest products will also be under Gram sabha
- PESA empowers Gram Sabha to prevent alienation of land in the Scheduled Areas and take appropriate action to restore unlawfully alienated land of a Scheduled Tribe. The Gram Sabha must ensure that no land belonging to Scheduled Tribes is transferred to non- ST persons.

## Notes:

- *Bhil is the most Populous Tribe of India*

- *Gonds is the second most Populous*