

GOVERNMENT OF INDIA
MINISTRY OF PANCHAYATI RAJ
LOK SABHA
UNSTARRED QUESTION NO. 394
TO BE ANSWERED ON 17.11.2016

NON ACHIEVEMENT OF PRIS

394. DR. THOKCHOM MEINYA
SHRI SUMAN BALKA

Will the Minister of PANCHAYATI RAJ be pleased to state:

- a) whether Panchayati Raj Institutions have failed to live up to the expectation as envisaged by the 73rd Constitution Amendment Act;
- b) if so, the details thereof and reasons therefor;
- c) whether all the States/UTs, in compliance with the mandatory provisions of the Constitution (Seventy Third) Amendment Act, 1992 have enacted legislations for establishing/ setting up structures/systems/processes of Panchayati Raj Institutions (PRIs) and if so, the details thereof;
- d) whether the sorry state of affairs in Panchayat system is also due to State and bureaucratic indifference;
- e) if so, the details thereof and measures contemplated by the Union Government to rectify and improve the system; and
- f) whether the State Governments have the powers to supersede PRIs and if so, the details thereof?

ANSWER

MINISTER OF STATE IN THE MINISTRY OF PANCHAYATI RAJ
(SHRI PARSHOTTAM RUPALA)

(a),(b),(d) &(e): After incorporation of Part IX in the Constitution by the Seventy Third Constitutional Amendment Act, 1992, the Panchayati Raj system has been institutionalised in the States where provisions of this Part are applicable. The Constitution recognizes 'Panchayats' as 'institutions of self-government'. 'Panchayats' being 'Local Bodies' is a State subject mandated under Part IX and List II (State List) of Seventh Schedule (Article 246) of the Constitution. Article 243G allows discretion to State Legislatures to endow, the Panchayats with powers and authority to enable them to function as institutions of local self-governance. The extent of fulfilment of aspirations of citizens is dependent on the extent to which funds, functions and functionaries are devolved to the local bodies and the extent of their capacitation to fulfil these roles. The States vary significantly in the extent to which they have devolved funds, functions and functionaries to the Panchayats to plan, implement and monitor schemes for economic development and social justice.

The implementation of the provisions of Part IX of the Constitution is reviewed with the State Governments from time to time through meetings and discussions. States are encouraged to devolve powers to Panchayats for sustainable decentralization and inclusive development. The annual Devolution Index Report and the State of Panchayati Raj Reports commissioned by the Ministry of Panchayati Raj (MoPR) assess the periodic changes in policy and legislative framework of the State in respect of Panchayati Raj.

(c): Mandatory provisions incorporated in Part IX of the Constitution are given at Annex-I. These mandatory provisions have been generally fulfilled by all States and Union Territories (UTs) where Part IX of the Constitution is applicable except that elections to Panchayats have not been held in the UT of Puducherry since July 2011 and delay in constituting State Finance Commissions by some States.

(f): Yes, Madam. Article 243(E) provides for constitution of a dissolved Panchayat before expiration of six months from the date of such dissolution. Subject to the provisions in Article 243(E), State Governments may make detailed legislations in this regard.

Annexe referred to in reply to part (c) of the Lok Sabha Unstarred Question no 394 to be answered on 17.11.2016 regarding “Non Achievement of PRIs”

**Mandatory Provisions Incorporated in the 73rd Constitutional Amendment Act (CAA),
1992**

- (i) Three tiers of Panchayats except in States with population below 20 lakhs.(Article 243-B);
- (ii) Direct election to seats at all three tiers of Panchayats and indirect election to offices (Article 243C);
- (iii) Indirect elections for chairpersons of Block and District Panchayats (Article 243C);
- (iv) Reservations in seats for the Scheduled Castes and Scheduled Tribes in proportion to their respective population [Article 243 D(1)];
- (v) Reservation of not less than one third seats and offices of chairpersons for women including within SC and ST reservations [Article 243D(3)];
- (vi) Rotation of reserved seats and offices of chairpersons [Article 243I(2)(3) and (4)];
- (vii) Election to Panchayats every five years (Article 243 E);
- (viii) Constitution of State Finance Commissions (Article 243I) every five years to review the financial position of Panchayats and make recommendations to Governor regarding distribution between the State and Panchayats of taxes, duties, tolls, etc; and
- (ix) Setting up of State Election Commission (SEC) and vesting the superintendence, direction and control of the preparation of electoral rolls for and the conduct of all elections to the Panchayats in SEC (Article 243K).
