

GOVERNMENT OF INDIA
MINISTRY OF PANCHAYATI RAJ
LOK SABHA
UNSTARRED QUESTION NO. 1057
ANSWERED ON-13.12.2022

GRAM PANCHAYATS UNDER PESA ACT

1057. SHRI VISHNU DATT SHARMA:

Will the Minister of PANCHAYATI RAJ be pleased to state:

- (a) whether the Government has any review of functioning of gram panchayats constituted under Panchayats (Extension to the Scheduled Areas) Act (PESA) 1996, in areas under schedule 5 of the Constitution of India, so as to ascertain their performance *vis-a-vis* their mandate;
- (b) if so, the details of the outcomes of such review as a whole in general and for the Madhya Pradesh; and
- (c) if not, the reasons therefor?

ANSWER

THE MINISTER OF STATE FOR PANCHAYATI RAJ

(SHRI KAPIL MORESHWAR PATIL)

(a) to (c) ‘Panchayat’, being “Local Government”, is a State Subject and part of the State List in the Seventh Schedule of the Constitution of India. Provisions of Part-IX of the Constitution, relating to Panchayats, empower States to make laws to set up and operate Panchayats. Accordingly, Panchayats are set up and operate through the respective State Panchayati Raj Acts and rules, subject to the provisions of the Constitution. Article 243G of the Constitution envisages the panchayats as institutions of self government and provides that the legislature of a State, may by law, endow the Panchayats with such powers and authority as may be necessary to enable them to function as institutions of self-government and for the preparation of plans and implementation of schemes for economic development and social justice.

In terms of Article 243M(4)(b) of the Constitution of India, the Parliament has enacted “The Provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996” (PESA Act) to extend provisions of Part IX of the Constitution, relating to Panchayats, to the Fifth Schedule areas, with certain modifications and exceptions.

Functioning and performance of Panchayats, including Panchayats constituted in Fifth Schedule Areas who enjoy powers and authorities provided by PESA Act in addition to Part-IX of the Constitution, are reviewed mainly by their respective State Governments.