

GOVERNMENT OF INDIA
MINISTRY OF PANCHAYATI RAJ
LOK SABHA
UNSTARRED QUESTION NO. 1953
TO BE ANSWERED ON 10.12.2015

POWERS TO PANCHAYATS

1953. SHRI Y.V.SUBBA REDDY:

Will the Minister of PANCHAYATI RAJ be pleased to state:

- a) the details of powers and responsibilities given to Panchayats as per Constitutional provisions in the country;
- b) whether the Government is aware of any instances of curtailing/overlapping of these powers/responsibilities by way of constituting separate/parallel mechanism/committees by various States;
- c) if so, the details thereof along with the reaction of the Government thereto, State/UT-wise including Andhra Pradesh; and
- d) the steps taken/being taken by the Government to ensure that these powers of Panchayats are not violated by the State Governments?

ANSWER

MINISTER OF STATE FOR PANCHAYATI RAJ

(SHRI NIHAL CHAND)

(a) Under Article 243G of Part IX of the Constitution, State legislatures are to endow the Panchayats with powers and authority to enable them to function as institutions of local self-governance. The Constitution allows discretion to the States in the matter of devolution of powers to Panchayats. States vary significantly in the extent to which they have devolved powers to the Panchayats. State-wise status of powers devolved to Panchayats is at **Annex**.

(b) & (c) Several Central and State departments have set up grassroots bodies/committees to carry out various functions related to a range of subjects. These bodies include District Health Mission, Village Health Sanitation & Nutrition Committee (VHSNC), Rogi Kalyan Samiti (RKS), Panchayat/Block/Zilla Lok Siksha Samitis, School Management Committee (SMC), School Development and Monitoring Committee (SDMC), Village Water & Sanitation Committee (VWSC), District Water & Sanitation Mission (DWSM) etc. In Andhra Pradesh too, committees such as School Management Committee, Gram Panchayat Health Committee, Water and Sanitation Committee, Janma Bhoomi and Mavooru Committee etc. have been constituted. The Government of Andhra Pradesh has informed that there is an organic link between these committees and the Gram Panchayat. Other States Governments have given similar views.

(d) MoPR has advised States that such bodies should be embedded in the respective Panchayats. Ministry of Panchayati Raj (MoPR) conducts an annual Panchayat Devolution Index (PDI) study by a national level independent institution to assess the extent of devolution of powers by States to various tiers of PRIs and extent of exercise of these devolved powers by PRIs. States that perform well on the Devolution Index are honoured on the National Panchayati Raj Day on 24th April.

Status of devolution of departments/subjects with funds, functions and functionaries to the Panchayati**Raj Institutions in Major States**

SI. No	State	No. and names of the Departments/subjects Transferred to Panchayats with respect to		
		Funds	Functions	Functionaries
1.	Andhra Pradesh	Only Gram Panchayats (GPs) are empowered to collect taxes. Governments Orders (Gos) issued for devolving funds of 10 departments.	22 Gos issued during 1997-2002. Further, 10 line departments have devolved certain powers to PRIs.	Functionaries are under the administrative control of their respective line departments but they are partially accountable to PRIs.
2.	Arunachal Pradesh	PRIs do not collect taxes. Transfer of funds by departments has not taken place.	29 subjects have been devolved. Gos covering 20 departments have been issued, but not yet implemented. PRIs can exercise the powers of supervision and monitoring the implementation of plans in respect of all subjects coming under their respective jurisdiction.	Functionaries have not been transferred.
3.	Assam	PRIs are empowered to collect taxes but cannot enforce. Main source of revenue is lease rent from markets, river banks and ponds.	Activity-mapping done for 23 subjects. But Gos have been issued only for 7 subjects by 6 departments.	There has been very minimal devolution of functionaries. Officials continue to report to departments.
4.	Bihar	No taxes are collected by PRIs but a proposal regarding the same is under consideration of State Government.	Activity mapping has been conducted. 20 line Depts.. Have issued Gos.	Departmental staff are answerable to departments. Angandwadi workers, teachers and health workers are appointed by PRIs.
5.	Chattisgarh	GP is authorized to collect various types of taxes. Funds for 12 departments have been devolved.	Activity Mapping of 27 matters has been undertaken. Gos not issued.	Panchayat make recruitments for 9 departments.
6.	Goa	Panchayats levy 11 types of taxes. Untied funds are given to Panchayats.	18 matters are devolved to GPs, while 6 are devolved to ZPs.	PRIs have their own core staff for the execution of works.
7.	Gujarat	8 major taxes are collected by PRIs. In 2008-09, 13 departments allocated funds to PRIs.	14 functions have been completely devolved and 5 are partially devolved.	Gos have been issued for devolution of functionaries for 14 functions.

8.	Haryana	GPs generate revenue from lease of Panchayat land, liquor cess and rental of Panchayat premises.	Panchayati Raj Act devolves 29 functions. Gos have been issued for 10 depts.	There is no significant devolution of functionaries.
9.	Himachal Pradesh	Only GP is empowered to levy taxes. Funds have not been transferred.	27 out of 29 subjects have been devolved to PRIs.	Functionaries have not been transferred to PRIs.
10.	J&K	State Govt. has issued GO notifying activity mapping. Funds have been devolved in a limited sense. Functionaries have been identified in the Activity Mapping document who will assist Panchayats in carrying out assigned functions but have not been transferred.		
11.	Jharkhand	Certain Powers have been delegated to PRIs in respect of 12 Departments namely: Agriculture, Human Resource, Health, Social Welfare, Industries, Food and Public Distribution, Water Resources, Welfare, Rural Development and Art, Cultures, Sports & Youth Affairs.		
12.	Karnataka	PRIs collect 7 types of taxes. Panchayati Raj Act provides the mandatory transfer for untied funds to PRIs.	Karnataka has delegated all 29 subjects to PRI by notifying Activity Mapping.	All Panchayat employees function under dual control of the Depts. Concerned and the PRIs.
13.	Kerala	GPs have tax domain of 9 types of taxes. Untied funds and funds for specific purposes by depts are given to PRIs.	Activity mapping for all 29 functions done and activities devolved to Panchayats.	PRIs have full managerial and part disciplinary control over transferred functionaries.
14.	Madhya Pradesh	GPs are empowered to collect taxes. Funds for 13 departments covering 19 matters are released to PRIs.	Gos containing the Activity Mapping in respect of 25 matters pertaining to 22 depts. Have been issued.	Functionaries for 13 departments have been transferred to the PRIs. There is a State Panchayat Service.
15.	Maharashtra	ZP and GP collect taxes. Grants for 11 departments are transferred to PRIs.	11 subjects have been fully devolved. For 18 subjects, schemes are implemented by PRIs.	Class III and Class IV employees at all levels are Zilla Parishad employees.
16.	Manipur	Five Departments have issued Gos transferring funds to PRIs.	Gos have been issued devolving functions related to 22 departments.	5 Departments have issued Gos transferring functionaries to PRIs.
17.	Orissa	PRIs collect 6 types of taxes. There is no clear devolution of untied funds.	11 departments have devolved 21 subjects.	Officials of 11 departments are accountable to PRIs.
18.	Punjab	Main source of income of GP is from auction of Panchayat land. There is no clear devolution of funds.	The devolution of 7 key departments relating to 13 subjects approved.	No functionaries have been transferred to PRI by line departments.
19.	Rajasthan	5 departments have issued Gos transferring funds to PRIs up to district level. 10% untied fund to PRIs.	Five Departments have transferred all functions up to district level to PRIs. Fresh Activity Mapping of above 5	5 departments have transferred all functionaries upto district level to PRIs.

			Departments has been done.	
20.	Sikkim	PRIs do not collect taxes. Funds are being transferred by 17 departments. 10% of total fund of each department is given to Panchayats. Untied funds are given to PRIs.	All 29 subjects are devolved as per legislation. Activity Mapping has been conducted for 20 subjects covering 16 departments.	Employees are under the control of PRIs, but Panchayats exercise limited control over them.
21.	Tamil Nadu	Only village Panchayats have the power to levy taxes. 9% of the States own tax revenue devolved to Local Bodies, of which rural local bodies will receive 58% share.	Government of Tamil Nadu has delegated supervision and monitoring powers of 29 subject to PRIs	There is no significant devolution of functionaries.
22.	Telengana	Certain Powers have been delegated to PRIs in respect of 10 Departments namely: Agriculture & Agriculture Extension, Animal Husbandry Dairy & Poultry, Fisheries, Rural Development, Drinking Water & Sanitation, Primary Secondary & Adult Education, Health PHC Dispensaries & Family Welfare, Social Welfare, Backward Class Welfare and Women & Child Development.		
23.	Tripura	Part funds related to PWD Department, primary schools and Social Welfare and social education department and pension funds have been transferred to the Panchayats. Untied funds are also transferred to PRIs.	So far Gos have been issued devolving irrigation schemes, primary schools and activities related to adult and non-formal education, women and child development and social welfare.	Functionaries of 5 subjects for which functions have devolved, have been transferred to Panchayats.
24.	Uttar Pradesh	All 3 tiers have the power to collect taxes.	16 subjects relating to 12 departments have been devolved to PRIs.	PRIs do not have control over functionaries.
25.	Uttarakhand	Only ZPs collect taxes. Funds are made available to PRIs for activities for only 3 functions.	Master GO on transferring financial and administrative powers on 14 subjects has been issued in 2003.	Supervisory role over functionaries related to 14 subjects.
26.	West Bengal	GPs can impose and realize taxes. Untied funds are allocated under the TFC grant as well as SFC grant. 5 departments have opened Panchayat Window in their budgets.	State Govt. agrees with transfer of these 28 subjects. 14 departments have so far issued matching Gos transferring 27 subjects.	The Panchayat employees have been made into different district cadres. Other than the posts created in the Panchayat bodies, 7 departments of the State Govt. have devolved functionaries