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***Public Policy & Administration in India***

**TOPIC: 73rd Constitutional Amendment Act, 1992: Local Self-Governance for Rural:**

The passage of the 73rd Constitution Amendment Act, 1992, or simply known as the Panchayati Raj Act marks a new era in the democratic setup of the country. It was based on the recommendation of the Balwant Rai Mehta committee. Because of pioneering the concept of the Panchayati Raj in India, he is rightly called as the ‘Father of Panchayati Raj’. The Bill was passed by Parliament in December, 1992 and came into force with effect from April 24, 1993.

**Salient Features of the Constitution 73rd Amendments Act:**

The 73rd amendment to the Constitution enacted in 1992 made statutory provisions for the establishment, empowerment and functioning of Panchayati Raj institutions.

1. The basic features of the Constitution 73rd Amendment Act that it provides for a 3-tier Panchayat system, which would be constituted in every state at the village level, Block level and district level.
2. The Act made statutory provisions for the establishment, empowerment and functioning of Panchayati Raj institutions; except in States with population is below 20 lakhs (Article 243B).
3. The Act added new parts to the Constitution, namely, Part IX titled ‘The Panchayats’;
4. Part IX contains from Article 243 to Article 243 of the Constitution;
5. The basic units of democratic system-Gram Sabhas (villages) comprising all the adult members registered as voters.
6. Seats at all levels to be filled by direct elections (Article 243C (2).
7. Minimum age for contesting elections to the Panchayati Raj institutions be 21 years;
8. Seats reserved for Scheduled Castes (SCs) and Scheduled Tribes (STs) and the chairpersons of the Panchayats at all levels also shall be reserved for SCs and STs in proportion to their population.
9. One-third of the total number of seats to be reserved for women; One third of the seats reserved for SCs and STs also reserved for women and One-third offices of chairpersons at all levels reserved for women (Article 243D);
10. The tenure of Panchayati Raj institutions is five years, if dissolved earlier, fresh elections to be held within six months (Article 243E);
11. State Election Commission to be set up in each State to conduct elections to Panchayati Raj institutions;
12. Panchayats to prepare plans for economic development and social justice in respect of subjects as devolved by law to the various levels of Panchayats including the subjects as illustrated in 11th Schedule (Article 243G);
13. Budgetary allocation from State Governments, share of revenue of certain taxes, collection and retention of the revenue it raises, Central Government programmes and grants, Union Finance Commission grants (Article 243H).
14. Establish a Finance Commission in each State to determine the principles on the basis of which adequate financial resources would be ensured for Panchayats and Municipalities (Article 243I).
15. The 11th Scheduled of the Constitution places as many as 29 functions within the purview of the Panchayati Raj bodies.

**Composition and Functions of Panchayat Bodies:**

As it is mentioned earlier, that the Act provides a three-tier structure of Panchayati Raj may be discussed as follows:

**(1) Gaon Sabha:** Gaon Sabha is the largest as well as the primary body of the Panchayati Raj system. It is a permanent body mentioned in Article 243(b) of the Constitution of India. It considered as the only symbol of direct democracy in the country.

**Composition:**

1. Gaon Sabha consists of all adult residents who are more than 18 years of age and living in the village whose name is also written in the electoral roll of the village Panchayat.
2. Gaon Sabha must meet at least two to four times in a year.
3. The quorum for the meeting of Gaon Sabha is fixed at either 1/10 of the total members of Gaon Sabha or presence of 100 members of the villages with in Panchayat.

**Powers and Functions:** The various powers and functions of the Gaon Sabha are as follows:

1. The Gaon Sabha hears annual statement of accounts, audit or administrative report of Panchayats. It passes the annual budget of Gaon Panchayat.
2. The Gaon Sabha decides the policies also for development work of the village.
3. It also recommends new development projects to be undertaken by Panchayats.
4. It identifies the beneficiaries of the various programs and schemes.
5. It considers matters relating to levy of taxes or charges, etc., or any other matter referred by the Gram Panchayat.

The Gaon Sabha is a key factor in making the Gaon Panchayat play its role and be responsible. It is the place where all plans for the work of the Gaon Panchayat are placed before the people.

**(2) Gaon Panchayat:**

Gaon Panchayats are at the lowest level of Panchayat Raj institutions. It is a body that takes all the village responsibilities. After the 73rd Amendment, the scope of functions of Gaon Panchayat was widened.

**Composition:**

1. The Gaon Panchayat is divided into wards and each ward is represented by a Ward Member, who is directly elected by the villagers.
2. Gaon Panchayat consists of all the Ward Member and President (Sarpanch);
3. The head of the Panchayat is called the President, who is elected by the Gaon Sabha.
4. The tenure of office is 5 years and which cannot be extended.
5. The meeting of Gaon Panchayat must be held at least once in two months.
6. The quorum for holding meeting is 1/3 of the whole members present.
7. There is one Secretary who is appointed by the Government. He is also the Secretary of Gaon Sabha.
8. Seats of SCs and STs are reserved as per their proportion of the population.
9. One-third seats are reserved for women and one-third of all the seats reserved for SCs and STs are also reserved for women.

**Functions of the President:** The President performs the following important functions:

1. The President calls the meeting of the Panchayat and presides over them;
2. He decides the disputes of the villages with the help of other Word Members.
3. He obtain cash grant from the State Government for the development of the villages;
4. The President makes developmental plans for the welfare of the villages;
5. The President is a link between State Government and the people of the village.

**Functions of Gaon Panchayat:**

1. The main function of the Gaon Panchayat is to implement and execute the various government schemes and programs.
2. Identifying the beneficiaries of various schemes and programs in case Gram Sabha fails to do so.
3. Levying and collection of local taxes.
4. Construction as well as maintenance of the public property in the village-like roads, bridges, schools, hospitals, etc.
5. It is responsible for identification of the projects in the Gaon Panchayat area to be taken up under a scheme as per the recommendations of the Gaon Sabha.
6. Executing government schemes related to generating employment in the village.

Thus, the 73rd Amendment Act widened the scope of functions of Gaon Panchayat. Important functions have been assigned to it like preparation of annual development plan of Panchayat area, annual budget, relief in natural calamities, removal of encroachment on public lands, implementation. Selection of beneficiaries through Gaon Sabhas, public distribution system, non-conventional energy source, improved bio-gas plants has also been given to Gaon Panchayats in some states.

**(3) Panchayat Samitis:** At the intermediate level, there is Panchayat Samitis which is also called Anchalik or Janpad or Block Panchayat. It is looked after by the Block Development Officer (BDO) who has a number of villages under him. There is no need for an intermediate level in the states having a population less than 20 lakhs as per Article 243B of the Constitution of India.

**Composition**: The Panchayat Samitis consisting of the following members:

1. All the Word Members and Presidents of Panchayats in a Block elect some members from among themselves.
2. In some states, Presidents are ex-officio members of Panchayat Samiti.
3. All the MLAs and MPs of the district are ex-officio members of Panchayat Samiti.
4. The Sub-divisional Magistrate and the Block Development Officers are ex-officio members of Panchayat Samiti.
5. One-third seats have been reserved for women as well as for SCs and STs.
6. The tenure of office is 5 years and which cannot be extended.
7. One President of the Panchayat Samitis is elected from among themselves for a period of 5 years.

**Functions:** Panchayat Samitis are at the hub of developmental activities. They are headed by Block Development Officers (B.D.Os). Following are some of the important functions of Panchayat Samitis:

1. It is entrusted with functions like agriculture, land improvement, watershed development, social and farm forestry, technical and vocational education, etc.
2. The other functions relates to the implementation of some specific plans, schemes or programmes to which funds are earmarked. It means that a Panchayat Samiti has to spend money only on that specific project. The choice of location or beneficiaries is, however, available to the Panchayat Samitis.

**Sources of income:** The property of Panchayat Samitis includes public buildings, public roads constructed or maintained out of their funds and all land or other property transferred to them by the government. Panchayats receive income from the property vested in them. The main sources of income are:

1. Taxes levied upon land and water usage, professional taxes, liquor taxes and others.
2. Income generating programmes.
3. Grants-in-aid and loans from the State Government and the local Zila Parishad.
4. Voluntary contributions.

**(4) Zila Parishad:** TheZila Parishad at the district level is the uppermost tier of the Panchayati Raj system. Thisinstitution has some directly elected members whose number differs from State to State as it is based on population. Its composition, powers and functions may be discussed as follows:

**Composition:**

1. The members of Zila Parishad are directly elected by the people.
2. The tenure of office is 5 years and which cannot be extended.
3. Chairpersons of Panchayat Samitis are ex-officio members of Zila Parishads.
4. The chairman is elected from among the elected members by the people. The Vice-Chairperson is also elected similarly. Their term of office is 5 years.
5. Members of Parliament, Legislative Assemblies and Councils belonging to the districts are also nominated members of Zila Parishads.
6. The reservation has been made for SCs, STs and women.

**Session of the Zila Parishad:**

1. Zila Parishad meetings are conducted once a month.
2. Special meetings can also be convened to discuss special matters on the request of 1/3 members.
3. To held meeting Zila Parishad the quorum is fixed at 1/3 members present.

**Powers and Functions of Zila Parishad:** The 73rd Amendment Act of the Constitution places as many as 29 functions within the purview of the Panchayati Raj bodies in the 11th Scheduled of the Constitution. The Zila Parishad performs the following important functions:

1. The Zila Parishad links Panchayat Samitis within the district. It coordinates their activities and supervises their functioning.
2. It prepares district plans and integrates samiti plans into district plans for submission to the State Government.
3. The Zila Parishad looks after development works in the entire district.
4. The Zila Parishad undertakes schemesto improve agricultural production, exploit ground water resources, extend rural electrificationand distribution and initiate employment generating activities, construct roads and otherpublic works.
5. The Zila Parishad performs welfare functions like relief during natural calamities and scarcity,establishment of orphanages and poor homes, night shelters, welfare of women and children,etc.
6. Besides, Zila Parishads perform functions entrusted to them under the Central andState Government sponsored programmes. For example, Jawahar Rozgar Yojna is a bigcentrally sponsored scheme for which money is directly given to the districts to undertakeemployment-generating activities.

**Sources of income of Zila Parishad:**

1. In some state Zila Parishad is empowered to impose small taxes. They may impose taxes on persons carrying on business in rural areas for six months, taxes on brokers, commission agents in markets established by them, also tax on sale of goods in these markets.
2. It submits its annual budget to the state government for its approval.
3. When development schemes are entrusted to them, necessary funds are also provided for development projects.
4. Besides receiving grants from the State, they also receive donations from charitable institutions.

**District Planning Committee:**

The 73rd Constitutional Amendment Act makes provision for District Planning Committee (DPC). Article 234ZD of the Constitution mentioned about the formation of DPC. As such, for the development of the district, a District Planning Committee is set up by the state government to make plans for the development of rural and urban areas. Its main functions are:

1. Planning for the development of rural areas and allocating resources for the same.
2. Planning for the development of the urban areas and making arrangements for the allotment of resources.
3. A District Planning Committee is set up in each district to review the plans formed by Panchayati Raj institutions.
4. Keeping in view the plans submitted by Panchayati Raj authorities, the District Planning Committee makes an effective plan for the development of the district at large.

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