PARMAR SSC

PARMAR SSC

Local Bodies



Evolution of Panchayat

Balwant Rai Mehta Committee, 1957

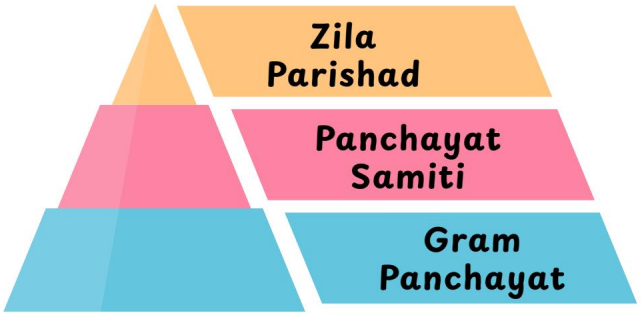


Recommendation: 3-tier Panchayati Raj System

1) Gram Panchayat- Village level

2) Panchayat Samiti- Block level

3) Zila Parishad- District level

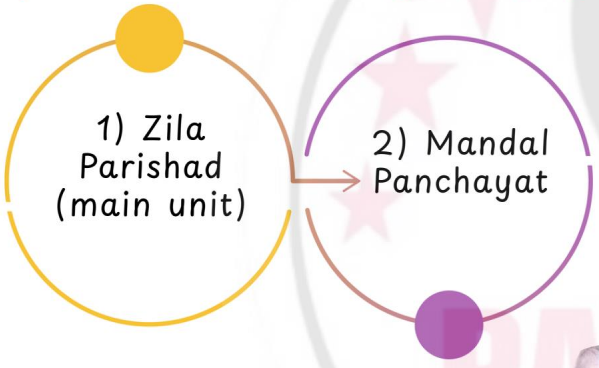


Rajasthan - 1st state to implement Panchayati Raj at Nagaur, on 2nd October 1959 followed by Andhra Pradesh on October 11, 1959

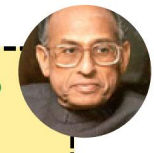
Ashok Mehta Committee, 1977



Proposed: 2-tier Panchayati Raj System



L. M. Singhvi Committee, 1986



- 1st to recommend constitutional status for PRIs that they should constitutionally recognised, protected, and preserved.
- Advocated for financial autonomy of Panchayats.
- It also emphasised the importance of the Gram Sabha and called it the embodiment of direct democracy.
- Nyaya Panchayats should be established for a cluster of villages.

G.V.K Rao Committee, 1985



- Reviewed the working of Constitution in relation to the working of the Panchayats and Municipalities.
- Proposed Zila Parishad to act as the Nodal agency for development.

Thungon Committee, 1988 + Gadgil Committee, 1988

- To examine the role of Panchayati Raj Instiutions in rural development.
- Members at all three levels should be directly elected.
- Term should be fixed at 5 years.
- Reservation for SC, ST and Women

73rd Constitutional Amendment Act, 1992

- Made it mandatory to establish Panchayati Raj institutions by inserting-Part IX, Article: 243-2430
- Added Schedule 11 that contains 29 functional items.
- Enforced on 24th April, 1993 (that's why this day is celebrated as Panchayati Raj Day)
- Then PM: P. V. Narasimha Rao.

Articles related to Panchayat

Article 243: Definition

"**Gram Sabha**" means a body consisting of persons registered in electoral rolls relating to a village comprised within the area of Panchayat at the village level.

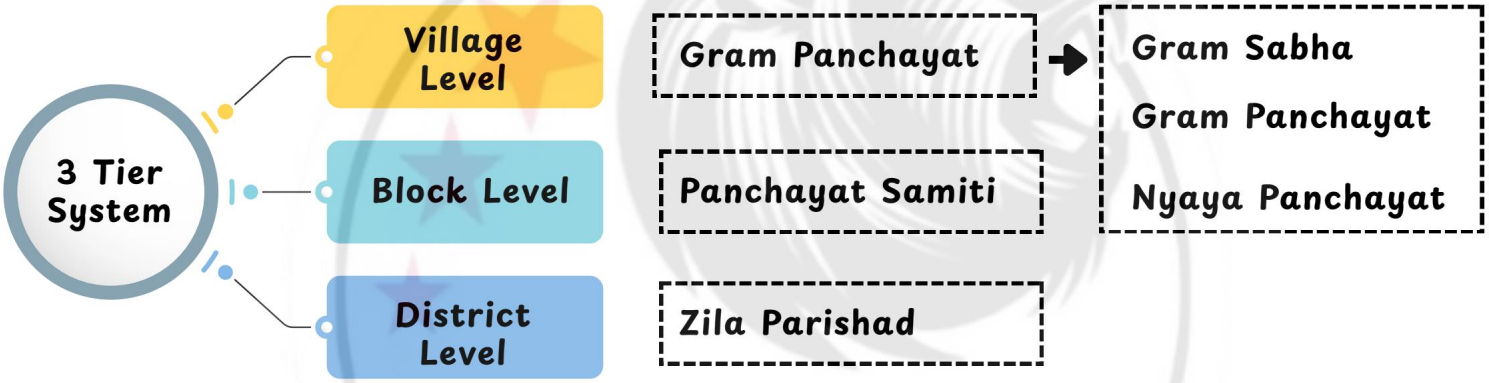
Article 243A: Gram Sabha

A Gram Sabha may exercise such powers and perform such functions at village level as the Legislature of State may, by law, provide.

Article 243B: Constitution of Panchayats

There shall be constituted in every state, Panchayat at village, intermediate, and district level i.e.,

- Constitution of 3-tier Panchayati Raj System
- Panchayat at intermediate level, not to be constituted in a state having a population, not exceeding 20 lakhs.



Article 243C: Composition of Panchayats

1. All seats in Panchayat shall be filled by persons chosen by direct election.
2. The Chairperson of a Panchayat at village level shall be elected in such manner as the Legislature of a state may, by law, provide and at intermediate and district level through an indirect election.

Article 243D: Reservation of Seats

1. Seats are reserved for SC/ST in proportion of their population
2. 1/3rd seats are reserved for women.

Article 243E: Duration of Panchayats, etc.

1. **Duration of Panchayats**: A 5-year term, unless dissolved earlier by applicable laws.
2. **Election Time**

(a) Before the end of its 5 year term.
(b) **Dissolution**: If Panchayat is dissolved before its term ends, election must be held within 6 months of dissolution date. (If remaining term is less than 6 months, election is not mandatory).

3. **Term of Reconstitution**: Panchayat formed after early dissolution will serve only for the remainder of original term.

Article 243F: Disqualifications of Membership

(1) Law made by State legislature can cause disqualification.

(a) A person convicted of a certain offense or declared insolvent may be disqualified from being a Panchayat member if they are disqualified by law related to state elections.

(b) Disqualification is decided by such authority as determined by State Legislature.

- He cannot be disqualified if he is less than 25 years (minimum required age 21 years)

High Court deals with the election disputes of MP/MLAS

Article 243G: Power, Authority, and Responsibilities of Panchayats

State legislature, by law, endow, the Panchayat with such powers an authority that may be necessary to enable them to function as institutions of self-government.

Article 243H: Power to Impose Taxes

State legislature can authorise the Panchayat:-

To levy, collect and appropriate taxes, duties, tolls, and fees, grant-in-aids, ensuring proper financial management.

Article 243 I : Constitution of Finance Commission by Governor to review financial position

Government shall lay the recommendation of Commission before the State Legislature.

Article 243J: Audit of Accounts of Panchayats

The primary objective is to ensure financial accountability, transparency, and responsible management of public funds at the grassroot level of governance.

Article 243K: Election to the Panchayats

(1) All elections of Panchayat shall be conducted by State Election Commission.

- The State Election Commissioner is appointed by the Governor.

(2) The conditions of service and tenure of office of State Election Commissioner are determined by the Governor. He can be removed from his office in the same manner as the judge of a High Court.

Article 243L: Application to Union Territories

Provisions of Part IX, of Constitution, which deals with Panchayats, shall apply to UTs with certain modification and exceptions.

Article 243M: Part not to Apply to Certain Areas

(1) Exclusion of certain areas like tribal regions and some North-Eastern states from the Panchayat system to respect their unique governance traditions, and local customs. However, provisions can be extended to these areas with necessary modification through specific laws.

2) Nothing in this part shall apply to:-

(a) Nagaland, Meghalaya, Mizoram (Panchayati Raj system do not exist here)

(b) Hill areas of Manipur (District Council exist here)

The PESA Act, 1996:

The Panchayats (Extension to the Scheduled Area) Act, 1996, extends these provisions of Part IX of the Indian Constitution, to the Scheduled Area (Fifth Schedule Areas) of India.

Delhi is the only UT where provisions of the Panchayats are not applicable.

Article 243N: Continuance of Existing laws and Panchayats

Article 243N ensures a smooth transition to the new Panchayati Raj System by allowing all law to remain temporarily valid, while the State makes necessary changes to comply with updated constitutional framework.

Article 243 O: Bar to Interference by Courts in Electoral Matters

Courts cannot interfere in the process of defining Panchayat constituencies, or assigning seats.

Trick for Article related to Panchayat and Municipalities:

Article 243 :	Definition
Article 243 A :	Assembly
Article 243 B :	Banana (Constitute Karna)
Article 243 C :	Composition
Article 243 D :	Dalit (Reservation)
Article 243 E :	Duration 5 Years (Letter E : 5)
Article 243 F :	Fail (Disqualify)
Article 243 G :	Goli Khake Power aa gyi
Article 243 H :	House Tax
Article 243 I :	Income (Finance)
Article 243 J :	Jaanch (Audit)
Article 243 K :	Kiske elections (Panchayat)
Article 243 L :	Lieutenant Governor in UTs
Article 243 M :	Modifications
Article 243 N :	Continuance of existing laws and Panchayats
Article 243 O :	Bar to Interference by Court in Electoral Matters

Municipalities

Introduced through: 74th CA, 1992

- Part IXA, Art 243P-243ZG
- Added 12th Schedule that contains 18 functional items

- First Municipal Corporation was set up in Madras in 1687-1688
- 1870: Lord Mayo presented resolution of Financial Decentralisation
- Ripon's resolution of 1882 is known as "Magna Carta of Local Self-Government".
- Municipal Corporation in Calcutta & Bombay were set up in : 1726



Ripon is also known as "Father of Local Self-Government"

There are 8 types of Urban Local Government

1. Municipal Corporation
2. Municipality
3. Notified Area Committee
4. Cantonment Board (Military)
5. Township
6. Town Area Committee
7. Port Trust
8. Special Purpose Agency

Articles related to Municipalities

- Article 243P: Definitions
- Article 243Q: Constitution of Municipalities
- Article 243R: Composition of Municipalities
- Article 243S: Constitution and composition of Wards Committees, etc.
- Article 243T: Reservation of seats
- Article 243U: Duration of Municipalities, etc.
- Article 243V: Disqualifications for membership
- Article 243W: Powers, authority and responsibilities of Municipalities
- Article 243X: Power to impose taxes by, and Funds of, the Municipalities
- Article 243Y: Finance Commission
- Article 243Z: Audit of accounts of Municipalities
- Article 243ZA: Elections to the Municipalities
- Article 243ZB: Application to Union territories
- Article 243ZC: Part not to apply to certain areas
- Article 243ZD: Committee for district planning
- Article 243ZE: Committee for Metropolitan planning
- Article 243ZF: Continuance of existing laws and Municipalities
- Article 243ZG: Bar to interference by courts in electoral matters
- Article 243ZH: Interpretation

3 Types of Municipalities

1. Nagar Panchayat: For a Transitional Area. Eg: Kalyanpur
2. Municipal Council: For a small urban Area. Eg: Chhindwara
3. Municipal Corporation: For a larger urban Area. Eg: Indore

- All seats are filled through direct elections.
- Elections conducted by: State Election Commission

Part IXB - The Co-operative Societies - (Articles 243ZH to 243ZT)

- Inserted by: 97th Constitutional Amendment Act, 2011.
- Grants constitutional status and protection to co-operative societies.
- Provisions relating to the formation, regulation, and functioning of Co-operative societies.



Remaining Part of Indian Constitution

Parts	Subject	Article No.
Part VIII	The Union Territories	239 to 242
Part X	The Scheduled and Tribal Areas	244 to 244 A
Part XI	Relation between the Union and the states	245 to 263
Part XII	Finance, Property, contracts and suits	264 to 300 A
Part XIII	Trade, Commerce and Intercourse within the territory of India	301 to 307
Part XVI	Special provisions relating to certain classes	330 to 342 A
Part XVII	Official Language	343 to 351A
Part XVIII	Emergency Provisions	352 to 360
Part XIX	Miscellaneous	361 to 367
Part XX	Amendment of the Constitution	368