

has been changed to their disadvantage to June, 1977;

(d) whether it is also a fact that an allottee of Government accommodation is allowed to retain Government accommodation if he owns the house after the allotment of Government accommodation; and

(e) if so, whether there is any proposal under consideration to rectify the rules so that they are applicable to all house owners uniformly?

THE MINISTER OF WORKS AND HOUSING AND PETROLEUM AND CHEMICALS (SHRI P. C. SETHI):

(a) Orders were issued in September, 1975 declaring house owning Government officers as ineligible for Government accommodation with effect from 1st January, 1976. However, those who were in occupation of Government accommodation, had the option either to vacate or to retain the residence on payment of licence fee at market rate.

(b) Orders were modified declaring house owning officers as eligible for allotment of accommodation with effect from 1st June, 1977, with the proviso that the licence fee will be charged from such officers at the following rates:—

- (i) Normal rate if the rental income from their private house does not exceed Rs. 1000/- per month.
- (ii) 50 per cent of market licence fee if the rental income exceeds Rs. 1000/- per month but does not exceed Rs. 2000/- per month.
- (iii) Market licence fee if the monthly rental income exceeds Rs. 2000/-.

(c) Government, however, took a decision that the priority date of all the house owning officers will be reckoned from 1st June, 1977 or a subsequent date, as the case may be.

(d) Yes, Sir, subject to payment of licence fee as indicated in reply to part (b).

(e). At present, there is no proposal under consideration to change the rules as the orders in force are uniformly applicable to all house owning officers.

Report of Ashoka Mehta Committee on Panchayati Raj Institutions

27. PROF. NARAIN CHAND PARASHAR: Will the Minister of RURAL RECONSTRUCTION be pleased to state:

(a) whether Government have taken any action on the report of the Ashoka Mehta Committee on Panchayati Raj Institutions;

(b) the nature of action taken along with the recommendations accepted by each one of the State/Union territories separately;

(c) the names of States which have not taken any action so far; and

(d) whether Government propose to bring in any model legislation for the guidance of the States?

THE MINISTER OF STATE IN THE MINISTRY OF AGRICULTURE (SHRI R. V. SWAMINATHAN): (a) to (c). The major recommendations of the Ashoka Mehta Committee on Panchayati Raj Institutions were discussed at a meeting of the Chief Ministers convened by the Prime Minister in May, 1979. There was general agreement on (i) the need to ensure that Panchayati Raj Institutions were not superseded except in abnormal circumstances; (ii) the need for delegation of adequate powers and duties and financial powers to Panchayats and (iii) provision for safeguarding the interests of the weaker sections. The consensus of some of the other major recommendations was not in favour of accepting them. The recommendations in the latter category alongwith the consensus arrived at the Chief Ministers' Conference are given in the statement attached.

(d) Yes. A model legislation incorporating the consensus arrived at the Chief Ministers' Conference is under preparation.

Statement

Recommendations

Consensus

1. *Structure of Panchayati Raj Institutions*

There should be two-tier Panchayati Raj set-up i.e., a district level Zila Parishad and a Mandal Panchayat covering a population of 15,000 to 20,000. Existing Panchayat Samitis and Gram Panchayats may be converted into non-statutory Executive Committees of the Zila Parishads and Mandal Panchayats respectively.

Constitution of Mandal Panchayat was not favoured. It was, however, agreed that while big states may have a three-tier Panchayati Raj System, i.e., Gram Panchayat, Panchayat Samiti and Zila Parishad, smaller States may have a two-tier system i.e., Gram Panchayat and Panchayat Samiti.

2. *Election and participation of political parties*

- (i) The term of various bodies should be 4 years
- (ii) Direct elections to all the bodies should be held simultaneously.
- (iii) There should be participation of Political parties in Panchayati Raj elections.

Direct elections may be held at the Gram Panchayat level and subsequent levels may be filled by indirect elections. Incentive should be provided for unanimous election of Sarpanches and Gram Panchayats as is the practice in some of the States. The members of State Assemblies and Parliament may be associated with the Panchayati Raj Institutions at the Samiti and Zila Parishad levels. The Political parties should not however, participate in election to village panchayats.

The term of Panchayat Raj Institution should be 5 years.

3. *Constitutional amendment*

The Committee on Panchayati Raj Institutions has discussed the suggestion made in certain quarters that in order to provide the Panchayati Raj Institutions the requisite status as well as an assurance of continuous functioning, there should be a suitable provision in the Constitution. The Committee have agreed to the need for some such provision and have desired that the Govt. of India should give careful consideration to this aspect.

It is not necessary for the Centre to interfere in the functions specifically assigned under the Constitution to the States. The necessary provision regarding Panchayati Raj Institutions should, therefore, be provided in the State Laws.

4. *Nyaya Panchayats*

Nyaya Panchayats should be kept separate from developmental Panchayats. A qualified Judge should preside over them and elected Panches should act as members of benches of Nyaya Panchayats but not in respect of the cases of the areas from which they have been elected.

Nyaya Panchayats are supposed to try petty quarrels petty cases of simple hurt, petty disputes etc. Such cases can be decided either by the Gram Panchayat itself or by a Committee constituted for the Purpose by the Gram Panchayat. The aim of Nyaya Panchayat should be to make compromise and to solve matters by arbitration.