

**GOVERNMENT OF INDIA
PANCHAYATI RAJ
LOK SABHA**

STARRED QUESTION NO:253
ANSWERED ON:22.07.2004
ENFORCEMENT OF PANCHAYATI RAJ ACT
Nitish Kumar Shri ;Singh Shri Rajiv Ranjan (Lalan)

Will the Minister of PANCHAYATI RAJ be pleased to state:

- (a) whether Panchayati Raj Act has not been enforced in several States of the country;
- (b) if so, the reasons therefor and the names of the States, where Panchayati Raj Act has not been enforced; and
- (c) the steps taken/proposed to be taken by the Union Government to ensure uniformity and proper implementation of Panchayati Raj Act in all the States?

Answer

MINISTER OF PANCHAYATI RAJ (SHRI MANI SHANKAR AIYAR)

(a) to (c) A statement is laid on the Table of the House.

STATEMENT REFERRED TO IN PARTS (a), (b), and (c) OF LOK SABHA STARRED QUESTION No. 253 DUE FOR REPLY ON 22.7.2004.

(a) to (c) As per Article 243B of the Constitution there shall be constituted in every State, Panchayats at various levels in accordance with the provisions of Part IX of the Constitution (73rd Amendment) Act, 1992. However, as per Article 243M of the Constitution nothing in Part IX shall apply to the Fifth Schedule Areas referred to in clause (1) and the Tribal Areas referred to in clause (2) of Article 244. Further nothing in Part IX shall apply to (a) the States of Nagaland, Meghalaya and Mizoram and (b) the Hill Areas in the State of Manipur for which District Councils exist under any law for the time being in force. Further nothing in Part IX of the Constitution (a) relating to Panchayats at the district level shall apply to the hill areas of the District of Darjeeling in the State of West Bengal for which Darjeeling Gorkha Hill Council exists under any law for the time being in force; (b) shall be construed to affect the functions and powers of the Darjeeling Gorkha Hill Council constituted under such Law.

In so far as the areas of Fifth Schedule are concerned, Parliament has enacted the Provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996. This Act extends Panchayats to the tribal areas of nine States, namely, Andhra Pradesh, Chattisgarh, Gujarat, Himachal Pradesh, Jharkhand, Maharashtra, Madhya Pradesh, Orissa and Rajasthan. All these States have enacted their State legislation in pursuance of the Provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996.

Barring the States of J&K and NCT of Delhi, all the States/UTs covered under the Constitution (73rd Amendment) Act, 1992 have enacted State legislation in pursuance of the provisions of the Act. The provisions of the Act do not apply to the State of Jammu & Kashmir. The NCT of Delhi had suspended its Panchayati Raj Act several years back and is now actively considering reviving the Panchayats in Delhi in terms of the Constitution (73rd Amendment) Act, 1992. All the States/UTs except Jharkhand and Pondicherry have held Panchayat elections after Constitution (73rd Amendment) Act, 1992.

A Conference of Chief Ministers and State Ministers in-charge of Rural Development and Panchayati Raj on `Poverty Alleviation and Rural Prosperity through Panchayati Raj` was organised at New Delhi on 29-30 June, 2004, jointly by the Ministry of Rural Development and the Ministry of Panchayati Raj. The Conference was inaugurated by the Prime Minister. At the Conference, the Ministry of Panchayati Raj discussed in Agenda Paper the outstanding issues relating to the effective implementation of Part IX and Article 243ZD of the Constitution. These issues are scheduled to be discussed in a series of Seven Round Tables of the Ministers of Panchayati Raj as described below:

Round Table I:

Sat-Sun, 24-25 July: Kolkata: `Panchayati Raj: Effective Devolution`, comprising Functions, Functionaries and Finances, as well empowerment of Gram Sabhas.

Round Table II:

Sat-Sun., 28-29 August: Bangalore – `Panchayati Raj: Planning and Implementation and Rural Business Hubs`, including the question of parallel bodies.

Round Table III

Wed.-Thursday 22-23 September: Raipur – ‘Reservations in Panchayati Raj’, comprising Scheduled Tribes (including implementation of PESA), Scheduled Castes and Women.

Round Table IV

Sat-Sun 2-3 October: Chandigarh – ‘Panchayati Raj in Union Territories and Panchayati Raj jurisprudence’.

Round Table V

Wed.-Thur. 27-28 October: Uttaranchal (venue to be decided) – ‘Annual Reports on the State of the Panchayats’ (including preparation of a Devolution Index).

Round Table VI

Sat.-Sun., 27-28 November: Guwahati – ‘Panchayati Raj Elections and Audit’.

Round Table VII

Sat. –Sun., 11-12 December: Pune – ‘Capacity Building and Training for Panchayati Raj Institutions’.