

**GOVERNMENT OF INDIA
PANCHAYATI RAJ
LOK SABHA**

STARRED QUESTION NO:196

ANSWERED ON:12.08.2011

AUTONOMY TO PANCHAYATS

Reddy Shri K. Jayasurya Prakash;Vishwanath Shri katti Ramesh

Will the Minister of PANCHAYATI RAJ be pleased to state:

- (a) whether the extent of autonomy and powers assigned to the panchayats and gram sabhas are satisfactory;
- (b) if so, the details thereof;
- (c) whether the Government proposes to empower the panchayats and the gram sabhas by providing more autonomous powers in order to widen their role in the implementation of various centrally sponsored schemes;
- (d) if so, the reaction of the Government thereto and the details of the grants released to the panchayats directly during the last three years and the current year. Scheme-wise and State-wise;
- (e) whether the Government periodically reviews the working of the Panchayati Raj Institutions; and
- (f) if so, the details thereof along with the shortcomings noticed in their working and the measures taken to remove them?

Answer

MINISTER OF PANCHAYATI RAJ (SHRI V. KISHORE CHANDRA DEO)

(a) to (f): A Statement is laid on the Table of the House.

STATEMENT REFERRED TO IN PARTS (a) TO (f) OF LOK SABHA STARRED QUESTION NO.196 TO BE ANSWERED ON 12.8.2011 REGARDING AUTONOMY TO PANCHAYATS

(a) & (b): Within the Constitutional framework, 'Panchayats' is a State subject. Under Article 243G, State legislatures may endow Panchayats with powers and authority to enable them to function as institutions of self-government and plan and implement schemes for economic development and social justice including on matters listed in the Eleventh Schedule. As per Article 243A a Gram Sabha may exercise such power and perform such functions as the legislature of a State may, by law, provide. States vary in the extent to which they have devolved powers to the Panchayats. Ministry of Panchayati Raj (MoPR) has constantly urged the Union Ministries and States/UTs to devolve functions, funds and functionaries (3Fs) to the Panchayati Raj Institutions (PRIs) and strengthen Gram Sabhas. MoPR has issued advisories to the States on Panchayat finances, manpower for the Panchayats, effective devolution of the 3 Fs through Activity Mapping and effective functioning of the Gram Sabhas. These advisories are available at www.panchayat.gov.in.

Under the Panchayats (Extension to Scheduled Areas) Act, 1996 (PESA), the Gram Sabhas in the Scheduled Areas are empowered to safeguard community resources and the customary way of life. Gram Sabhas have been given the right to be consulted with respect to land alienation, resettlement and rehabilitation and grant of mining licences for minor minerals. In addition, the Gram Sabhas have been given ownership of Minor Forest Produce (MFP), control over sale and manufacture of intoxicants, control over money-lending, power to restore alienated land and control over functionaries in the social sector. While the nine PESA States have amended their Panchayati Raj Acts in accordance with PESA, several subject laws relating to mining, forests, money-lending, excise, etc. remain inconsistent with PESA. MoPR has given detailed guidelines on 21.05.2010 to the PESA States on effective implementation of PESA.

(c) & (d): MoPR has issued a detailed advisory dated 19.1.2009 (available at www.Panchayat.gov.in) to Central ministries and States on the role and responsibilities of the Panchayats and Gram Sabhas in CSSs. The Backward Regions Grant Fund (BRGF) administered by MoPR as an Additional Central Assistance (ACA) to States is planned and implemented by the Panchayats and Urban Local Bodies. The BRGF provides untied funds for meeting development needs that are identified through decentralized, participatory planning in which the Gram Sabhas have a key role. No funds are provided directly to the Panchayats by MoPR.

(e) & (f): Apart from periodically reviewing the working of the PRIs with the State Governments, MoPR prepares State of the Panchayat Reports (SoPRs). Under the Panchayat Empowerment and Accountability Incentive Scheme (PEAIS), MoPR assesses the extent of devolution of 3 Fs by the States as per a Devolution Index, prepared through an independent agency. From 2011-12, the scheme has been expanded to include the assessment of Panchayat performance.

It has been noticed that despite the Constitutional stipulations, the functioning of the Panchayats is hampered due to inadequate devolution of 3Fs. Capacities of the Panchayats as well as Gram Sabhas need to be strengthened considerably in terms of

infrastructure, manpower, ICT etc. Under schemes like BRGF and Rashtriya Gram Swaraj Yojana (RGSY), MoPR provides support for various capacity building activities. States are also incentivized under the PEAIS to devolve 3 Fs to Panchayats.