

**SOS POLITICAL SCIENCE AND
PUBLIC ADMINISTRATION**

M.A.PUB.ADMN.401

**SUBJECT NAME:LOCAL
ADMINISTRATION**

UNIT-III

**TOPIC NAME:MAIN FEATURES OF
73RD CONSTITUTIONAL
AMENDMENT(WITH REFERENCE
TO ALL STATES)**



● **INTRODUCTION**

- The 73rd Constitutional Amendment Act of 1992 which created a
- uniform three-tier structure of Panchayati Raj at the district,
- block/mandal and village levels, provides transfer of responsibilities
- and tax powers from the state government to the gram Panchayat.
- The responsibilities include preparation and implementation of plans
- for economic development and social justice relating to an indicative
- list of 29 subjects given in Eleventh Schedule of the Constitution.



- Article 243 - 243O of PART -IX of Indian constitution introduces Panchayati Raj, which was given constitutional status through 73rd Amendment Act, 1992 and added it to 11th Schedule. ... In 1986, LM Singhvi Committee formed under PM Rajiv Gandhi JD(U) recommended constitutional status to Panchayat.



SIGNIFICANCE OF THE AMENDMENT

- This amendment implements the article 40 of the DPSP which says that “State shall take steps to organize village Panchayat and endow them with such powers and authority as may be necessary to enable them to function as units of self-government” and have upgraded them from non-justifiable to justifiable part of the constitution and has put constitutional obligation upon states to enact the Panchayati Raj Acts as per provisions of the Part IX. However, states have been given enough freedom to take their geographical, politico-administrative and others conditions into account while adopting the Panchayati Raj System.

FEATURES OF 73RD CONSTITUTIONAL AMENDMENT

ARTICLE 243 {DEFINITIONS}

- In this Part, unless the context otherwise requires,-
- "district" means a district in a State;
- "Gram Sabha" means a body consisting of persons registered in the electoral rolls relating to a village comprised within the area of Panchayat at the village level;
- "intermediate level" means a level between the village and district levels specified by the Governor of a State by public notification to be the intermediate level for the purposes of this Part;
- "Panchayat" means an institution (by whatever name called) of self-government constituted under Article 243B, for the rural areas;
- "Panchayat area" means the territorial area of a Panchayat;
- "population" means the population as ascertained at the last preceding census of which the relevant figures have been published;
- "village" means a village specified by the Governor by public notification to be a village for the purposes of this Part and includes a group of villages so specified.



ARTICLE 243A {GRAM SABHA}

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



ARTICLE 243B {CONSTITUTION OF PANCHAYATS}

- There shall be constituted in every State, Panchayat at the village, intermediate and district levels in accordance with the provisions of this Part.
- Notwithstanding anything in Clause (1), Panchayat at the intermediate level may not be constituted in a State having a population not exceeding twenty lakhs



ARTICLE 243C {COMPOSITION OF PANCHAYATS}

- Direct election of a Panchayat at three tiers.
- Chairpersons of the Gram Panchayat are the Ex-officio members at the
- intermediate level .
- Chairpersons of the Gram Panchayat at the intermediate level are the
- Ex-officio members in the Panchayat at the district level.
- Association of MPs and MLAs :
- All the members have the right to vote in the meetings.
- 7
- The Chairpersons at the intermediate and district levels elected
- indirectly by elected members.
- Direct election of the Chairpersons at the village level.



ARTICLE 243D {RESERVATION OF SEATS}

- Reservation for the SCs and STs at the three levels.
- The seats to be filled by direct election.
- One-third of the seats are reserved for SC or ST women.
- Not less than one-third membership has been reserved for women.
- Direct election in every Panchayat and by rotation.
- Not less than one-third of offices of Chairpersons reserved for women by rotation.
- The offices of Chairpersons shall also be reserved for SCs and ST

ARTICLE 243E {DURATION OF PANCHAYAT}

- Every Panchayat, unless sooner dissolved under any law for the time being in force, shall continue for five years from the date appointed for its first meeting and no longer.
- No amendment of any law for the time being in force shall have the effect of causing dissolution of a Panchayat at any level, which is functioning immediately before such amendment, till the expiration of its duration specified in Clause (1).
- An election to constitute a Panchayat shall be completed -
 - before the expiry of its duration specified in clause (1);
 - before the expiration of a period of six months from the date of its dissolution: Provided that where the remainder of the period for which the dissolved Panchayat would have continued is less than six months, it shall not be necessary to hold any election under this clause for constituting the Panchayat.
- A Panchayat constituted upon the dissolution of a Panchayat before the expiration of its duration shall continue only for the remainder of the period for which the dissolved Panchayat would have continued under Clause (1) had it not been so dissolved.

ARTICLE 243F {DISQUALIFICATIONS FOR MEMBERSHIP}

- A person shall be disqualified for being chosen as, and for being, a member of a Panchayat -
- if he is so disqualified by or under any law for the time being in force for the purposes of elections to the Legislature of the State concerned: Provided that no person shall be disqualified on the ground that he is less than twenty-five years of age, if he has attained the age of twenty-one years;
- if he is so disqualified by or under any law made by the Legislature of the State.
- If any question arises as to whether a member of a Panchayat has become subject to any of the disqualifications mentioned in Clause (1), the question shall be referred for the decision of such authority and in such manner as the Legislature of a State may, by law, provide.

ARTICLE 243G {POWERS, AUTHORITY AND RESPONSIBILITIES OF PANCHAYATS}

- Subject to the provisions of the Constitution, the Legislature of a State may, by law, endow the Panchayat with such powers and authority and may be necessary to enable them to function as institutions of self-government and such law may contain provisions for the devolution of powers and responsibilities upon Panchayat at the appropriate level; subject to such conditions as may be specified therein, with respect to -
- The preparation of plans for economic development and social justice;
- The implementation of schemes for economic development and social justice as may be entrusted to them including those in relation to the matters listed in the Eleventh Schedule.

ARTICLE 243H {POWERS TO IMPOSE TAXES BY, AND FUNDS OF, THE PANCHAYATS}

- The Legislature of a State may, by law, -
 - Authorize a Panchayat to levy, collect and appropriate such taxes, duties, tolls and fees in accordance with such procedure and subject to such limits
 - Assign to a Panchayat such taxes, duties, tolls and fees levied and collected by the State Government for such purposes and subject to such conditions and limits
 - Provide for making such grants-in-aid to the Panchayat from the Consolidated Fund of the State and
 - Provide for constitution of such Funds for crediting all moneys received, respectively, by or on behalf of the Panchayat and also for the withdrawal of such moneys therefrom



**ARTICLE 243I {CONSTITUTION OF FINANCE
COMMISSION TO REVIEW FINANCIAL POSITION}**



ARTICLE 243J {AUDIT OF ACCOUNTS OF PANCHAYATS}

- The Legislature of a State may, by law, make provisions with respect to the maintenance of accounts by the Panchayat and the auditing of such accounts.



ARTICLE 243L {APPLICATION TO UNION TERRITORIES}

- The provisions of this Part shall apply to the Union territories and shall, in their application to a Union territory, have effect as if the references to the Governor of a State were references to the Administrator of the Union territory appointed under Article 239 and references to the Legislature or the Legislative Assembly of a State were references, in relation to a Union territory having a Legislative Assembly, to that Legislative Assembly: Provided that the President may, by public notification direct that the provisions of this Part shall apply to any Union territory or part thereof subject to such exceptions and modifications as he may specify in the notification.

ARTICLE 243M {PART NOT TO APPLY TO CERTAIN AREAS}

- Nothing in this Part shall apply to the Scheduled Areas referred to in Clause (1), and the tribal areas referred to in Clause (2), of Article 244.
- Nothing in this Part shall apply to -
- The States of Nagaland, Meghalaya and Mizoram; The Hill Area in the State of Manipur for which District Councils exist under any law for the time being in force.
- Nothing in this Part -
- Relating to Panchayat 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;
- Shall be construed to affect the functions and powers of the Darjeeling Gorkha Hill Council constituted under such law.
- Notwithstanding anything in this Constitution, - the Legislature of a State referred to in Sub-clause (a) of Clause (2) may, by law, extend this Part to the State, except the areas, if any, referred to in Clause (1), if the Legislative Assembly of that State passes a resolution to that effect by a majority of the total membership of that House and by a majority of not less than two-thirds of the members of that House present and voting;
- Parliament may, by law, extend the provisions of this Part to the Scheduled Areas and the tribal areas referred to in Clause (1) subject to such exceptions and modifications as may be specified in such law, and no such law shall be deemed to be an amendment of this Constitution for the purposes of Article 368.



ARTICLE 243N {CONTINUANCE OF EXISTING LAWS AND PANCHAYATS}

- Notwithstanding anything in this Part, any provision of any law relating to Panchayat in force in a State immediately before the commencement of the Constitution (Seventy-second Amendment) Act, 1992, which is inconsistent with the provisions of this Part, shall continue to be in force until amended or repealed by a competent Legislature or other competent authority or until the expiration of one year from such commencement, whichever is earlier:
- Provided that all the Panchayat existing immediately before such commencement shall continue till the expiration of their duration, unless sooner dissolved by a resolution passed to that effect by the Legislative Assembly of that State or, in the case of a State having a Legislative Council, by each House of the Legislature of that State.



ARTICLE 243O {BAR TO INTERFERENCE BY COURTS IN ELECTORAL MATTERS}

- Notwithstanding anything in this Constitution, - the validity of any law relating to the delimitation of constituencies or the allotment of seats to such constituencies, made or purporting to be made under Article 243K, shall not be called in question in any Court;
- No election to any Panchayat shall be called in question except by an election petition presented to such authority and in such manner as is provided for by or under any law made by the Legislature of a State.