

## Panchayati Raj in Rajasthan

- After Independence, Rajasthan was the first state to establish Panchayati Raj.
- The scheme was inaugurated by then Prime Minister Nehru on **October 2, 1959** in **Bagdari village of Nagaur district**.
- Panchayati Raj in India aims to build democracy at grass-root level and signifies the system of rural self-government. Panchayats are an effective vehicle for people's participation in administration, planning and democratic process and so organisation of village Panchayats has been made a Directive Principle of State Policy (**Article 40**).
- After the **73rd Constitutional Amendment Act** of 1992, these institutions have received Constitutional status.

### 73RD CONSTITUTIONAL AMENDMENT ACT OF 1992

#### Significance of the Act:

The act has given a practical shape to **Article 40 of the Constitution** which says that

'The State shall take steps to organise village panchayats and endow them with such powers and authority as may be necessary to enable them to function as units of self-government'.

The act gives a constitutional status to the panchayati raj institutions. It has brought them under the purview of the justiciable part of the Constitution. The state governments are under constitutional obligation to adopt the new panchayati raj system in accordance with the provisions of the act.

Additionally, neither the formation of panchayats nor the holding of elections at regular intervals depends on the will of the state government anymore. The act transfers the representative democracy into participatory democracy. It is a revolutionary concept to build democracy at the grass-root level in the country.

#### Major Features of the Act:

- This act has added a new **Part-IX to the Constitution of India**. It is entitled as 'The Panchayats' and consists of provisions from Articles 243 to 243-0. Additionally, the act has also added **Eleventh Schedule** to the Constitution which contains the 29 functional items of the panchayats.

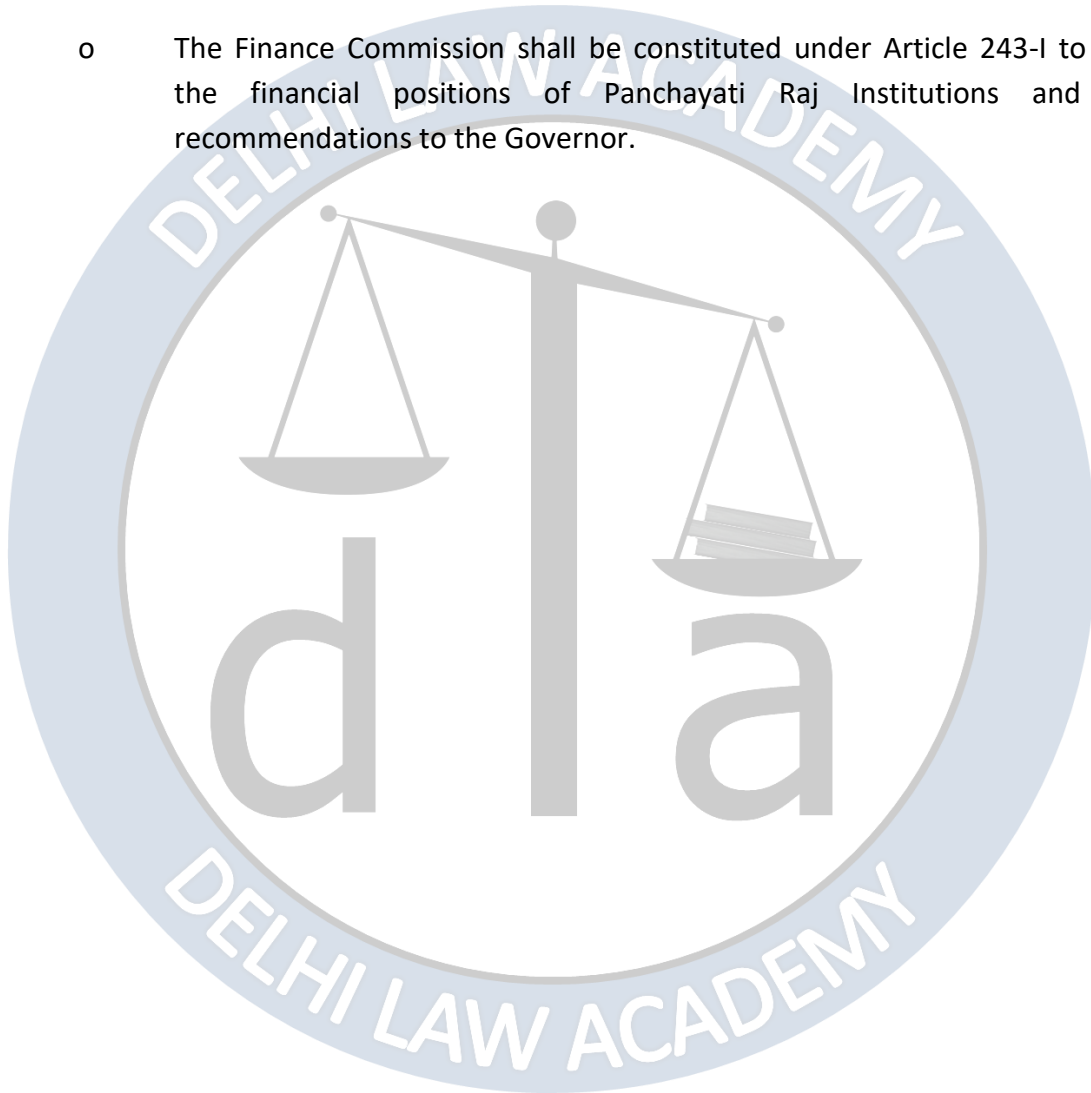
- The provisions of the act can be grouped into two categories-Compulsory and Voluntary.
  - o The compulsory (mandatory or obligatory) provisions of the act have to be included in the state laws creating the new panchayati raj system.
  - o The voluntary provisions, on the other hand, may be included at the direction of the states.
  
- **Gram Sabha:**
  - o The act provides for a Gram Sabha as the foundation of the Panchayati Raj system. It is a body consisting of all the registered voters in the area of the panchayat.
  - o A Gram Sabha may exercise such powers and perform such functions at the village level as the Legislative of a State may, by law, provide. (Article 243A).
  - o There shall be at least two meetings of the Gram Sabha every year.
  - o The quorum for a meeting of the Gram Sabha shall be one-tenth of the total number of members
  
- **Three-Tier System:**
  - o The act provides for three-tier system of Panchayati Raj in every state with Panchayats at village, intermediate and district level. In Rajasthan nomenclature used is:

Level of Panchayat	Name used
District Panchayat	Zila Parishad
Intermediate Panchayat	Panchayat Samiti
Village Panchayat	Gram Panchayat

- **Elected members & chairpersons:**
  - o All members of the Panchayats at village, intermediate and district level shall be elected directly by the people.
  - o Sarpanch of Gram Sabha is elected directly adult voters.
  - o Chairpersons of panchayats at intermediate & district level shall be elected indirectly - by and from amongst the elected members. Manner of election of Chairpersons at village level is decided by State legislative assembly.
  
- **Elections to the Panchayats :**
  - o The superintendence, direction and control of preparation of electoral rolls for, and the conduct of, all elections to the Panchayats shall be vested in a State Election Commission.
  
- **Duration of Panchayats:**
  - o Every Panchayat shall continue for five years from the date appointed for its first meeting and no longer.
  
- **Reservations of Seats:**
  - o Seats shall be reserved for-
    - (a) the Scheduled Castes and
    - (b) the Scheduled Tribes, in every Panchayat in ratio of population
  - o Not less than **one-third** of the total number of seats to be filled by direct election in every Panchayat shall be **reserved for women** and such seats may be allotted by rotation to different constituencies in a Panchayat.
  
- **Exempted Areas:**
  - o The Act did not apply to Jammu & Kashmir and certain scheduled areas in some states. However, the act provided power to Parliament to extend the Act to these scheduled areas with certain special provisions.



- o Under which, Parliament passed "The Provisions of the Panchayats (Extension to Scheduled Areas) Act, 1996 or PESA Act".
- o Rajasthan passed its conformity legislation in accordance with PESA on 30th Sept. 1999.
- **Finance Commission:**
  - o The Finance Commission shall be constituted under Article 243-I to review the financial positions of Panchayati Raj Institutions and make recommendations to the Governor.



## Panchayats in Rajasthan:

Rajasthan has a three-tier system of Panchayati Raj with

- 33 Zila Parishads (District level)
- 343 Panchayat Samities (Block level) and
- 11,152 Panchayats (Village level, comprising of a village or a group of villages)

### Additional Rules for PRI's in Rajasthan:

- Rajasthan was the first state to impose the **two-child norm** as a bar to standing for elections and as a disqualification for occupying a Panchayat elected seat.
- Rajasthan is also the first State in the country to fix a **minimum educational qualification** for contesting elections to the Panchayati Raj Institutions. The Assembly passed the Rajasthan Panchayati Raj (amendment) Bill, 2015, which makes Class VIII pass mandatory for the post of sarpanch — except in tribal reserved areas, where the minimum qualification is Class V — and Class X for Zila Parishad or Panchayat Samiti elections. The amendments to Section 19 of the Rajasthan Panchayat Raj Act, 1994 also make a functional toilet mandatory in the house of a contestant.
- Fifteen States, including Rajasthan, have enacted legislation for **50% reservation of women** in PRI's.

### Composition of Panchayats in Rajasthan:

#### Gram Panchayat:

- A Sarpanch, and directly elected Panchas from as many wards as are determined.
- The Sarpanch is assisted by Gram Sevak & Clerk Grade II.

#### Panchayat Samiti:

- Directly elected members from as many territorial constituencies.

- All members or the Legislative Assembly of the State representing constituencies which comprise whole or partly the Panchayat Samiti area.
- Chairpersons of all the Panchayats falling within the Panchayat Samiti
- The Pradhan is assisted by Block Development Officer who has an Assistant Engineer, Assistant Account Officer and Block Primary Education Officer at his disposal.

## Zila Parishad:

- Directly elected members from as many territorial constituencies as are determined.
- All members of the Lok Sabha and of the State Legislative Assembly representing constituencies which comprise wholly or partly the Zila Parishad area.
- All members of the Rajya Sabha registered as electors within the Zila Parishad.
- Chairpersons of all Panchayat Samities falling within the Zila Parishad area.

## XI Schedule

Eleventh schedule of Indian Constitution contains 29 functional items placed within the purview of the Panchyats:

1. Agriculture including agricultural expansion
2. Land improvement, implementation of land reforms, land consolidation and soil conservation.
3. Animal Husbandry, Dairying and poultry
4. Fisheries Industry
5. Minor irrigation, water management and watershed development
6. Social forestry and farm forestry
7. Small scale industries in which food processing industry is involved
8. Minor forest produce
9. Safe water for drinking
10. Khadi, village and cottage industries

11. Rural housing
12. Fuel and fodder
13. Rural electrification, including distribution of electricity
14. Road, culverts, bridges, ferries, waterways and other means of communication
15. Education including primary and secondary schools
16. Non-conventional sources of energy
17. Technical training and vocational education
18. Adult and non-formal education
19. Public distribution system
20. Maintenance of community assets
21. Welfare of the weaker sections of the society, in particular of the Schedule Castes and Schedule Tribes
22. Social welfare, including welfare of the handicapped and mentally retarded
23. Family welfare
24. Women and child development
25. Markets and Fairs
26. Pleanth and sanitation including hospitals, primary health centres and dispensaries
27. Cultural activities
28. Libraries
29. Poverty Alleviation Programmes

## Implementation of PESA in Rajasthan

Rajasthan passed its conformity legislation in accordance with PESA on 30th Sept. 1999. The details of notified FSA/ PESA areas in the State of Rajasthan as under:

- Number of PESA District (Fully & Partly covered): 8
- PESA District (Fully covered): 3 (Banswara, Dungarpur and Pratapgarh)



- PESA District (Partly covered): 5 (Udaipur, Rajsamand, Chittorgarh, Pali and Sirohi)

