

**LOK SABHA**

**THE CONSTITUTION (SEVENTY-SECOND AMENDMENT)  
BILL, 1991**

*(Insertion of new Part IX and addition of Eleventh Schedule)*

**REPORT OF  
THE JOINT COMMITTEE**

*[Presented on 14 July, 1992]*



**LOK SABHA SECRETARIAT  
NEW DELHI**

*July, 1992/Asadha, 1914 (S)  
Price: Rs. 15.75*

## CONTENTS

	PAGE
1. COMPOSITION OF THE JOINT COMMITTEE . . . . .	(ii)
2. REPORT OF THE JOINT COMMITTEE . . . . .	(v)—(viii)
3. MINUTES OF DISSENT. . . . .	(ix)—(xi)
4. BILL AS REPORTED BY THE JOINT COMMITTEE . . . . .	1—8
APPENDIX I : Motion in Lok Sabha for reference of the Bill to the Joint Committee . . . . .	9
APPENDIX II : Motion in Rajya Sabha . . . . .	10
APPENDIX III : List of Associations/organisations, individuals etc. from whom Memoranda were received by the Joint Committee. . . . .	11—12
APPENDIX IV: List of witnesses who tendered oral evidence before the Joint Committee . . . . .	13
APPENDIX V: Minutes of the Joint Committee . . . . .	14—42

**JOINT COMMITTEE ON THE CONSTITUTION (SEVENTY-SECOND AMENDMENT) BILL, 1991  
(INSERTION OF NEW PART IX AND ADDITION OF ELEVENTH SCHEDULE)**

**COMPOSITION OF THE COMMITTEE**

**Shri Nathu Ram Mirdha — Chairman**

**MEMBERS**

**Lok Sabha**

- |                            |                                  |
|----------------------------|----------------------------------|
| 2. Shri Mani Shankar Aiyar | 12. Shri R. Ramasamy             |
| 3. Shri Lal Jan S.M. Basha | 13. Dr. Sudhir Ray               |
| 4. Shri H.D. Devegowda     | 14. Dr. Sakshiji Maharaj Swami   |
| 5. Shri Digvijaya Singh    | 15. Shri P.M. Sayeed             |
| 6. Shri Bhogendra Jha      | 16. Shri Rampal Singh            |
| 7. Shri D.D. Khanoria      | 17. Shri Satya Deo Singh         |
| 8. Shri M. Krishnaswamy    | 18. Shri Shiv Sharan Sinha       |
| 9. Shri Nitish Kumar       | 19. Prof. K.V. Thomas            |
| 10. Shri Rameshwar Patidar | 20. Shri Mukul Balkrishna Wasnik |
| 11. Smt. Suryakanta Patil  |                                  |

**Rajya Sabha**

- |                           |                              |
|---------------------------|------------------------------|
| 21. Shri Rafique Alam     | 26. Shri Kameshwar Paswan    |
| 22. Shri Dipen Ghosh      | 27. Shri Chhotubhai Patel    |
| 23. Shri H. Hanumanthappa | 28. Shri Shankar Dayal Singh |
| 24. Shrimati Kailashpati  | 29. Shri Subramanian Swamy   |
| 25. Shri S. Madhavan      | *30. Vacant                  |

**SECRETARIAT**

- |   |  |
|---|--|
| 1. Shri G.L. Batra — Additional Secretary | 3. Shri R.K. Chatterjee — Deputy Secretary |
| 2. Shri S.C. Gupta — Joint Secretary      | 4. Shri D.L. Kapur — Assistant Director    |

**LEGISLATIVE COUNSEL**

1. Shri B.S. Saluja — Joint Secretary and Legislative Counsel
2. Shri K.N. Chaturvedi — Deputy Legislative Counsel

**REPRESENTATIVES OF THE MINISTRY OF RURAL DEVELOPMENT**

1. Shri S.R. Sankaran — Secretary
2. Shri S. Som — Additional Secretary
3. Shri D. Singhai — Deputy Secretary

---

\*Shri Prabhakar Rao Kalvala ceased to be a member of the Committee w.e.f. 2.4.1992 on the expiry of his term in Rajya Sabha and the vacancy was not filled up.

**REPORT OF THE JOINT COMMITTEE ON THE CONSTITUTION (SEVENTY-SECOND AMENDMENT) BILL, 1992**

1. The Chairman, of the Joint Committee to which the Bill<sup>\*</sup> further to amend the Constitution of India viz. the Constitution (Seventy-Second Amendment) Bill, 1991 (Insertion of new Part IX and addition of XIth Schedule) was referred, having been authorised to submit the Report on their behalf, present this Report.

2. The Bill was introduced in the Lok Sabha on 16 September, 1991. The motion for reference of the Bill to a Joint Committee of both Houses of Parliament was moved in Lok Sabha by Shri G. Venkataswamy, Minister of State in the Ministry of Rural Development on 20 December, 1991 and was adopted (*Appendix I*).

3. The Rajya Sabha concurred in the said motion on 21 December, 1991 (*Appendix II*).

4. The message from Rajya Sabha was published in Lok Sabha Bulletin Part II on 24 December, 1991.

5. The Committee held 13 sittings in all.

6. The first sitting was held on 22 January, 1992. At this sitting, the Committee considered their future programme of work and decided to invite Memoranda containing comments/suggestions on the provisions of the Bill by 24 February, 1992 from the State Governments/Union Territory Administrations, public bodies, organisations and individuals etc. interested in the subject matter of the Bill for their consideration.

The Committee further decided that a detailed questionnaire on the subject might be prepared by the Ministry of Rural Development which could be forwarded to these organisations, bodies, individuals etc. to enable them to submit their Memoranda to the Committee.

Accordingly, a press communique inviting Memoranda and requests for oral evidence was issued on 22 January, 1992. The Director General, All India Radio and the Director General, Doordarshan, New Delhi were also requested to broadcast the contents of the press communique from all stations of All India Radio/telecast it from all Doordarshan Kendras on three successive days in English and Hindi and in regional languages.

7. As per decision taken by the Committee a circular letter inviting Memoranda containing comments/suggestions on the provisions of the Bill was also issued to the Chief Secretaries of all the State Governments/Union Territory Administrations and individuals whose names were furnished by the Ministry of Rural Development.

8. 38 Memoranda containing comments/suggestions on the provisions of the Bill were received by the Committee from various organisations/individuals etc. (*Appendix III*)

9. The Committee visited Hyderabad on 19 and 20 February, 1992 and held informal discussions with the representatives of (i) State Government of Andhra Pradesh; and (ii) National Institute of Rural Development.

10. At their sitting held on 16 & 17 March, 1992, the Committee took oral evidence of 6 local organisations/individuals. Committee also took evidence of 3 organisations/individuals based outside Delhi at their sitting held on 30 March, 1992. A list of persons who gave evidence before the Committee is at *Appendix IV*.

11. The Report of the Committee was to be presented to the House by the last day of the first week of the Budget Session, 1992. The Committee were granted two extensions of time for presentation of their Report—first on 26 February, 1992 upto 30 April, 1992, Second on 30 April, 1992 upto the last day of the first week of Monsoon Session, 1992.

12. The Committee held Clause by Clause general discussion on the provisions of the Bill on the basis of amendments proposed by the Members at their sittings held on 11 & 12 May and again from 9 to 11 June, 1992.

---

\* Published in the Gazette of India, Extra-ordinary, Part II, Section II dated 16 September, 1991.

13. The Committee at their sitting held on 29 June, 1992 considered the Bill clause-by-clause.

14. At their sitting held on 30 June, 1992 the Committee decided that (i) the evidence tendered before the Committee might be laid on the Table of both Houses of Parliament; and (ii) two copies each of Memoranda received by the Committee might be placed in the Parliament Library, after the report had been presented for reference by the Members of Parliament.

15. The Committee considered and adopted the Report at their sitting held on 30 June, 1992.

16. The observations of the Committee with regard to principal changes proposed in the Bill are detailed in the succeeding paragraphs.

17. Article 243.— The Committee feel that the definition of the expression "Gram Sabha" as included in Article 243A(2) should be included in Article 243, since all other expressions have been defined in Article 243.

A new clause (b) relating to definition of "Gram Sabha" has been added accordingly in Article 243 and existing clauses (b) to (f) have been renumbered as clauses (c) to (g) of that Article.

18. Article 243A.— The Committee feel that the "Gram Sabha" cannot exercise any powers and that at best it can perform certain functions. The details of such functions can be laid down by the Legislature of a State.

Article 243A has been revised accordingly. Clause (2) of this Article has been omitted as definition of "Gram Sabha" has been included in Article 243.

19. Article 243B.— The Committee find that there is wide diversity in the number of tiers of Panchayats existing in by different States. The Committee note that the majority of the bigger States have three-tier system. Even where there is a three tier system, there are structural differences in States like Karnataka, Tamil Nadu and Assam. However, there are States like Haryana, Manipur, Kerala and Sikkim and Union Territory of Lakshadweep with only two-tier system adopted by them. Still there are some States like Goa, Jammu & Kashmir and Tripura and the Union territories like Andaman and Nicobar Islands and Dadra & Nagar Havelli, etc., which follow only one-tier system. The Committee are of the opinion that a common and uniform three-tier system of Panchayats may be adopted throughout the country.

Article 243B has been amended accordingly.

20 Article 243C.— The Committee note that the issue relating to direct or indirect elections in Panchayati Raj Institutions is very vital. Directly elected persons have an inherent strength of having been elected by the people. Moreover, indirect elections have led to various manipulative practices. The Committee, therefore, are of the opinion that in order to strengthen the democracy at the grass-root level, all seats in a Panchayat at any level should be filled by direct elections. The Committee also agree that as provided in the Bill it may be left to the Legislature of a State to make provisions relating to representation of Chairpersons of Panchayats in the Panchayats at the next higher level, e.g., the Chairpersons of the Panchayat at the village level may be represented at the intermediate level and Chairperson of the Panchayat at the intermediate level may be represented at the district level.

The Committee are also of the opinion that the Legislature of a State may also make necessary provisions regarding the representation of members of the Rajya Sabha and Members of the Legislative Council of a State, where they are registered as electors in the Panchayat area at the intermediate level, in the Panchayats at the intermediate level and where they are registered as electors in a Panchayat area at the district level, in such Panchayat at the district level.

Clauses (2) and (4) of Article 243C have been amended accordingly and clause (3) has been omitted as all seats in Panchayats will be filled by direct election.

The Bill provides that only the Chairperson and directly elected members of a Panchayat have the right to vote in the meetings of the Panchayat. The Committee are of the opinion that all members of a Panchayat irrespective of the fact whether or not chosen by direct elections should be given the right to vote in the meetings of the Panchayat for their smooth functioning.

The provisions of clauses (5) and (6) of Article 243C have been clubbed accordingly and incorporated in the revised clause (4).

The Committee further feel that the Chairperson of a Panchayat at the village level only should be

(vii)

chosen by direct election and that the Chairperson of a Panchayat at the intermediate level or district level should be chosen by indirect election. Where the Chairperson of a Panchayat at the village level has been chosen by direct election, he shall not be removed from that office unless the Panchayat has made a recommendation to the Gram Sabha to that effect after adopting a motion by a majority of the total number of the elected members of the Panchayat and by a majority of not less than two-thirds of the members present and voting and the Gram Sabha at the specially convened meeting after a notice of not less than fifteen days has passed a resolution for such removal by a majority of its members present and voting, so however, that not less than fifty per cent of the members are present at such meeting. If the meeting cannot be held for want of quorum, the Panchayat's motion shall lapse and no further motion for removal of the Chairperson shall be brought within one year of the date of adoption of the previous motion. Similarly, where the Chairperson of a Panchayat has been chosen by indirect election he shall not be removed from that office unless the Panchayat has passed a resolution to that effect by a majority of the total number of the elected members of the Panchayat and by a majority of not less than two-thirds of such members present and voting.

Clause (7) of Article 243C has been amended accordingly and renumbered as clause (5). New clauses (6) and (7) have also been inserted to give effect to the above recommendations.

21. Article 243D.—It has been represented before the Committee that in some States seats reserved for Scheduled Castes are filled in by Scheduled Tribes either due to non-availability of such candidates or owing to some other reasons.

- Clause (1) of this Article has, therefore, been slightly amended to make it clear that the seats will be reserved for Scheduled Castes and Scheduled Tribes separately.

22. Article 243E. — The Committee find that in order to ensure durability of, and building up confidence in, Panchayati Raj Institutions, it is provided that every Panchayat should have a duration of five years. However, keeping in view the fact that Panchayats at any level can be superseded for indefinite periods or they can be dissolved, and in certain cases elections of these institutions have not been held for long periods, the Committee recommend that the elections to these bodies must be completed before the expiration of their duration of five years. Similarly, in case a Panchayat is dissolved before the expiration of its duration, election to constitute a new Panchayat must be completed before the expiry of a period of six months from the date on which it was dissolved. The Committee also feel that no amendment of any State law should have the effect of causing dissolution of Panchayats which are functioning immediately before such amendment, before the expiration of their duration of five years.

Existing clause (2) has been amended accordingly and re-numbered as clause (3) and a new clause (2) has been inserted in this Article. Certain consequential amendments have also been made in clause (1).

23. Article 243F. — The Committee note that in order to prevent undesirable persons from becoming members in the Panchayats, certain provisions for disqualification have been included in the Bill. These are based on similar provisions with respect to disqualification for Members of Parliament and State Legislatures.

The Committee feel that the existing sub-clause (a) to (d) of clause (1) are covered by the provisions of sub-clause (e) and they are also of the opinion that with the advent of electronic media and rise in standards of general education, the level of awareness amongst people in small towns and cities has gone up. Now, a person of the age of twenty-one years is responsible enough to hold a public office. The Committee are, therefore, of the opinion that all persons who have attained the age of twenty-one years should be eligible to stand for election in the Panchayati Raj Institutions. The Committee further feel that the disputes relating to disqualification instead of being referred for the decision of the Governor should be referred for the decision of such authority and in such manner as the Legislature of a State may, by law, provide.

Sub-clauses (a) to (d) have been omitted and Sub-clause (e) of clause (1) and clause (2) of Article 243F have been amended accordingly.

24. Article 243I. — The amendment made in clause (1) of Article 243I is of a formal nature.

25. Article 243K. — The Committee note that the elections in Panchayati Raj Institutions are to be conducted under the superintendence, direction and control of the Chief Electoral Officer of a State who is accountable to and a functionary of the Chief Election Commissioner so far as conducting of elections is

concerned. The Committee feel that it should be left to the Legislature of a State to provide for a separate authority for conducting the said elections.

Article 243K has been amended accordingly.

Article 243L. The Committee feel that the enabling power of the President not to apply the provisions of Part IX to any Union Territory should be omitted. The President should only have the power to apply the said provisions to any Union Territory or part thereof subject to such exceptions and modifications as he may specify by public notification.

Article 243L has been modified accordingly.

26. Article 243N. — The Committee feel that all the existing State laws relating to Panchayats which are inconsistent with the provisions of Part IX proposed to be inserted by this Bill, 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 the commencement of this Legislation, whichever is earlier. The Committee note that the duration of the existing Panchayats shall not be affected by it in view of the stipulation in proviso to this Article.

Article 243N has been amended accordingly.

27. Clause (1) and Enacting Formula.— The amendments made in clause (1) and the enacting formula are of a formal nature.

28. The Joint Committee recommend that the Bill, as amended be passed.

New DELHI;  
30 June, 1992

NATHURAM MIRDHA,  
Chairman,  
Joint Committee.

## MINUTES OF DISSENT

### I

It may be noted that in terms of Entry 5 of List II (State List) of the Constitution, the State Governments are competent to legislate on issues relating to local self-government. Article 40 of the Constitution also makes it incumbent on the State to take steps to organise Panchayats at village level and also intermediate and district levels as may be considered necessary and endow them with such powers and authority as may be necessary to enable them to function as units of local self-government. We, therefore, feel that it lies entirely in the State's domain to decide and legislate on the subject. We also feel that this is an issue which would call for local variations depending on regional needs and as such it would be difficult to have a uniformity in legislation. In view of this a Constitutional Amendment would, perhaps, not be considered to be a substitute to political will and land reforms, two most important pillars on which any meaningful effort of democratic decentralisation must depend. However, if a consensus on the subject favours Constitutional Amendment, then the only three objectives to which it should be strictly confined to are (1) ensuring regular elections, (2) reservation for Scheduled Castes/Scheduled Tribes and Women and (3) constitutional sanction for devolution of power by way of providing a separate schedule of subjects. State Legislature should be free to prescribe all other details according to suitability, convenience and regional needs.

Keeping in view the above principle, we as Members of the Jt. Committee on Constitution (72nd Amendment) Bill, 1991 have made sincere efforts to arrive at a consensus while considering clause-by-clause Amendments of the Bill under reference. In our endeavour to achieve consensus we agreed to most of the amendments, as finally made, notwithstanding our differences with majority opinion on certain matters. But we are constrained to oppose the following clauses and make our suggestions to substitute them. Necessary explanatory notes for it are also appended below.

*Clause 243C(5)(a)*—It provides direct election of the Chairperson of a Panchayat at the village level.

We do not favour the direct election for the Chairperson at any level because it may, by chance, result in a contradictory situation where the directly elected Chairperson may not enjoy the support of the majority members of the Panchayat Body. Besides, the provision for removal of the Chairperson by the elected members of the Panchayats as made in Clause 243C(6) may not sustain the test of law if the Chairperson of a Panchayat at the village level is directly elected, as only the electorate has the right to do so. Hence, we propose that the Chairperson of a Panchayat at the village level shall be elected by, and from amongst, elected members thereof, as has been provided for in the Clause 243C(5)(b) in the case of Panchayats at the intermediate and district levels. However, in order to achieve a consensus we may agree if the existing Clause is substituted by the following:

*243C(5)(a)*—A Chairperson of a Panchayat at the village level shall be chosen by election in such a manner as the State Legislature of the State may, by law, provide.

*Clause 243M(2)(b)*—It enjoins that the provision of Part IX would not apply to certain areas including hill areas of the District of Darjeeling in the State of West Bengal for which the Darjeeling Gorkha Hill Council exists.

We are opposed to this provisions. In our views the Panchayats at the village and the inter-mediate level in the hill areas of Darjeeling District should continue. Sections 31 and 32 of the Darjeeling Gorkha Hill Council Act of 1988 empower the Darjeeling Gorkha Hill Council to exercise supervision of Municipalities, Panchayat Samitics (i.e. Panchayat at the intermediate level) and gram panchayats (Panchayat at the village level) including the inspection of their work. This clearly underlines the fact that there is no bar in constituting panchayats at the village and intermediate levels under the Darjeeling Hill Gorkha Council Act, 1988. Hence we propose that the words "and the Hill areas of the District of Darjeeling in the State of West Bengal for which the Darjeeling Gorkha Hill Council exists" in the Clause 243M(2)(b), be deleted.

We request you to take it as our Note of Dissent and take steps for its incorporation in the Report as its enclosure.

NEW DELHI;  
Dated the 30th June, 1992

SUDHIR RAY  
DIPEN GHOSH



(x)

## II

I am broadly in agreement with the changes recommended by the Joint Committee in the Constitution (Seventy Second Amendment) Bill, 1991. On one point I would like to record my views separately. This is regarding provision in the Constitution of entrusting to the Panchayats at the village level the power to adjudicate on disputes arising within the Panchayat area. I feel that there should be a provision in the Constitution (Amendment) Bill for such empowerment of the Panchayats at the village level. As this has not found favour with some other Member of the Committee on the ground that this idea was not included in the original Bill, I am constrained to record my views separately. Before doing that it is necessary to say a few words about the Bill itself.

2. The Constitution (Seventy-Second Amendment) Bill dealing with Panchayati Raj Institutions has been born out of a feeling that these institutions, so necessary for effective governance of our country, have not acquired the legal, administrative and political stature due to them. It was, therefore, felt that in the Constitution itself provision should be made with regard to some basic features of the Panchayati Raj Institutions in the country so that those aspects will be taken out of the purview of day to day political and administrative exigencies in the States. This is the vision which has guided me and, I am sure, the other Members of the Committee in applying our mind to this important task.

3. As I have mentioned earlier, the Bill is essentially an instrument of empowerment of Panchayati Raj Institutions to enable them to function as vibrant democratic institutions of our polity. The Bill provides for devolution of administrative and developmental powers to these bodies and also lays down a framework for determining the mode of flow of financial resources to them. This process, to my mind, will not be complete if Panchayats at the village level are not given powers to adjudicate on disputes which arise in the village itself. The practice of adjudicating disputes at the village level by the Panchayats has been an inseparable part of our social system. The term "Panchayat" itself is derived from the work "Panch", the five wise persons of the village, who had been dispensing justice in the village from time immemorial.

4. It is well known that in the institutionalised system of dispensation of justice the poor are at great disadvantage. The system of institution and adjudication of cases in Courts which are far out of the reach of poor villagers, makes this elaborate set up a matter of unattainable luxury for the poor people. In such a situation, faced with injustice and oppression, he has only to suffer in silence. The situation cries out for urgent remedial action and it is incumbent on us, charged as we are with the responsibility of laying down a framework of effective Panchayati Raj Institution in the country, to suggest corrective action in this regard.

5. The idea is not new. The Law Commission in their 114th Report recognised that Panchayat Courts are capable of doing a great deal of useful work by relieving regular courts of petty civil litigations and criminal cases of simpler types. The Commission recommended exclusive jurisdiction and setting out cases triable by such Panchayats very clearly. It also recommended that these institutions which it called Gram Nyayalayas should not be bound by procedures of Court or by the Law of evidence and should wherever possible seek to effect amicable settlement between the parties.

6. The Rajgopaul Committee in its Report submitted in 1964 also favoured establishment/continuance of Nyaya Panchayats and made detailed recommendations about their jurisdiction, method of functioning, etc. It recommended election of Judges for Nyaya Panchayats with provision for co-option of women and members of Scheduled Castes.

7. I have studied the panchayati Raj legislations of different States and I find that the Panchayati Raj Act of many States provide for establishment of Nyaya Panchayats or Gram Kachheries or similar institutions by whatever name called. In Uttar Pradesh, Karnataka, Himachal Pradesh, Gujarat, Madhya Pradesh, Bihar, Rajasthan, Andhra Pradesh, Kerala, Haryana and Punjab, the Panchayat Acts or special laws like Kerala Village Courts Act, 1960 provide for establishment of Nyaya Panchayats at the village level Panchayats for adjudication of disputes. Some States have provision for setting up of Conciliation Boards. In several States such Nyaya Panchayats have actually been set up and they are functioning and

(xi)

disposing of petty disputes arising within the village. It must be appreciated that through these institutions a service is being provided to the litigant public, specially the poorer section thereof and it is a unique opportunity before the Committee to make this a concomitant part of the Panchayati Raj system itself.

8. I have unfortunately not been able to persuade some other Members of the Committee to provide for Nyaya Panchayats as an integral part of Panchayati Raj system. I also apprehend that absence of any provision in the Constitution for establishment of Nyaya Panchayats would send out wrong signals to the nation. States which have legislated on such institutions but have not brought them into force, may even go back. After all, in our system, no group intends to share its power and privileges. This is the second reason for which I feel that such a provision is a must in the Constitution (Seventy-second Amendment) Bill, 1991. With this end in view I had submitted appropriate proposals for amendment to the Bill in the Joint Committee.

9. I record this minute of dissent with the hope that this will receive consideration from the Members of Parliament when the Report of the Joint Committee is presented before them and through this the nation will be nearer the fulfilment of Gandhiji's vision of Gram Swaraj.

NEW DELHI  
Dated 1st July, 1992.

BHOGENDRA JHA

THE CONSTITUTION (SEVENTY-SECOND AMENDMENT) BILL,  
1991

(AS REPORTED BY THE JOINT COMMITTEE)

[Words underlined or side-lined indicate the amendments suggested by the  
Committee, asterisks indicate omissions.]

A  
BILL

*further to amend the Constitution of India*

BE it enacted by Parliament in the Forty-third Year of the Republic of  
India as follows:—

1. (1) This Act may be called the Constitution (Seventy-second Amend-  
ment) Act, 1992.

Short title and com-  
mencement.

(2) It shall come into force on such date as the Central Government  
may, by notification in the Official Gazette, appoint.

2. After Part VIII of the Constitution, the following Part shall be  
inserted, namely:—

Insertion of new  
Part IX.

**'PART IX'**

**THE PANCHAYATS**

243. In this Part, unless the context otherwise requires,—

(a) "district" means a revenue district in a State;

Definitions.

Definitions.

(b) "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;

(c) "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;

(d) "Panchayat" means an institution (by whatever name called) of self-government constituted under article 243B, for the rural areas;

(e) "Panchayat area" means the territorial area of a Panchayat;

(f) "Population" means the population as ascertained at the last preceding census of which the relevant figures have been published;

(g) "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.

Gram Sabha.

243A. The legislature of a State may, by law, provide for a Gram Sabha which shall perform such functions at the village level as may be entrusted to it by such law;

Constitution of Panchayats.

243B. There shall be constituted in every State, within one year from the commencement of the Constitution (Seventy-second Amendment) Act, 1992, Panchayats at the village, intermediate and district levels in accordance with the provisions of this Part.

Composition of Panchayats.

243C. (1) Subject to the provisions of this Part, the Legislature of a State may, by law, make provisions with respect to the composition of Panchayats;

Provided that the ratio between the population of the territorial area of a Panchayat at any level and the number of seats in such Panchayat to be filled by election shall, so far as practicable, be the same throughout the State.

(2) All the seats in a Panchayat shall be filled by persons chosen by direct election from territorial constituencies in the Panchayat area and, for this purpose, each Panchayat area shall be divided into territorial constituencies in such manner that the ratio between the population of each constituency and the number of seats allotted to it shall, so far as practicable, be the same throughout the Panchayat area.

(3) The Legislature of a State may, by law, provide for the representation,—

(a) of the Chairpersons of the Panchayats at the village level, in the Panchayats at the intermediate level;

(b) of the Chairpersons of the Panchayats at the intermediate level, in the Panchayats at the district level;

(c) of the members of the House of the People and the members of the Legislative Assembly of the State representing constituencies which comprise wholly or partly a Panchayat area at a level other than the village level, in such Panchayat;

(d) of the members of the Council of States and the members of the Legislative Council of the State, where they are registered as electors within—

(i) a Panchayat area at the intermediate level, in Panchayat at the intermediate level;

(ii) a Panchayat area at the district level, in Panchayat at the district level.

(4) The Chairperson of a Panchayat and other members of a Panchayat whether or not chosen by direct election from territorial constituencies in the Panchayat area shall have the right to vote in the meetings of the Panchayats.

(5) The Chairperson of—

(a) a Panchayat at the village level shall be chosen by direct election; and

(b) a Panchayat at the intermediate level or district level shall be elected by, and from amongst, the elected members thereof.

(6) Where the Chairperson of Panchayat at the village level has been chosen by direct election, he shall not be removed from that office unless—

(a) the Panchayat has made a recommendation to the Gram Sabha for the removal of the Chairperson, after adopting a motion by a majority of the total number of the elected members of the panchayat and by a majority of not less than two-thirds of such members present and voting; and

(b) the Gram Sabha has, at a meeting specially convened for the purpose, passed a resolution for the removal of the Chairperson by a majority of its members present and voting; so, however, that not less than fifty per cent of the members of the Gram Sabha are present at such meeting;

Provided that the meeting of the Gram Sabha is held after a notice of not less than fifteen days:

Provided further that if the meeting of the Gram Sabha cannot be held for want of quorum, the motion adopted by the Panchayat under clause (a) shall lapse and no further motion for the removal of the Chairperson shall be moved in the Panchayat within a period of one year from the date of adoption of the previous motion by the Panchayat.

(7) Where the Chairperson of a Panchayat has been elected by, and from amongst, the elected members of the Panchayat, he shall not be removed from that office unless the Panchayat has passed a resolution to that effect by a majority of the total number of the elected members of the Panchayat and by a majority of not less than two-thirds of such members present and voting.

243D. (1) Seats shall be reserved for—

(a) the Scheduled Castes; and

(b) the Scheduled Tribes.

in every Panchayat and the number of seats so reserved shall bear, as nearly as may be, the same proportion to the total number of seats to be filled by direct election in that Panchayat as the population of the Scheduled Castes in that Panchayat area or of the Scheduled Tribes

Reservation of  
seats.

in that Panchayat area bears to the total population of that area and such seats shall be allotted by rotation to different constituencies in a Panchayat.

(2) Not less than one-third of the total number of seats reserved under clause (1) shall be reserved for women belonging to the Scheduled Castes or, as the case may be, the Scheduled Tribes.

(3) Not less than one-third (including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes) of the total number of seats to be filled by direct election in every Panchayat shall be reserved for women and allotted by rotation to different constituencies in a Panchayat.

(4) The office of the Chairpersons in the Panchayats at the village or any other level shall be reserved for the Scheduled Castes, the Scheduled Tribes and women in such manner as the Legislature of a State may, by law, provide:

Provided that the number of offices of Chairpersons reserved for the Scheduled Castes and the Scheduled Tribes in the Panchayats at each level in any State shall bear, as nearly as may be, the same proportion to the total number of such offices in the Panchayats at each level as the population of the Scheduled Castes in the State or of the Scheduled Tribes in the State bears to the total population of the State:

Provided further that not less than one-third of the total number of offices of Chairpersons in the Panchayats at each level shall be reserved for women:

Provided also that the number of offices reserved under this clause shall be allotted by rotation to different Panchayats at each level.

(5) The reservation of seats under clauses (1) and (2) and the reservation of office of Chairpersons (other than the reservation for women) under clause (4) shall cease to have effect on the expiration of the period specified in article 334.

(6) Nothing in this Part shall prevent the Legislature of a State from making any provision for reservation of seats in any Panchayat or office of Chairpersons in the Panchayats at any level in favour of backward class of citizens.

Duration of Panchayats, etc.

243E. (1) 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

(2) 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)

(3) An election to constitute a Panchayat shall be completed—

(a) before the expiry of its duration specified in clause (1);

(b) before the expiration of a period of six months from the date of its dissolution:

Provided that where the remainder of the period from which the dissolved Panchayat would have continued is less than six months, it

necessary to hold any election under this clause for constituting the Panchayat.

(4) 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.

243F (1) A person shall be disqualified for being chosen as, and for being, a member of a Panchayat—

Disqualification for members

(a) 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;

(b) if he is so disqualified by or under any law made by the Legislature of the State.

(2) 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.

243G. Subject to the provisions of the Constitution, the Legislature of a State may, by law, endow the Panchayats with such powers and authority as 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 Panchayats at the appropriate level, subject to such conditions as may be specified therein, with respect to—

Powers, authority and responsibilities of Panchayats.

(a) the preparation of plans for economic development and social justice;

(b) 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.

243H. The Legislature of a State may, by law,—

(a) authorise a Panchayat to levy, collect and appropriate such taxes, duties, tolls and fees in accordance with such procedure and subject to such limits;

Power to impose taxes by, and Funds of, the Panchayats.

(b) 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;

(c) provide for making such grants-in-aid to the Panchayats from the Consolidated Fund of the State; and

(d) provide for constitution of such Funds for crediting all moneys received, respectively, by or on behalf of the Panchayats and also for the withdrawal of such moneys therefrom,

as may be specified in the law.

243-I. (1) The Governor of a State shall as soon as may be within one year from the commencement of the Constitution (Seventy-second Amendment) Act, 1992, and thereafter at the expiration of every fifth year, constitute, a Finance Commission to review the financial

Constitution of Finance Commission to review financial position.

position of the Panchayats and to make recommendations to the Governor as to—

(a) the principles which should govern—

(i) the distribution between the State and the Panchayats of the net proceeds of the taxes, duties, tolls and fees leviable by the State, which may be divided between them under this Part and the allocation between the Panchayats at all levels of their respective shares of such proceeds;

(ii) the determination of the taxes, duties, tolls and fees which may be assigned to, or appropriated by, the Panchayats;

(iii) the grants-in-aid to the Panchayats from the Consolidated Fund of the State;

(b) any other matter referred to the Finance Commission by the Governor in the interests of sound finance of the Panchayats.

(2) The Legislature of a State may, by law, provide for the composition of the Commission, the qualifications which shall be requisite for appointment as members thereof and the manner in which they shall be selected.

(3) The Commission shall determine their procedure and shall have such powers in the performance of their functions as the Legislature of the State may, by law, confer on them.

(4) The Governor shall cause every recommendation made by the commission under this article together with an explanatory memorandum as to the action taken thereon to be laid before the Legislature of the State.

Audit of accounts of Panchayats.

243J. The Legislature of a State may, by law, make provisions with respect to the maintenance of accounts by the Panchayats and the auditing of such accounts.

Powers of Legislature of a State to make provisions with respect to elections to Panchayats.

243K. Subject to the provisions of this Constitution, the Legislature of a State may, by law, make provision with respect to all matters relating to, or in connection with, elections to the Panchayats under the superintendence, direction and control of such separate authority as may be provided in such law.

Application to Union Territories.

243L. \*\*\*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.

Part not to apply to certain areas.

243M. (1) 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.

(2) Nothing in this Part shall apply to—



(a) the States of Nagaland, Meghalaya and Mizoram;

(b) the Hill Areas in the State of Manipur for which District Councils exist, and the Hill Areas of the District of Darjeeling in the State of West Bengal for which the Darjeeling Gorkha Hill Council exists, under any law for the time being in force.

(3) Notwithstanding anything in this Constitution,—

(a) the Legislature of a State referred to in sub-clause (a) of clause (2) may, by law, extend this Part to that 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;

(b) 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.

243N. Notwithstanding anything in this Part, any provision of any law relating to Panchayats 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:

Continuance of existing laws and Panchayats

Provided that all the Panchayats 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.'

243-O. Notwithstanding anything in this Constitution,—

(a) 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;

Bar to interference by Courts in electoral matters.

(b) 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.'

3. After the Tenth Schedule to the Constitution, the following Schedule shall be added, namely:—

Addition of Eleventh Schedule.

#### "ELEVENTH SCHEDULE

(Article 243G)

1. Agriculture, including agricultural extension.
2. Land improvement and soil conservation.
3. Minor irrigation, water management and watershed development.
4. Animal husbandry, dairying and poultry.
5. Fisheries.

6. Social forestry and farm forestry.
7. Minor forest produce.
8. Small scale industries, including food processing industries.
9. Khadi, village and cottage industries.
10. Rural housing.
11. Drinking water.
12. Fuel and fodder.
13. Roads, culverts, bridges, ferries, waterways and other means of communication.
14. Rural electrification, including distribution of electricity.
15. Non-conventional energy sources.
16. Poverty alleviation programme.
17. Education, including primary and secondary schools.
18. Technical training and vocational education.
19. Adult and non-formal education.
20. Libraries.
21. Cultural activities.
22. Markets and fairs.
23. Health and sanitation, including hospitals, primary health centres and dispensaries.
24. Family welfare.
25. Women and child development.
26. Social welfare, including welfare of the handicapped and mentally retarded.
27. Welfare of the weaker sections, and in particular, of the Scheduled Castes and the Scheduled Tribes.
28. Public distribution system.
29. Maintenance of community assets."

**APPENDIX-I**

*(Vide paragraph 2 of the Report)*

**MOTION IN LOK SABHA FOR REFERENCE OF THE BILL TO THE JOINT COMMITTEE**

“That the Bill further to amend the Constitution of India viz. the Constitution (Seventy-second Amendment) Bill, 1991 (Insertion of new part IX and addition of Eleventh Schedule) be referred to a Joint Committee of the Houses consisting of 30 members, 20 from this House namely:—

1. Shri Mani Shankar Aiyar
2. Shri Lal Jan S.M. Basha
3. Shri H.D. Devcgowda
4. Shri Digvijaya Singh
5. Shri Bhogendra Jha
6. Shri D.D. Khanoria
7. Shri M. Krishnaswamy
8. Shri Nathuram Mirdha
9. Shri Nitish Kumar
10. Shri Rameshwar Patidar
11. Smt. Suryakanta Patil
12. Shri R. Ramasamy
13. Dr. Sudhir Ray
14. Dr. Sakshiji Maharaj Swami
15. Shri P.M. Sayeed
16. Shri Rampal Singh
17. Shri Satya Deo Singh
18. Shri Shiv Sharan Sinha
19. Prof. K.V. Thomas
20. Shri Mukul Balkrishna Wasnik

and 10 from Rajya Sabha;

that in order to constitute a sitting of the Joint Committee the quorum shall be one-third of the total number of members of the Joint Committee;

that the Committee shall make a report to this House by last day of the first week of the Budget session, 1992;

that in other respects the Rules of Procedure of this House relating to Parliamentary Committees shall apply with such variations and modifications as the Speaker may make; and

that this House do recommend to Rajya Sabha that Rajya Sabha do join the said Joint Committee and communicate to this House the names of 10 members to be appointed by Rajya Sabha to the Joint Committee.”

**APPENDIX-II**

*(Vide paragraph 3 of the Report)*

**MOTION IN RAJYA SABHA FOR REFERENCE OF THE BILL TO THE JOINT COMMITTEE**

—  
"That this House concurs in the recommendation of the Lok Sabha that the Rajya Sabha do join in the Joint Committee of the Houses on the Bill further to amend the Constitution of India and resolves that the following members of the Rajya Sabha be nominated to serve on the said Joint Committee:—

1. Shri H. Hanumanthappa
2. Shrimati Kailashpati
3. Shri Chhotubhai Patel
4. Shri Rafique Alam
5. Shri S. Madhavan
6. Shri Shankar Dayal Singh
7. Sri Prabhakar Rao Kalvala
8. Sri Dipen Ghosh
9. Shri Kameshwar Paswan
10. Shri Subramanian Swamy."

### APPENDIX-III

(Vide para 8 of the Report)

#### LIST OF ASSOCIATIONS/ORGANISATIONS, INDIVIDUALS ETC. FROM WHOM MEMORANDA WERE RECEIVED BY THE JOINT COMMITTEE

1. Shri B.P.R. Vithal,  
Deputy Chairman,  
State Planning Board,  
Hyderabad.
2. Shri Kolla Venkaiah,  
former Member,  
Lok Sabha,  
Guntur Distt.
3. Shri J. Chokka Rao,  
M.P.,  
1, Balwant Rai Mehta Lane,  
Kasturba Gandhi Marg,  
New Delhi.
4. Shri Prakash Chander Suri,  
594, Sector 18-B,  
Chandigarh-160018.
5. Shri L.C. Jain,  
former Member,  
Planning Commission,  
Delhi.
6. Shri Ram Kishore Tripathi,  
General Secretary,  
All India Panchayat Parishad,  
Patparganj,  
Delhi-91.
7. Shri T.R. Satish Chander,  
Director,  
Institute of Social & Economic Charge,  
Bangalore.
8. Shri Anil Aggarwal,  
B-12, Press Enclave,  
New Delhi-17.
9. State Govt. of Rajasthan,  
Jaipur.
10. Shri Mool Chand Jain,  
former Deputy Chairman,  
Planning Board Haryana,  
Karnal.
11. Director,  
Rajaji International Institute,  
Public Affairs and Administration,  
Vishwaniketan,  
Hyderabad.
12. Shri Syed Shahabuddin, M.P.  
14, Janpath,  
New Delhi.
13. Dr. M. Shiviah,  
Director,  
Centre for Panchayatiraj,  
National Institute of Rural Dev.,  
Rajendera Nagar,  
Hyderabad.
14. Shri N. Bala Ankaiah, President,  
Scheduled Caste,  
JFCS, Prakasam District,  
Andhra Pradesh.
15. Shri T.R. Devender,  
Chairman,  
Zilla Praja Prishad,  
Ranga Reddy, District  
Somajiguda,  
Hyderabad.
16. Director,  
Centre for Woman's Development  
Studies,  
Panchsheel Enclave,  
New Delhi.
17. Shri V. Padmanabhan,  
Managing Trustee,  
Gandhi Trust, Gandhi Gram,  
Tamil Nadu.
18. Shri Abbhijit Datta,  
Indian Institute of Public  
Administration, Indraprastha Estate,  
New Delhi.
19. Dr. S.K. Rau,  
Indian Institute of Rural Development,  
Rajainder Nagar,  
Hyderabad.
20. Shri Sahadev Choudhary,  
President,  
Distt. Panchayat,  
Surat-395003.
21. Prof. N.R. Inamdar,  
Director,  
Institute of Administrative,  
Social and Political Studies,  
Pune-411009.
22. Dr. S.D. Gokhale,  
Centre for Research and  
Development,  
Bombay.
23. Shri A.K. Ghosh,  
78 Munirka Enclave,  
New Delhi-110067.

24. Dr. K.B. Srivastava,  
Director in Charge,  
National Institute of Rural  
Development, Rajinder Nagar,  
Hyderabad.
25. Shri Biplab B. Basu,  
Director,  
School of Fundamental Research,  
Calcutta.
26. Shri C. Narayana Swamy,  
former President,  
Bangalore Rural Zila Parishad,  
196, II Main Road, KRB Layout  
Gaddahalli,  
Bangalore-560094.
27. Govt. of Andaman Nicobar  
Administration,  
Secretariat,  
Port Blair.
28. Secretary,  
Rural Development (CI) Department,  
Madras,  
Tamil Nadu.
29. Shri Mohan Hirabai Hiralal,  
Vriksh Mitra,  
Gadchiroli-442605,  
Maharashtra.
30. Shri M. Ramakrishnayya,  
IAS (Retd.),  
Saleem Nagar-2,  
Hyderabad-500036.
31. Shri D.D. Sathe,  
ICS (Retd.),  
Bombay,  
Maharashtra.
32. Govt. of West Bengal,  
Home Department,  
Political Branch.
33. Government of Dadra and  
Nagar Haveli,  
Silvassa.
34. Government of Haryana,  
Development and Panchayat Department,  
Chandigarh.
35. Sarvashri Sudhir Ray and  
Dipen Ghosh,  
Members of Parliament,  
New Delhi.
36. Shri Chhotubhai Patel,  
Member Parliament,  
New Delhi.
37. Government of Pondicherry,  
Development Department,  
Pondicherry.
38. Government of Madhya Pradesh,  
Panchayat and Rural Development,  
Bhopal.

**APPENDIX IV**

*(Vide para 10 of the Report)*

**LIST OF WITNESSES WHO TENDERED ORAL EVIDENCE BEFORE THE JOINT COMMITTEE**

1. Shri Chokka Rao,  
M.P.,  
1, Balwant Rai Mehta Lane,  
Kasturba Gandhi Marg,  
New Delhi.
2. Shri L.C. Jain,  
former Member,  
Planning Commission.
3. Shri S.R. Tiwary,  
Balwantray Mehta Panchayati  
Raj Foundation,  
Patparganj,  
Delhi.
4. Shri Anil Kumar Aggarwal,  
12-B, Press Enclave,  
New Delhi.
5. Shri A. Datta,  
Indian Institute of  
Public Administration,  
Delhi.
6. Shri A.K. Ghosh,  
Munirka Enclave,  
New Delhi.
7. Shri Prakash Chand Suri,  
594, Sector 18-B,  
Chandigarh.
8. Shri Sahadev Choudhary,  
President,  
District Panchayat, Surat  
Gujarat.
9. Shri Narayana Swamy,  
Former President,  
Bangalore Rural Zilla  
Parishad,  
Bangalore.

**APPENDIX-V**  
**MINUTES OF THE SITTINGS OF THE JOINT COMMITTEE**  
**ON CONSTITUTION (SEVENTY SECOND AMENDMENT) BILL, 1991**

**I**  
**FIRST SITTING**

22-1-1992

The Committee met on Wednesday, the 22nd January, 1992 from 1500 to 1700 hours.

**PRESENT**

Shri Nathuram Mirdha

— *Chairman*

**MEMBERS**

2. Shri Mani Shankar Aiyar
3. Shri H.D. Devegowda
4. Shri Digvijaya Singh
5. Shri Bhogendra Jha
6. Shri M. Krishnaswamy
7. Shri Nitish Kumar
8. Shri Rameshwar Patidar
9. Shri Rampal Singh
10. Shri Satya Deo Singh
11. Shri Mukul Balkrishna Wasnik
12. Shri Rafique Alam
13. Shri Dipen Ghosh
14. Shri H. Hanumanthappa
15. Shrimati Kailashpati
16. Shri Prabhakar Rao Kalvala
17. Shri S. Madhavan
18. Shri Kameshwar Paswan
19. Shri Chhotubhai Patel
20. Shri Shankar Dayal Singh

**SECRETARIAT**

1. Shri S.G. Gupta — *Joint Secretary.*
2. Shri R.K. Chatterjee — *Deputy Secretary.*
3. Shri D.L. Kapur — *Assistant Director.*

**REPRESENTATIVES OF THE MINISTRY OF RURAL DEVELOPMENT**

1. Shri S.R. Sankaran — *Secretary.*
2. Shri S. Som — *Additional Secretary.*
3. Shri D. Singhai — *Deputy Secretary.*

**REPRESENTATIVES OF THE MINISTRY OF LAW & JUSTICE (LEGISLATIVE DEPARTMENT)**

1. Shri B.S. Saluja — *Joint Secretary and  
Legislative Counsel.*
2. Shri K.N. Chaturvedi — *Deputy  
Legislative  
Counsel.*

2. At the outset, the Chairman welcomed the members of the Committee and referred to the importance and urgency of the proposed legislative measure and task before the Committee.

3. Shri G. Venkataswamy, the Minister of State for Rural Development who was invited by the Chairman attended the sitting as a special invitee under Rule 299 of Rules of Procedure. Shri Venkataswamy explained to the Committee the background, implications and the urgency of the proposed legislation.

4. The Committee decided to issue a Press Communique (Annexure) inviting Memoranda containing comments/suggestions on the Bill by 24 February, 1992 from the State Governments, Union Territory



Administrations, Public Bodies, Organisations and individuals etc. They also desired that the contents of the Press Communique be given wide publicity through Press/Television/A.I.R. The Ministry was asked to devise the measures to give wide publicity of the contents of the Bill to create public awareness.

5. The Committee also desired that a circular letter might be addressed to all the State Governments/UTs, other social organisations and persons working in the field of Panchayati Raj inviting their comments/suggestions on the Bill.

6. The Committee desired that a detailed questionnaire on the subject might be prepared by the Ministry of Rural Development which could be forwarded to these organisations, bodies, individuals, etc. to enable them to submit their memoranda to the Committee.

7. In this connection the Ministry of Rural Development might be requested to give a list of organisations/Associations and experts in the field of Panchayati Raj from whom comments/suggestions might be invited.

8. The Committee noted that as per motion adopted by the House, they were required to present their Report to the House by the last day of the first week of the Budget Session, 1992. As such, the term of the Committee would be expiring on 28 February, 1992. However, as the Committee were yet to receive and consider the Memoranda, take up Clause-by-Clause consideration and to complete other stages of the Bill, it would not be possible for them to present their Report by the stipulated date. As regards the extension of time, the Committee decided to take a decision in the matter in their next sitting.

9. Thereafter the Committee considered their future programme of work and decided that, subject to the approval of Hon'ble Speaker, the next series of sittings might be held at Hyderabad on 19 and 20 February, 1992 to hold informal discussions with the representatives of (i) State Government of Andhra Pradesh; and (ii) National Institute of Rural Development.

*The Committee then adjourned.*

**ANNEXURE**

**JOINT COMMITTEE ON THE CONSTITUTION (SEVENTY SECOND AMENDMENT) BILL, 1991  
ON PANCHAYATI RAJ**

**PRESS COMMUNIQUE**

The Joint Committee on the Constitution (Seventy Second Amendment) Bill, 1991 popularly known as Panchayati Raj Bill at their first sitting held under the Chairmanship of Shri Nathuram Mirdha, M.P., decided to call for memoranda on the Bill for consideration of Committee from public Bodies, Organisations, Associations, individuals etc.

2. The Bill seeks to amend the Constitution of India and it is proposed to add a new part IX and eleventh Schedule relating to Panchayats in the Constitution to provide for, among other things, gram Sabha in a village or group of villages, Constitution of Panchayats at Village and other levels, direct elections to all seats in Panchayats, reservation of seats for Scheduled Castes and Scheduled Tribes and women in Panchayats, fixing of tenure of five years for Panchayats, devolution by State Legislature of powers and responsibilities upon the Panchayats with reference to preparation of plans for economic development and social justice and for the implementation of development schemes, etc.

Those desirous of submitting memorandum to the Committee should send memorandum, 40 copies, if possible, addressed to the Secretary-General, Lok Sabha, Parliament House Annexe, New Delhi so as to reach him on or before 24 February, 1992. The Memoranda which might be submitted to the Committee would form part of the records of the Committee and should be treated as strictly confidential and not circulated to anyone, as such an act would constitute a breach of privilege of the Committee.

Those who are desirous of giving oral evidence before the Committee, besides sending Memorandum, are requested to intimate to this effect to the Lok Sabha Secretariat for consideration of the Committee.

The Constitution (Seventy Second Amendment) Bill, 1991, popularly known as Panchayati Raj Bill as introduced in Lok Sabha, was published in the Gazette of India, Extraordinary, Part II, Section 2, dated 16 September, 1991.

**NEW DELHI**

**22 January, 1992**

II  
SECOND SITTING

16-3-1992

The Committee met on Monday, the 16th March, 1992 from 15.00 to 18.00 hours in Committee Room No. 62, First Floor, Parliament House, New Delhi.

PRESENT

Shri Nathuram Mirdha — *Chairman*

MEMBERS

- |                            |                                  |
|----------------------------|----------------------------------|
| 2. Shri Mani Shankar Aiyar | 10. Shri Shiv Sharan Sinha       |
| 3. Shri Lal Jan S.M. Basha | 11. Shri Mukul Balkrishna Wasnik |
| 4. Shri Bhogendra Jha      | 12. Shri Dipen Ghosh             |
| 5. Shri D.D. Khanoria      | 13. Shri H. Hanumanthappa        |
| 6. Shri M. Krishnaswamy    | 14. Smt. Kailashpati             |
| 7. Shri Nitish Kumar       | 15. Shri S. Madhavan             |
| 8. Dr. Sudhir Ray          | 16. Shri Chhotubhai Patel        |
| 9. Shri Rampal Singh       |                                  |

SECRETARIAT

- |   |  |
|---|--|
| 1. Shri S.C. Gupta — <i>Joint Secretary</i>       | 3. Shri D.L. Kapur — <i>Assistant Director</i> |
| 2. Shri R.K. Chatterjee — <i>Deputy Secretary</i> |  |

REPRESENTATIVES OF THE MINISTRY OF RURAL DEVELOPMENT

- |  |  |
|--|--|
| 1. Shri S. Som — <i>Additional Secretary</i> | 2. Shri D. Singhai — <i>Deputy Secretary</i> |
|--|--|

REPRESENTATIVES OF THE MINISTRY OF LAW AND JUSTICE

- |  |   |
|--|---|
| 1. Shri B.S. Saluja — <i>Joint Secretary &amp; Legislative Counsel</i> | 2. Shri K.N. Chaturvedi — <i>Deputy Legislative Counsel</i> |
|--|---|

2. At the outset, the Chairman informed the Committee regarding the progress of work done so far. He stated that 28 Memoranda had been received so far from various organisations/individuals which had been circulated and also sent to the Ministry of Rural Development for clause-wise tabulation and furnishing of comments on the points raised therein.

3. The Committee then took evidence of the representatives of the following organisations/individuals.

- |  |   |
|--|---|
| I. Shri Chokka Rao, M.P.,<br>(15.15 to 16.15 hours)                                  | III. Balvantray Mehta,<br>Panchayati Raj Foundation,<br>Patpar Ganj, Delhi<br><i>Spokesman</i> —<br>Shri S.R. Tiwary, Secretary<br>(1730 to 1800 hours) |
| II. Shri L.C. Jain,<br>Former Member, Planning<br>Commission<br>(1615 to 1730 hours) |   |

4. A verbatim record of the evidence was kept.

*The Committee then adjourned.*

**III**  
**THIRD SITTING**  
**17-3-1992**

The Committee met on Tuesday, the 17th March, 1992 from 1645 to 1815 hours in Committee Room No. 50, Parliament House, New Delhi.

**PRESENT**

Shri Nathuram Mirdha — *Chairman*

**MEMBERS**

2. Shri Bhogendra Jha
3. Shri M. Krishnaswamy
4. Shri Chhotubhai Patel
5. Shri Shankar Dayal Singh

**SECRETARIAT**

1. Shri S.C. Gupta — *Joint Secretary.*
2. Shri R.K. Chatterjee — *Deputy Secretary.*
3. Shri D.L. Kapur — *Assistant Director.*

**REPRESENTATIVES OF THE MINISTRY OF RURAL DEVELOPMENT**

1. Shri S. Som — *Additional Secretary.*
2. Shri D. Singhai — *Deputy Secretary.*

**REPRESENTATIVES OF THE MINISTRY OF LAW AND JUSTICE**

1. Shri B.S. Saluja — *Joint Secretary & Legislative Counsel.*
2. Shri K.N. Chaturvedi — *Deputy Legislative Counsel.*

2. The Committee took evidence of the representatives of the following organisations/individuals:

I. Shri Anil Kumar Aggarwal,  
12-B, Press Enclave,  
New Delhi.  
(1645 to 1700 hours)

II. Indian Institute of Public  
Administration, Delhi.  
*Spokesman,*  
Shri A. Datta.  
(1700 to 1745 hours)

III. Shri A.K. Ghosh  
Munirka Enclave,  
New Delhi.  
(1745 to 1815 hrs.)

3. A verbatim record of the evidence was kept.

*The Committee then adjourned.*

IV  
FOURTH SITTING

30-3-1992

The Committee met on Monday, the 30th March, 1992 from 1500 to 1700 hours in Committee Room No. 62, First Floor, Parliament House, New Delhi.

PRESENT

Shri Nathuram Mirdha — *Chairman*

MEMBERS

- |                            |                           |
|----------------------------|---------------------------|
| 2. Shri Mani Shankar Aiyar | 5. Shri M. Krishnaswamy   |
| 3. Shri Lal Jan S.M. Basha | 6. Shri Nitish Kumar      |
| 4. Shri Bhogendra Jha      | 7. Shri Shiv Sharan Sinha |

SECRETARIAT

- |                         |                             |
|-------------------------|-----------------------------|
| 1. Shri R.K. Chatterjee | — <i>Deputy Secretary</i>   |
| 2. Shri D.L. Kapur      | — <i>Assistant Director</i> |

REPRESENTATIVES OF THE MINISTRY OF RURAL DEVELOPMENT

- |                    |                               |
|--------------------|-------------------------------|
| 1. Shri S. Som     | — <i>Additional Secretary</i> |
| 2. Shri D. Singhai | — <i>Deputy Secretary</i>     |

REPRESENTATIVES OF THE MINISTRY OF LAW AND JUSTICE

- |                         |  |
|-------------------------|--|
| 1. Shri B.S. Saluja     | — <i>Joint Secretary &amp;<br/>Legislative Counsel</i> |
| 2. Shri K.N. Chaturvedi | — <i>Deputy Legislative<br/>Counsel</i>                |

2. At the outset, the Chairman informed the Committee that since the last sitting held on 17 March, 1992, the Committee had received 4 more Memoranda on the provisions of the Bill. Thus the total number of Memoranda received so far had gone up to 32. The Committee had also taken evidence of six organisations/individuals so far.

3. The Committee then proceeded to take further evidence of the following organisations/individuals.

I. Shri Sahadev Choudhary  
President District Panchayat  
Surat.  
(1500 to 1600 hours)

II. Shri Prakash Chand Suri  
594, Sector 18-B  
Chandigarh.  
(1600 to 1645 hours)

III. Shri C. Narayan Swamy  
Former President  
Bangalore Rural Zila Parishad.  
(1645 to 1730 hours)

4. A verbatim record of evidence was kept.

5. Thereafter, the Chairman announced that members desirous of giving notices of amendments to various Clauses of the Bill might do so and send these notices to the Lok Sabha Secretariat latest by Friday, the 10th April, 1992.

6. The Committee decided to hold their next series of sittings from 20 April, 1992 for Clause-by-clause consideration of the Bill.

*The Committee then adjourned.*

**V**  
**FIFTH SITTING**

22.4.1992

The Committee met on Wednesday, the 22nd April, 1992 from 15.00 to 16.30 hours in Committee Room No. 63, First Floor, Parliament House, New Delhi.

**PRESENT**

Shri Nathu Ram Mirdha — *Chairman*

**MEMBERS**

- |                            |                           |
|----------------------------|---------------------------|
| 2. Shri Mani Shankar Aiyar | 8. Shri Satya Dco Singh   |
| 3. Shri Bhogendra Jha      | 9. Shri Dcpen Ghosh       |
| 4. Shri D.D. Khanoria      | 10. Shri H. Hanumanthappa |
| 5. Shri Rameshwar Patidar  | 11. Shri S. Madhavan      |
| 6. Shri R. Ramasamy        | 12. Shri Chhotubhai Patel |
| 7. Shri Sudhir Ray         |                           |

**SECRETARIAT**

- |                     |                              |
|---------------------|------------------------------|
| 1. Shri S. C. Gupta | — <i>Joint Secretary.</i>    |
| 2. Shri D. L. Kapur | — <i>Assistant Director.</i> |

**REPRESENTATIVES OF THE MINISTRY OF RURAL DEVELOPMENT**

- |                        |                            |
|------------------------|----------------------------|
| 1. Shri S. R. Sankaran | — <i>Secretary.</i>        |
| 2. Shri D. Singhai     | — <i>Deputy Secretary.</i> |

**REPRESENTATIVES OF THE MINISTRY OF LAW & JUSTICE**

Shri B. S. Saluja — *Joint Secretary and  
Legislative Counsel.*

2. At the outset, some Members stated that before the Committee could take up Clause-by-Clause consideration of the Bill, they might be supplied with a statement containing Clause-wise suggestions made in the Memoranda submitted to the Committee by various State Governments/Union Territory Administrations so that they could give proper notices of amendments to the Bill. Unless and until they were provided such a statement it would not be possible for the committee to take up Clause-by-Clause consideration. On the other hand one of the Members pointed out that all the material received by the Secretariat having been supplied to the Members, along with notes from the Ministry containing their analysis of the Memorandum received from non-official as well as verbatim record of discussion held with some non-officials, it should be possible for the Members to take up Clause-by-Clause consideration. The Chairman also pointed out that the Members had been requested to give notices of specific amendments by 10th April, 1992 and, in fact, amendments have been received from four members. Considering the fact that the approval of the House has been obtained for the presentation of the Report by the extended period upto the 30th April, 1992, it was desirable that Clause-by-Clause consideration is taken up immediately. After some further discussion, the Chairman agreed that the aforesaid statement might be prepared by the Ministry of Rural Development and furnished to the Lok Sabha Secretariat latest by 24 April, 1992 for circulation to Members. It was also decided that the members of the Committee could give further notices of amendments if any, by 27 April, 1992. The Clause-by-Clause consideration of the Bill was, therefore, postponed.

The Committee decided to hold their next sitting at 18.00 hours on Tuesday, 28 April, 1992 to take up Clause-by-Clause consideration of the Bill.

*The Committee then adjourned.*

**VI**  
**SIXTH SITTING**  
28-4-1992

The Committee met on Tuesday, the 28th April, 1992 from 18.00 to 20.00 hours in Committee Room No. 62, First Floor, Parliament House, New Delhi.

**PRESENT**

Shri Nathu Ram Mirdha — *Chairman*

**MEMBERS**

- |                            |                           |
|----------------------------|---------------------------|
| 2. Shri Mani Shankar Aiyar | 7. Dr. Sudhir Ray         |
| 3. Shri Bhogendra Jha      | 8. Shri Rampal Singh      |
| 4. Shri D.D. Khanoria      | 9. Shri Dipen Ghosh       |
| 5. Shri M. Krishnaswamy    | 10. Shri S. Madhavan      |
| 6. Shri Nitish Kumar       | 11. Shri Chhotubhai Patel |

**SECRETARIAT**

- |   |  |
|---|--|
| 1. Shri S.C. Gupta — <i>Joint Secretary</i>       | 3. Shri D.L. Kapur — <i>Assistant Director</i> |
| 2. Shri R.K. Chatterjee — <i>Deputy Secretary</i> |  |

**REPRESENTATIVES OF THE MINISTRY OF RURAL DEVELOPMENT**

- |  |  |
|--|--|
| 1. Shri S.R. Sankaran — <i>Secretary</i>     | 3. Shri D. Singhai — <i>Deputy Secretary</i> |
| 2. Shri S. Som — <i>Additional Secretary</i> |  |

**REPRESENTATIVES OF THE MINISTRY OF LAW AND JUSTICE**

- |  |   |
|--|---|
| 1. Shri B.S. Saluja — <i>Joint Secretary and<br/>Legislative Counsel</i> | 2. Shri K.N. Chaturvedi — <i>Deputy Legislative<br/>Counsel</i> |
|--|---|

2. At the outset, the Chairman informed that as desired by the Members a statement containing Clause-wise suggestions made in the Memoranda submitted by various State Governments had been furnished by the Ministry of Rural Development and circulated to the Members of the Committee. The Chairman also stated that Members were requested to give further notices of specific amendments to the Bill by 27 April, 1992. So far this Secretariat had received specific amendments from 6 Members only and a consolidated list containing the specific amendments Clause-wise had also been circulated to the Members. The Committee may, therefore, proceed with Clause-by-Clause consideration.

3. Thereafter the Committee took up Clause-by-Clause consideration of the Bill.

(i) *Clause 2.—Article 243.*

The Committee noted that the definition of the term "Gram Sabha" has been included in Article 243A(2) whereas all other terms have been defined in Article 243. The Committee, therefore, felt that the definition of the term "Gram Sabha" should also be appropriately included in Clause 243.

(ii) *Article 243A*

The Committee pointed out that the use of the words exercise of powers by 'Gram Sabha' was not correct and the word 'functions' might be substituted for 'Powers'.

The Legislative Counsel was, accordingly directed to redraft the Clause for their consideration at the next sitting of the Committee. The discussion was not concluded.

4. The Committee felt that it would not be possible for them to complete their work and present the Report by the stipulated date *i.e.* 30 April, 1992. The Committee, therefore, decided to seek further extension of time for presentation of their Report by the last day of the first week of the Monsoon Session, 1992.

5. The Committee decided to hold their next sitting at 18.00 hours on Wednesday, the 29 April, 1992 to take up further Clause-by-Clause consideration of the Bill.

*The Committee then adjourned.*

**VII**  
**SEVENTH SITTING**  
**11-5-1992**

The Committee met on Monday, the 11th May, 1992 from 0900 to 1045 hours in Committee Room No. 62, First Floor, Parliament House, New Delhi.

**PRESENT**

**Shri Nathu. Ram Mirdha —Chairman**

**MEMBERS**

- |                            |                            |
|----------------------------|----------------------------|
| 2. Shri Mani Shankar Aiyar | 10. Shri R. Ramasamy       |
| 3. Shri Lal Jan S.M. Basha | 11. Shri Rampal Singh      |
| 4. Shri H.D. Devegowda     | 12. Shri Shiv Sharan Singh |
| 5. Shri Bhogendra Jha      | 13. Shri Dipen Ghosh       |
| 6. Shri D.D. Khanoria      | 14. Shri H. Hanumanthappa  |
| 7. Shri M. Krishnaswamy    | 15. Shrimati Kailashpati   |
| 8. Shri Nitish Kumar       | 16. Shri S. Madhavan       |
| 9. Smt. Suryakanta Patil   |                            |

**SECRETARIAT**

- |                         |                             |
|-------------------------|-----------------------------|
| 1. Shri S.C. Gupta      | — <i>Joint Secretary</i>    |
| 2. Shri R.K. Chatterjee | — <i>Deputy Secretary</i>   |
| 3. Shri D.L. Kapur      | — <i>Assistant Director</i> |

**REPRESENTATIVES OF THE MINISTRY  
OF RURAL DEVELOPMENT**

- |                       |                               |
|-----------------------|-------------------------------|
| 1. Shri S.R. Sankaran | — <i>Secretary</i>            |
| 2. Shri S. Som        | — <i>Additional Secretary</i> |
| 3. Shri D. Singhai    | — <i>Deputy Secretary</i>     |

**REPRESENTATIVES OF THE MINISTRY OF  
LAW AND JUSTICE**

- |                         |  |
|-------------------------|--|
| 1. Shri B.S. Saluja     | — <i>Joint Secretary and<br/>Legislative Counsel</i> |
| 2. Shri K.N. Chaturvedi | — <i>Deputy Legislative Counsel</i>                  |

2. The Committee held general discussion on Article 243A with regard to composition, population and size of 'Gram Sabha'. After careful consideration, the Committee felt that it would not be feasible in the Constitutional Amendment Bill to specify the area or the number of people comprising a 'Gram Sabha' or its functions. The fundamental purpose was the devolution of democratic rights and power to the people at the grass-root level. The Committee were of the view that no restriction need be placed in this regard in the Bill.

3. The Committee then took up for consideration the new concept of Nyay Panchayat on which a number of amendments have been received. The Committee felt that in view of the present scheme of our Constitution where there was separation of power, between the Executive, Legislature and the Judiciary, the vesting of judicial functions in 'Gram Panchayat' charged with executive functions was neither necessary nor desirable and as such the principle of separation of Executive from Judiciary should also hold good at the village level. Therefore, it would not be appropriate to incorporate any amendment in the present Bill, which only sought to provide for better administration at the village level through Panchayati Raj Institutions.

4. The Committee adjourned to hold their next sitting on the 12th May, 1992 at 0900 hrs. to resume further Clause-by-clause consideration of the Bill.



**VIII**  
**EIGHTH SITTING**  
**12-5-1992**

The Committee met on Tuesday, the 12th May, 1992 from 0915 to 1100 hours in Committee Room No. 63, First Floor, Parliament House, New Delhi.

**PRESENT**

Shri Nathu Ram Mirdha —*Chairman*

**MEMBERS**

2. Shri Mani Shankar Aiyar
3. Shri Bhogendra Jha
4. Shri M. Krishnaswamy
5. Shri Nitish Kumar
6. Smt. Suryakanta Patil
7. Dr. Sudhir Ray
8. Shri Rampal Singh
9. Shri Satya Deo Singh
10. Shri Mukul Balkrishna  
Wasnik
11. Shri Dipen Ghosh
12. Shri H. Hanumanthappa
13. Shri S. Madhavan
14. Shri Shankar Dayal Singh

**SECRETARIAT**

1. Shri S.C. Gupta —*Joint Secretary*
2. Shri R.K. Chatterjee —*Deputy Secretary*
3. Shri D.L. Kapur —*Assistant Director*

**REPRESENTATIVES OF THE MINISTRY OF  
RURAL DEVELOPMENT**

1. Shri S.R. Sankaran —*Secretary*
2. Shri S. Som —*Additional Secretary*
3. Shri D. Singhai —*Deputy Secretary*

**REPRESENTATIVES OF THE MINISTRY OF  
LAW AND JUSTICE**

1. Shri B.S. Saluja — *Joint Secretary and  
Legislative Counsel*
2. Shri K.N. Chaturvedi — *Deputy Legislative Counsel*

2. The Committee held general discussion on Article 243 with reference to the amendments proposed by the members. The Committee decided to amend the existing provisions in the Bill as follows:—

*Article 243*

Page 1, after line 12,

add the following sub-clause (b)

“(b) ‘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.”

*Article 243A*

3. Page 2, for lines 11-15

*Substitute*

“243A. The Legislature of a State may, by law, provide for a Gram Sabha which shall perform such functions at the village level as may be entrusted to it by such law.”

*Article 243B*

4. Page 2, for lines 16-20

*Substitute*

"243B. There shall be constituted in every State, Panchayats at the village, intermediate and district levels in accordance with the provisions of this part."

*Article 243C*

5. (i) Page 2, for lines 28-46

*Substitute*

"(2). All the seats in a Panchayat shall be filled by persons chosen by direct election from territorial constituencies in the Panchayat area and, for this purpose, each Panchayat area shall be divided into territorial constituencies in such manner that the ratio between the population of each constituency and the number of seats allotted to it shall, so far as practicable, be the same throughout the Panchayat area.

3. The Legislature of a State may, by law, provide for the representation, in such manner and subject to such conditions as may be specified in such law, —

(a) of the Chairpersons of the Panchayats at the village level, in the Panchayats at the intermediate level;

(b) of the Chairpersons of the Panchayats at the intermediate level, in the Panchayats at the district level;"

(ii) Page 3, for lines 1-18

*Substitute*

"(c) of the members of the House people and the members of the Legislative Assembly of the State representing constituencies which comprise wholly or partly a Panchayat area at a level other than the village level, in such Panchayat;

(d) of the members of the Council of States and the members of the Legislative Council of the State, where they are registered as electors within —

(i) a Panchayat area at intermediate level, in Panchayats at the intermediate level, and district level;

(ii) a Panchayat area at the district level in such Panchayat.

(4) The Chairperson of a Panchayat and other members of a Panchayat whether or not chosen by direct election from territorial constituencies in the Panchayat area shall have the right to vote in the meetings of the Panchayats.

(5) The Chairperson of —

(a) a Panchayat at the village level shall be chosen by election in such manner as the Legislature of the State may, by law, provide; and

(b) a Panchayat at the intermediate level or district level shall be elected by, and from amongst, the elected members thereof."

(6) Where the Chairperson of a Panchayat has been elected by and from amongst, the elected members of the Panchayat, no resolution by the Panchayat for removing him from the office of the Chairperson shall be valid and effective unless such resolution has been passed by a majority of the total number of the elected members of the Panchayat and by a majority of not less than two-thirds of such members present and voting.

6. The Committee then decided to hold their sittings from 9 to 11 June, 1992 daily from 10.30 to 13.00 hours and again from 15.30 to 18.00 hours to resume further clause-wise general discussion with reference to amendments proposed by members.

*The Committee then adjourned.*

**IX**  
**NINTH SITTING**  
**9-6-1992**

The Committee met on Tuesday, the 9th June, 1992 from 1030 to 1300 hours and again from 1530 to 1745 hours in Committee Room No. 'C', Ground Floor, Parliament House Annex, New Delhi.

**PRESENT**

**Shri Nathu Ram Mirdha—Chairman**

**MEMBERS**

**Lok Sabha**

2. Shri H.D. Devegowda
3. Shri Digbijaya Singh
4. Shri Bhogendra Jha
5. Shri M. Krishnaswamy
6. Shri Nitish Kumar
7. Shri Rameshwar Patidar
8. Smt. Suryakanta Patil
9. Dr. Sudhir Ray
10. Shri Rampal Singh
11. Shri Satya Deo Singh
12. Prof. K.V. Thomas
13. Shri Mukul Balkrishna Wasnik
14. Shri Dipen Ghosh
15. Shri H. Hanumanthappa
16. Shri S. Madhavan
17. Shri Chhotubhai Patel
18. Shri Shankar Dayal Singh
19. Shri Subramanian Swamy

**SECRETARIAT**

1. Shri S.C. Gupta — *Joint Secretary*
2. Shri R.K. Chatterjee — *Deputy Secretary*
3. Shri D.L. Kapur — *Assistant Director*

**REPRESENTATIVES OF THE MINISTRY OF  
RURAL DEVELOPMENT**

1. Shri S. Som — *Additional Secretary*
2. Shri D. Singhai — *Deputy Secretary*

**REPRESENTATIVE OF THE MINISTRY OF LAW & JUSTICE**

**Shri B.S. Saluja — Joint Secretary and Legislative Counsel**

2. The Committee reconsidered Article 243C and decided that the following words in Sub-clause (3) may be deleted:

“In such manner and subject to such conditions as may be specified in such law—”

3. As there was divergence of views in the matter, the Committee deferred further consideration of Sub-clause (5) of Article 243C.

*Article 243D*

4. The Committee decided as follows:

(i) Page 3, line 19

After "for"  
Insert "(a)"

(ii) Page 3, line 19

After "and"  
Insert "(b)"

5. The Committee then adjourned to meet again at 1530 hours. The Committee re-assembled at 1530 hours and resumed further Clause-wise general discussions on the provisions of the Bill, with reference to the amendments proposed.

*Article 243E*

6. The Committee decided as follows:

Page 4, For lines 16-19

Substitute "(2) 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)"

"(3) An election to constitute a Panchayat shall be completed:—

• (a) before the expiry of its duration specified in Clause (1).

(b) before the expiration of a period of six months from the date of its dissolutions.

*Article 243F*

7. Page 4, after line 42

(i) add the following proviso:—

"Provided that no person shall be disqualified under this Sub-Clause merely on the ground that he is less than 25 years of age, if he has attained the age of 21 years."

(ii) Page 4, line 47-48

For "The Governor and his decision shall be final"

*substitute*

"Such authority and in such manner as the Legislature of a State may, by law, provide and the decision of such authority shall be final."

8. The Committee then adjourned to meet again at 1030 hours on Wednesday, the 10 June, 1992.

**X**  
**TENTH SITTING**  
**10-6-1992**

The Committee met on Wednesday, the 10th June, 1992 from 1040 to 1300 hours and again from 1530 to 1730 hours in Committee Room

No. 'C', Ground Floor, Parliament House Annexe, New Delhi.

**PRESENT**

**Shri Nathuram Mirdha — Chairman**

**MEMBERS**

2. Shri H.D. Devegowda
3. Shri Digvijaya Singh
4. Shri Bhogendra Jha
5. Shri M. Krishnaswamy
6. Shri Rameshwar Patidar
7. Dr. Sudhir Ray

8. Shri Mukul Balkrishna Wasnik
9. Shri Dipen Ghosh
10. Shri H. Hanumanthappa
11. Shrimati Kailashpati
12. Shri S. Madhavan
13. Shri Chhotubhai Patel
14. Shri Shankar Dayal Singh

**SECRETARIAT**

1. Shri S.C. Gupta — *Joint Secretary*
2. Shri D.L. Kapur — *Assistant Director*

**REPRESENTATIVES OF THE MINISTRY OF  
RURAL DEVELOPMENT**

1. Shri S. Som — *Additional Secretary*
2. Shri D. Singhai — *Deputy Secretary*

**REPRESENTATIVE OF THE MINISTRY OF  
LAW & JUSTICE**

**Shri B.S. Saluja — *Joint Secretary and Legislative Counsel***

2. The Committee considered Article 243 G and 243 H. Since the Members of the Committee differed in their views regarding the use of worked 'may' instead of 'shall' appearing at page 5, lines 2 and 13, the Committee held over further consideration of these two Articles.

**Article 243 I**

3. Page 6, line 28  
For "1991"  
Substitute "1992"

The Committee then adjourned to meet again at 1530 hours. The Committee reassembled at 1530 hours and resumed further Clause-wise general discussion on the provisions of the Bill with reference to the amendments proposed.

**Clause 243 K**

4. The Committee decided as follows:  
Page 6, lines 18-19.  
For "Chief Electoral Officer of the State"  
substitute "Such separate authority as may be provided in such law"

**Clause 243 N**

- (i) Page 7, line 18  
For "1991"  
substitute "1992"
- (ii) Page 7, line 24,  
For "later"  
substitute "earlier"

The Committee then adjourned to meet again at 1030 hours on Thursday, the 11th June, 1992.

**XI**  
**ELEVENTH SITTING**  
**11-6-1992**

The Committee met on Thursday, the 11th June, 1992 from 1040 hours to 1135 hours in Committee Room 'C', Ground Floor, Parliament House Annexe, New Delhi.

**PRESENT**

**Shri Nathuram Mirdha — Chairman**

**MEMBERS**

2. Shri Bhogendra Jha
3. Shri Rameshwar Patidar
4. Smt. Suryakanta Patil
5. Dr. Sudhir Ray
6. Shri Rampal Singh
7. Shri Satya Deo Singh
8. Prof. K.V. Thomas
9. Shri Dipen Ghosh
10. Shri S. Madhavan
11. Shri Kamleshwar Paswan
12. Shri Shankar Dayal Singh

**SECRETARIAT**

1. Shri S.C. Gupta—*Joint Secretary*
2. Shri D.L. Kapur—*Assistant Director*

**REPRESENTATIVES OF THE MINISTRY OF RURAL DEVELOPMENT**

1. Shri S. Sam—*Additional Secretary*
2. Shri D. Singhai— *Deputy Secretary.*

**REPRESENTATIVE OF THE MINISTRY OF LAW & JUSTICE**

**Shri B.S. Saluja—*Joint Secretary and Legislative Counsel***

2. The Committee resumed further Clause-wise general discussion on the provisions of the Bill, with reference to the amendments, proposed.

3. The Committee considered a "general suggestion" regarding District Planning given notice of by a Member of the Committee for inclusion as a new Clause in the Bill. After some deliberations, the Committee did not agree to incorporate the new clause in the Bill.

The Committee reconsidered Sub-Clause (5) of Article 243 C regarding election of Chairpersons. Divergent views were expressed in regard to the provisions in the Bill. The Chairman stated that the consensus seemed to be that the Chairperson at the village level should be chosen by direct election and at the intermediate or district level he should be elected by and from amongst the elected members of the Panchayat.

4. The Committee then directed the Legislative Counsel of the Ministry of Law & Justice to prepare a draft Bill on the basis of discussions held so far for their consideration at their next sittings to be held from 1030 to 1300 hours and 1530 to 1800 hours on 23 and 24 June, 1992.

*The Committee then adjourned.*

**XII**  
**TWELFTH SITTING**

29-6-1992

The Committee met on Monday, the 29th June, 1992 from 1030 to 1225 hours in Committee Room 'B', Ground Floor, Parliament House Annexe, New Delhi.

**PRESENT**

Shri Nathuram Mirdha — *Chairman*

**MEMBERS**

2. Shri Mani Shankar Aiyar
3. Shri Digvijaya Singh
4. Shri Bhogendra Jha
5. Shri M. Krishnaswamy
6. Shri Nitish Kumar
7. Shri Rameshwar Patidar
8. Dr. Sudhir Ray
9. Shri P.M. Sayeed
10. Shri Rampal Singh
11. Shri Satya Deo Singh
12. Shri Mukul Balkrishna Wasnik
13. Shri Rafique Alam
14. Shri H. Hanumanthappa
15. Shri Chhotubhai Patel
16. Shri Shankar Dayal Singh

**SECRETARIAT**

1. Shri S.C. Gupta — *Joint Secretary*
2. Shri D.L. Kapur — *Assistant Director*

**REPRESENTATIVES OF THE MINISTRY OF RURAL DEVELOPMENT**

1. Shri S. Som — *Additional Secretary*
2. Shri D. Singhai — *Deputy Secretary*

**REPRESENTATIVES OF THE MINISTRY OF LAW AND JUSTICE**

1. Shri B.S. Saluja — *Joint Secretary and  
Legislative Counsel*
2. The Committee took up clause by clause consideration of the Bill.
3. *Article 243:*

The following amendment was accepted:

Page 1, *after* line 12, *add* the following clause (b)

“(b) 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.”

Article 243, as amended was adopted.

4. *Article 243A*

The following amendment was accepted:

Page 2, for lines 11—15

*substitute*

"243A. The Legislature of a State may, by law, provide for a Gram Sabha which shall perform such functions at the village level as may be entrusted to it by such law."

Article 243A, as amended was adopted.

5. *Article 243B*

The following amendment was accepted:

Page 2, for lines 16—20

*substitute*

"243B. There shall be constituted in every State, within one year from the commencement of the Constitution (Seventy-Second Amendment) Act, 1992, Panchayats at the village, intermediate and district levels in accordance with the provisions of this Part."

Article 243B as amended was adopted.

6. *Article 243C*

(i) Page 2, for lines 28-29

*substitute*

"(2) All the seats in a Panchayat shall be chosen by direct"

(3) The Legislature of a State may, by law, provide for the representation:—

(a) of the Chairpersons of the Panchayats at the village level, in the Panchayats at the intermediate level;

(b) of the Chairpersons of the Panchayats at the intermediate level, in the Panchayats at the district level."

(ii) Page 3 for lines 5—18

*substitute*

(d) of the members of the Council of States and the members of the Legislative Council of the State, where they are registered as electors within—

(i) a Panchayat area at intermediate level, in Panchayats at the intermediate level;

(ii) A Panchayat area at the district level in such Panchayat at the district level.

(4) The Chairperson of a Panchayat and other members of a Panchayat whether or not chosen by direct election from territorial constituencies in the Panchayat area shall have the right to vote in the meetings of the Panchayats.

(5) The Chairperson of—

(a) a Panchayat at the village level shall be chosen by direct election; and

(b) a Panchayat at the intermediate level or district level shall be elected by, and from amongst, the elected members thereof."



(6) Where the Chairperson of a Panchayat at the village level has been chosen by direct election, he shall not be removed from that office unless—

(a) the Panchayat has made a recommendation to the Gram Sabha for the removal of the Chairperson, after adopting a motion by a majority of the total number of the elected members of the Panchayat and by a majority of not less than two-thirds of such members present and voting; and

(b) the Gram Sabha has, at a meeting specially convened for the purpose, passed a resolution for the removal of the Chairperson by a majority of its members present and voting; so, however, that not less than fifty percent of the members of the Gram Sabha are present at such meeting:

Provided that the meeting of the Gram Sabha is held after a notice of not less than fifteen days:

Provided further that if the meeting of the Gram Sabha cannot be held for want of quorum, the motion adopted by the Panchayat under clause(a) shall lapse and no further motion for the removal of the Chairperson shall be moved in the Panchayat within a period of one year from the date of adoption of the previous motion by the Panchayat.

(7) Where the Chairperson of a Panchayat has been elected by, and from amongst, the elected members of the Panchayat, he shall not be removed from that office unless the Panchayat has passed a resolution to that effect by a majority of the total number of the elected members of the Panchayat and by a majority of not less than two-thirds of such members present and voting.

Article 243C as amended was adopted.

#### *Article 243D*

The following amendment was accepted:—

(i) Page 3, line 19

*after* “for”

*insert* “(a)

(ii) Page 3, line 19

*after* “and”

*insert* “(b)”

Article 243D as amended was adopted.

#### *Article 243E*

The following amendment was accepted:

Page 4, *for* lines 16—19

*substitute*

“(2) 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)”

(3) An election to constitute a Panchayat shall be completed:—

(a) before the expiry of its duration specified in Clause (1):

(b) before the expiration of a period of six months from the date of its dissolution.

Article 243E as amended was adopted.

#### *Article 243F*

The following amendments were accepted:

(i) Page 4, *omit* lines 30—39

- (ii) Page 4, lines 40 and 44  
for "(c)" and "(f)"  
substitute "(a)" and "(b)"
- (iii) Page 4, after line 42  
add the following proviso:—  
"Provided that no person shall be disqualified on the ground that he is less than 25 years of age, if he has attained the age of twenty-one years."
- (iv) Page 4, line 47-48  
for "The Governor and his decision shall be final"  
substitute  
"Such authority and in such manner as the Legislature of a State may, by law, provide".  
Article 243F as amended was adopted.
10. Article 243G and 243H were adopted without any amendment.
11. Article 243I  
The following amendment was accepted:  
Page 5, line 29,  
For "1991"  
substitute "1992"  
Article 243I, as amended was adopted.
12. Article 243J was adopted without any amendment.
13. Article 243K  
The following amendment was accepted:—  
Page 6, lines 18-19  
For "Chief Electoral Officer of the State"  
substitute "Such separate authority as may be provided in such law"  
Article 243K as amended was adopted.
14. Article 243L  
The following amendments was accepted.  
(i) Page 6, after line 26, add  
"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.  
(ii) Omit lines 27—31
15. Article 243M was adopted without any amendment.
16. Article 243N  
The following amendments were accepted:  
(i) Page 7, Line 18 For "1991" substitute "1992"

(ii) For "or until the expiration of the longest duration of the Panchayats, at any level, existing in that State immediately before such commencement, whichever is later;"

*substitute*

"whichever is earlier"

Article 243N as amended were adopted.

17. Article 243O was adopted without any amendment.

18. The Eleventh Schedule was adopted without any amendment.

19. *Clause 1*

The following amendment was accepted.

Page 1 line 4

For "1991"

*substitute "1992"*

Clause 1 as amended was adopted.

20. *Enacting Formula*

The following amendment was accepted:

Page 1, line 1

for "Forty-third"

*substitute "Forty-third"*

The Enacting Formula as amended was adopted.

21. The long title was adopted without any amendment.

22. The amendments received from the Members which were considered but not accepted by the Committee or were withdrawn by the Members are given in the *Annexure*.

23. The Committee then authorised the Legislative Counsel to correct patent errors and carry out amendments of verbal and consequential nature in the Bill.

*The Committee then adjourned.*

ANNEXURE

CONFIDENTIAL

LOK SABHA SECRETARIAT  
(Committee Branch-II)

JOINT COMMITTEE ON THE CONSTITUTION  
(SEVENTY SECOND AMENDMENT) BILL, 1991

List of Amendments received from the Members of the Committee which were considered and not accepted by the Committee at their sitting held on June, 1992.

(Vide para 22 of the Minutes)

S. No.	Name of Member and text of amendment	Clause No.
<b>SHRI H. HANUMANTHAPPA:</b>		
1.	Page 1, Line 14, <i>after "levels"</i> <i>insert "either Block or Assembly Constituency"</i>	243
<b>SHRI S. MADHAVAN:</b>		
2.	Page 1, line 17 <i>for "Panchayat" means an institution (By whatever name called) of self-government constituted under article 243B, for the rural areas;"</i> <i>substitute "Village Panchayat", Panchayat Samiti" and Zilla Parishad" mean the institutions (by whatever name called in each state in its official language) of self-government constituted under article 243B, for the rural areas;"</i>	243
<b>SHRI BHOGENDRA JHA:</b>		
3.	Page 2, line 1, <i>after "self-government"</i> <i>insert "and democratic judicial function"</i>	243
<b>SHRI H. HANUMANTHAPPA:</b>		
4.	Page 2, line 2, <i>for "rural areas"</i> <i>substitute "Village or Villages"</i>	243

S. No.	Name of Member and text of amendment	Clause No.
<b>SHRI BHOGENDRA JHA</b>		
5.	Page 2, after line 2, add "(d) Nyaya Panchayat (by whatever name called) means an institution within the Panchayat itself"	243
6.	Page 2, line 3, for "d" substitute "e"	243
<b>SHRI H. HANUMANTHAPPA</b>		
7.	Page 2, line 4, after "Panchayat" add "comprising village or villages within the area of 5 KMs."	243
<b>SHRI BHOGENDRA JHA</b>		
8.	Page 2, line 5, for "c" substitute "f"	243
9.	Page 2, line 8, for "f" substitute "g"	243
<b>SHRI H. HANUMANTHAPPA</b>		
10.	Page 2, line 8 for "Governor" substitute "Government"	243
11.	Page 2, line 10 after "villages" insert "within the radius of 5 KMs."	243
<b>SHRI S. MADHAVAN and SHRI H. HANUMANTHAPPA</b>		
12.	Page 2, for "Clause 243A" substitute "The Village Panchayats, Panchayat Samitis and Jilla Parishads may exercise such powers at the village level, the intermediate level and the district level as the legislature of State may, by law, provide."	243B
<b>SHRI BHOGENDRA JHA</b>		
13.	Page 2, line 16, after "Panchayat" insert "including Nyaya Panchayats"	

S. No.	Name of Member and text of amendment	Clause No.
--------	--------------------------------------	------------

SHRI MANI SHANKAR AIYAR

243B

14. Page 2

for Clause 243B

*substitute* "243B, (1) There shall be constituted in every State Panchayats at the village, intermediate and district levels in accordance with the provisions of this Part.

(2) Notwithstanding anything in clause (2), Panchayats at the intermediate level may not be constituted in a State having a population not exceeding twenty lakhs."

SHRI H. HANUMANTHAPPA

15. Page 2

243B

for "lines 18--20"

*substitute* "(2) There should be Panchayat at the Inter-mediate level and at the district level i.e. Block, Panchayat and Zilla Panchayat."

SHRI S. MADHAVAN

16. Page 2

243C

for "Clause 243C"

*substitute* "(1) Subject to the provisions of this part, the legislature or a state may, by law, make provisions with respect to;

- (a) The composition of Village Panchayat, Panchayat Samiti and Zilla Parishad;
- (b) the territorial area of Village Panchayat, Panchayat Samiti and Zilla Parishad;
- (c) the delimitation of Village Panchayat, Panchayat Samiti and Zilla Parishad;
- (d) the representation of Chairpersons of the Village Panchayat in the Panchayat Samitis or Zilla Parishad;
- (e) the representation of the Chairpersons of Panchayat Samitis in the Zilla Parishads;
- (f) the representation of the Member of Parliament and the members of the legislatures of a state in the Panchayat Samitis and Zilla Parishads;
- (g) the right to vote of the members of the Village Panchayat, Panchayat Samiti and Zilla Parishad;
- (h) the mode of election to the village panchayat, panchayat Samiti and zilla parishad; and
- (i) such other matters as the legislature of a state may deem think necessary for the function of the institutions of self-government."

SHRI BHOGENDRA JHA

17. Page 2, line 28,

243C

after "Panchayat" insert "including Nyaya Panchayats"

S. No.	Name of Member and text of amendment	Clause No.
<b>SHRI H. HANUMANTHAPPA</b>		
18.	Page 2 after line 37 add "(3A) The Government may nominate members not more than one-fifth of the total members covering the areas of experience and unrepresented classes."	243C
19.	Page 2, lines 42-43 omit "for in the case of a State not having Panchayats at the Intermediate level"	243C
<b>SHRI SUDHIR RAY</b>		
20.	Page 3 for lines 8-12 substitute "The elected members which includes MLAs and MPs should also have the voting rights."	243C
21.	Page 3 for lines 13-15 substitute "The Chairperson of a Panchayat, at all levels shall be elected by members of Panchayat bodies from among themselves."	243C
<b>SHRI H. HANUMANTHAPPA</b>		
22.	Page 3, line 14 omit "or" and "if"	243C
23.	Page 3 line 15 omit "any"	
<b>SHRI NITHISH KUMAR</b>		
24.	Page 3 line 15 after "any" insert "or district level, if any."	243C
25.	Page 3 omit lines 16-18	243C
<b>SHRI BHOGENDRA JHA</b>		
26.	Page 3, line 16 after "a Panchayat" insert "or Nyaya Panchayat"	243C

S. No.	Name of Member and text of amendment	Clause No.
	<b>SHRI H. HANUMANTHAPPA</b>	
27.	Page 3  <i>for lines 16-18</i>  <i>substitute "a Panchayat at the district level should be chosen by the members elected to Panchayat at district level in accordance with Clause 243C."</i>	243C
28.	Page 3, line 20  <i>after "Tribes" insert "separately"</i>  <b>SHRI BHOGENDRA JHA</b>	243D
29.	Page 3, line 20 <i>after "every Panchayat" insert "and Nyay Panchayat"</i> <b>SHRI H. HANUMANTHAPPA</b>	243D
30.	Page 3, line 24 <i>for "or" substitute "and"</i> <b>SHRI BHOGENDRA JHA</b>	243D
31.	Page 3, line 33 <i>after "every Panchayat" insert "and Nyay Panchayat"</i> <b>SHRI H. HANUMANTHAPPA</b>	243D
32.	Page 3, line 37 <i>after "women" insert "by rotation"</i> <b>SHRI SUDHIR RAY</b>	243D
33.	Page 3, Lines 25-26 <i>delete "such seats shall be allotted by rotation to different constituencies in a Panchayat"</i> <b>SHRI S. MADHAVAN</b>	243D
34.	Page 3, Lines 28 <i>for "shall" substitute "may"</i> <b>SHRI BHOGENDRA JHA</b>	243D
35.	Page 3, Lines 35 <i>after "Panchayats" insert "and Nyay Panchayats"</i> <b>SHRI S. MADHAVAN</b>	243D
36.	Page 4, Lines 10 <i>after "backward" insert "or minority"</i>	243D



S. No.	Name of Member and text of amendment	Clause No.
<b>SHRI BHOGENDRA JHA</b>		
37.	<p>page 4  <i>after</i> line 10 <i>add</i>  “(7) Main basis of reservation of the seats will be in proportion to the those constituting the landless agricultural labourers; marginal farmers; and small farmers and the reservations for Scheduled Castes, Scheduled Tribes will be from among each of these economic categories.”</p>	243D
<b>SHRI MANI SHANKAR AIYAR</b>		
38.	<p>Page 4  <i>after</i> line 15  <i>add</i> “(2) No amendment of any law for the time being in force shall have the effect of causing of dissolution of a Panchayat at any level, which is functioning immediately before such amendment, till the expiration of its duration specified in Clause (1).”</p>	243D
39.	<p>Page 4, line 16  <i>for</i> “2” <i>substitute</i> “(3)”</p>	243E
40.	<p>Page 4, line 24  <i>for</i> “(3)” <i>substitute</i> “(4)”</p>	243E
<b>SHRI H. HANUMANTHAPPA</b>		
41.	<p>Page 4,  <i>omit</i> lines 24-27</p>	243E
42.	<p>Page 4  <i>for</i> line 48  <i>substitute</i> “competent authority created by the State Government and its decision shall be final.”</p>	243F
<b>SHRI SUDHIR RAY</b>		
43.	<p>Page 4  <i>for</i> Clause 243F  <i>substitute</i> “A man or woman above 18 should have the right to vote as well as to contest in the elections.”</p>	243F
<b>SHRI BHOGENDRA JHA</b>		
44.	<p>Page 4  <i>after</i> line 44  <i>add</i> “(g) if one holds sufficient property or business interests or resides in urban areas.”</p>	243F
45.	<p>Page 5, line 2  <i>after</i> “Panchayats”  <i>insert</i> “and Nyay Panchayats”</p>	243G

S. No.	Name of Member and text of amendment	Clause No.
	<b>SHRI S. MADHAVAN</b>	
46.	Page 5, lines 11-12 for "including those in relation to" substitute "like"	243G
	<b>SHRI BHOGEN德拉 JHA</b>	
47.	Page 5 after line 12 add "(c) in the case of Nyay Panchayats provide for powers and responsibilities, means and resources for conciliation and arbitration of disputes and claims, prevention and penalisation of crimes and offences within specified limits, types and characters under respective laws."	243G
	<b>SHRI H. HANUMANTHAPPA</b>	
48.	Page 5, line 13 omit "may"	243H
	<b>SHRI SUDHIR RAY</b>	
49.	Page 5, line 26 For "Governors" substitute "Government"	243I
	<b>SHRI H. HANUMANTHAPPA</b>	
50.	Page 6 for lines 12-14 substitute "State accounts department shall prepare and prescribed the procedure and maintenance of the accounts of the Panchayats and the Accountant General of the State shall arrange for audit of accounts of the Panchayats."	243J
	<b>SHRI S. MADHAVAN</b>	
51.	Page 6 delete lines 18-19	243K
	<b>SHRI MANI SHANKAR AIYAR</b>	
52.	Page 6, line 19 for "officer of the State" substitute "Officers of the State designated or nominated in this behalf by the Election Commission in consultation with the Government of the State."	
	<b>SHRI SUDIHIR RAY</b>	
53.	Page 6, lines 38-40 delete "and the Hill areas, the district of Darjeeling in the State of West Bengal for which the Darjeeling Gorkha Hill Council exists, under any law for the time being in force."	243M

S. No.	Name of Member and text of amendment	Clause No.
<b>SHRI MANI SHANKAR AIYAR</b>		
54.	Page 7, lines 21-22 <i>omit</i> "or until the expiration of the longest duration of the Panchayats at any level, existing in the State immediately before such commencement."	243M
<b>SHRI BHOGENDRRA JHA</b>		
55.	Page 8 <i>after</i> line 30 <i>add</i> 30. Concilation and arbitration of claims and disputes including decisions thereon and prevention and penalisation of offences and crimes in the case of Nyay Panchayats."	Eleventh Schedule

**XIII**  
**THIRTEENTH SITTING**

30-6-1992

The Committee met on Tuesday 30 June, 1992 from 15.00 to 16.00 hours in Committee Room 'B', Ground Floor, Parliament House Annex, New Delhi.

**PRESENT**

Shri Nathuram Mirdha — *Chairman*

**MEMBERS**

- |                            |                              |
|----------------------------|------------------------------|
| 2. Shri Mani Shankar Aiyar | 8. Shri P.M. Sayeed          |
| 3. Shri Bhogendra Jha      | 9. Prof. K.V. Thomas         |
| 4. Shri M. Krishnaswamy    | 10. Shri Rafique Alam        |
| 5. Shri Nitish Kumar       | 11. Shri Chhotubhai Patel    |
| 6. Shri Rameshwar Patidar  | 12. Shri Shankar Dayal Singh |
| 7. Dr. Sudhir Ray          | 13. Shri Subramanian Swamy   |

**SECRETARIAT**

- |                    |                             |
|--------------------|-----------------------------|
| 1. Shri S.C. Gupta | — <i>Joint Secretary</i>    |
| 2. Shri D.L. Kapur | — <i>Assistant Director</i> |

**REPRESENTATIVES OF THE MINISTRY OF RURAL DEVELOPMENT**

- |                    |                               |
|--------------------|-------------------------------|
| 1. Shri S. Som     | — <i>Additional Secretary</i> |
| 2. Shri D. Singhai | — <i>Deputy Secretary</i>     |

**REPRESENTATIVE OF THE MINISTRY OF LAW & JUSTICE**

Shri B.S. Saluja — *Joint Secretary and  
Legislative Counsel*

2. The Committee considered and adopted the Bill, as amended.
3. The Committee thereafter, considered and adopted the draft report.
4. The Chairman then drew the attention of the Members to the provisions contained in Direction 87 of the Directions by the Speaker regarding Minutes of Dissent and announced that the Minute of Dissent, if any, might be sent to the Lok Sabha Secretariat by 10.00 hours on Thursday, 2 July, 1992.
5. The Committee authorised the Chairman and, in his absence Shri Nitish Kumar, M.P. to present the Report and lay the record of evidence on the Table of the House on Friday, 10 July, 1992.
6. The Committee also authorised Shri Shankar Dayal Singh and in his absence Shri Chhotubhai Patel to lay the Report and the record of evidence on the Table of Rajya Sabha on Friday, 10 July, 1992.
7. The Committee placed on record their appreciation for the co-operation and assistance rendered by the Legislative Counsel of the Ministry of Law, Justice and Company Affairs (Legislative Department) and officers of the Ministry of Rural Development.
8. The Committee also placed on record their appreciation and thanks to the officers and staff of the Lok Sabha Secretariat for their hard work and valuable assistance rendered by them to facilitate the work of the Committee in all matters and in preparing their draft Report Promptly.
9. The Chairman, while associating himself in thanking the above mentioned officers, also thanked the members of the Committee for extending their full co-operation to him in conducting the proceedings of the Committee in most congenial atmosphere.
10. The Members of the Committee also place on record their high appreciation and thanks to the Chairman (Shri Nathuram Mirdha) for very ably and impartially conducting the proceedings of the Committee and guiding their deliberations at various stages of the Bill.

*The Committee then adjourned.*