

Examrace

Competitive Exams: 73rd Amendment Act of 1992

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- This Act corresponds to Part IX of constitution of India.
- It is entitled as 'The Panchayats' and consists provisions of Articles 243 to 243 – Q.
- The Act has also added the Eleventh Schedule to the Constitution of India.
- It contains 29 functional items of the Panchayats and deals with Article 243 – G.
- The Act has given a practical shape to Article 4Q of the Constitution.
- The Act gives a Constitutional status to the Panchayati Raj institutions.
- The State Governments are under the Constitutional obligation to adopt the new Panchayati Raj System in accordance with the provisions of the Act.
- Neither the formation of the Panchayats nor the holding of elections at regular intervals depends on the will of the State Government.
- The provisions of the Act can be grouped into two categories compulsory and voluntary.
- The compulsory provisions of the Act are to be included in the State Laws creating the The voluntary provisions, on the other hand, may be included at the discretion of the States.
- It transfers the representative democracy into the participatory democracy.

The Salient Features of the Act

Three-tier system: The Act provides for a three-tier system of the Panchayati Raj in the States, that is, Panchayats at the village, the intermediate and the district level. The Act defines all the terms in the following manner:

- Panchayat means an institution (by whatever name called) of local self-Government for rural areas.
- Village means, a village specified by the Governor through a public notification to be a village for this purpose, and includes a group of villages so specified
- Intermediate level between the village and the district specified by the Governor through a public notification for this purpose.
- The Act brings about uniformity in the structure of the Panchayati Raj throughout the country.

- A State having population not exceeding 20 lakh may not constitute Panchayats at the intermediate level.

Gram Sabha

- The Act provides for a Gram Sabha as the foundation of the Panchayati Rai System.
- It is a body consisting of persons registered in the electoral rolls of the village comprised within the area of the Panchayat at the village level.
- It is a Village Assembly consisting of all the registered voters in the area of a Panchayat.
- It shall exercise such powers and perform such functions at the village level as the State Legislature determines.

Duration of Panchayats

- The Act provided for a five-year term of office to the Panchayat at every level.
- However, it can be dissolved before the completion of its term.
- Fresh election to constitute a Panchayat shall be completed: Before the expiry of its term; or in case of dissolution, before the expiry of a period of six months from the date of its dissolution.

Disqualifications

- A person shall be disqualified for being chosen as or for being a member of the Panchayat if he is so disqualified: Under any law for the time being in force for the purposes of elections to the Legislature of the State concerned, or under any law made by the State Legislature.
- No person shall be disqualified on the grounds that he is less than 25 years of age if he had attained the age of 21 years.
- All questions of disqualifications shall be referred to State Legislature determined.

Reservation of Seats

- The Act provided for the reservation of seats for the Scheduled Castes and the Schedules Tribes in every Panchayat (at all the levels) in proportion of their population in the Panchayat area.
- The State Legislature shall provide for the reservation of offices of the chairpersons in the Panchayat at the village or any other level for the SCs and the S Is.
- The Act provides for the reservation of not less than one-third of the total number of seats for women (including the number of seats reserved for women belonging to the SCs and the STs).
- Not less than one-third of the total number of offices of the Chairpersons in the Panchayats at each level shall be reserved for women.

- The Act authorizes the Legislature of a State to make any provision for reservation of seats in any Panchayat or offices of the chairperson in the Panchayat at any level in favor of the Backward Classes.

Election of the Members and the Chairpersons

- All members of the Panchayats at the Village, the Intermediate and the District levels shall be elected directly by the people.
- The chairperson of the Panchayats at the Intermediate and District levels shall be elected indirectly by and from amongst the elected members thereof.
- The chairperson of a Panchayat at the Village level shall be elected in such a manner as the State Legislature determines.

Powers and Functions

- The State Legislature may endow the Panchayats, with such powers and authority as may be necessary to enable them to function as institutions of self-government.
- Such a scheme may contain provisions for the devolution of powers and responsibilities upon Panchayats at the appropriate level with respect to preparation of plans for economic development and social justice; the implementation of schemes for the economic development and social justice as may be entrusted to them, including those in relation to the 29 matters listed in the Eleventh Schedule.

State Election Commission

- The superintendence, direction and control of the preparation of electoral rolls and the conduct of all elections to the Panchayats shall be vested in the State Election Commission.
- It consists of a State Election Commissioner who is to be appointed by the Governor.
- His conditions of service and tenure of office shall be determined by the Governor.
- He shall not be removed from the office except in the manner and on the grounds prescribed for the removal of a Judge of the State High Court.
- His conditions of service shall not be varied to his disadvantage after his appointment.

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