APPENDICES
APPENDIX - I

CHANGING SCENARIO OF POLITICAL PARTICIPATION AT GRAMA PANCHAYAT: A

CASE STUDY OF GARADAGAON

QUESTIONNAIRE

[This is purely for academic purpose and the opinion of each respondent will be kept secret and will be statistically analysed for research purpose only]

SECTION - I: Bio-data of Respondents

1. Name:
2. House No.
3. Sex: a) Male b) Female
4. Religion a) Hindu b) Muslim c) Christian d) Any other (specify)
5. Caste a) Brahmin b) Khandayat/Karan c) OBC (specify)- d) S. C. e) S. T.
6. Marital Status a) Married b) Unmarried
7. Father's / Husband's Name:
8. Age: a) 18 - 30 b) 31 - 40 c) 41 - 50 d) 51 - 60 e) > 60

Dependant
11. Annual Income:
   (a) Less than Rs. 6000/-
   (b) Rs. 6001/- to Rs. 12,000/-
   (c) Rs. 12001/- to Rs. 24,000/-
   (d) Rs. 24001/- to Rs. 60,000/-
   (e) Above Rs. 60,000/-
SECTION - II: Electoral Participation:

1. Are the elections of Garudagaon GP Regular? Comments

   Comment: .................................................................

2. Have you caste your vote in last Panchayat Election, 1997? Yes / No.


4. Were you associated with any campaign in the last election? Yes / No.

5. What about previous the Panchayat Elections?
A. **1992 Panchayat Election:**
   i). Caste votes: Yes/no; ii) Contested: Yes/no; iii) Campaigned: Yes/no

B. **Any other Panchayat Election in Year 19__**
   i). Caste votes: Yes/no; ii) Contested: Yes/no; iii) Campaigned: Yes/no

C. **Any other Panchayat Election in Year 19__**
   i). Caste votes: Yes/no; ii) Contested: Yes/no; iii) Campaigned: Yes/no

6. Are you satisfied with reservation policy at Panchayat Level? Yes / No.
   If Yes, are you satisfied with i) reservation for women? Yes/no.
   ii) reservation for SCs & STs? Yes / No.

7. Are you satisfied with present way of direct election of Sarapanch? Yes / No.

8. Are you satisfied with present non-party election at Panchayats? Yes/no.
   If no,  i) Are you in favour of party based election? Yes/no.
       ii) With party basis, do you suggest direct election of Sarapanch? Yes/no.
       iii) Will there be any split in your village on party basis? Yes/no.
       iv) Do you recommend party-based election for seats of Panchayat Samiti? Yes/no.

9. Is there any political dominance in Grama Panchayat Election?
   i) Is there political dominance of any particular caste / class in your village? Yes/no.
   ii) Do you feel the election of Sarapanch as per present direct way is free from any inter-village politics? Yes/no.
SECTION - III: Non-Electoral Participation:

1. i) State the name of your revenue village: __________________________________
    ii) Whether your village has a Palli Sabha / Gram Sabha? Yes/no
    iii) Are the Gram / Palli Sabha attended by people more than
    before the implementation of constitutional amendment of 1992? Yes/no

2. i) How many meetings are held by Gram Sabha and /or Palli Sabha? _____
    ii) Have any time your Grama / Palli Sabha has lacked quorum? Yes/no
    iii) What is the % of women participating Grama / Palli Sabha? _____
    iv) What is the % of STs and SCs participating your Grama / Palli Sabha? _____
    v) How frequently do you have attended Grama / Palli Sabha?

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3. i) Have you taken part in some important issues in Grama/Palli Sabha? Yes/no.
    ii) Have you voted for any important issues in Grama/Palli Sabha? Yes/no.
    iii) Have you taken part in identification of beneficiaries like BPL? Yes/no.
    iv) Have you ever suggested for any need / construction in your village? Yes/no.
    v) Any other? (Specify)

4. Are you in favour of further decentralization of Grama Panchayat? Yes/no.
SECTION - IV: Study of Sarapanch and Ward Members:

i) Do you play any role in decision making at Grama Panchayat? Yes/no.

ii) Do you take part in plans, proposals and budget? Yes/no.

iii) Have you ever chaired any Gram Sabha or Palli Sabha? Yes/no.

iv) What is required for speedy development of Panchayats?

v) What are your limitations at present membership?

v) Suggest any measure for improving the Panchayats:
(20th April, 1993.)
An Act further to amend to Constitution of India.

Be it enacted by Parliament in the Forty-third Year of the Republic of India as follows -

1. Short title and commencement. -

(1) This Act may be called the Constitution (Seventy-third Amendment) Act, 1992.

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

2. Insertion of new Part IX. - After Part VIII of the Constitution, the following Part shall be inserted, namely:-

"PART IX

THE PANCHAYATS

The Constitution (Seventy-third Amendment) Act, 1992 (20th April, 1993.)

Provides the following:

"PART IX

THE PANCHAYATS

Article: 243. Definitions. -

In this Part, unless the context otherwise requires -

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

(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 the 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 purpose of this Part and includes a group of villages so specified.

**Article: 243A. Gram Sabha** -

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

**Article: 243B. Constitution of Panchayats** -

(1) There shall be constituted in every State, Panchayat at the village, intermediate and district levels in accordance with the provisions of this part,

(2) Notwithstanding anything in clause (1), Panchayats at the intermediate level may not be constituted in a State having a population not exceeding twenty lakhs.

**Article: 243C. Composition of Panchayats** -

(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 or, in the case of a State not having Panchayats at the intermediate level, in the Panchayats at the district level;

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

(4) The Chairperson of the Panchayat and other members of a Panchayat whether or not chosen 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 elected in such manner as the Legislature of a 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 there-of.

Article: 243-D. Reservation of seats -

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

(4) The offices 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 the 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 offices of Chairpersons in the Panchayats at any level in favour of backward class of citizens.

Article: 243-E. Duration of Panchayats, etc. -

(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.

(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.

Article: 243-F. Disqualification of membership -

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

(a) If he is so disqualified by or under any law for the time being in force for
the purposes of election 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 disqualification mentioned in clause (1), the question shall be referred for the decision of such authority and in such manner as the Legislature of a State, may, by law, provide.

**Article: 243-G. Powers, authority and responsibilities of Panchayats -**

Subject to the provision 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

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

(b) the imposition of schemes for economic development and social justice as may be entrusted to them including those in relation to the matters listed in the Eleventh Schedule.

**Article: 243-H. Powers to impose taxes by, and Funds of the Panchayats -**

The Legislature of a State, may, by law, -
(a) authorize a Panchayat to levy, collect and appropriate such
taxes, duties, tolls and fees in accordance with such procedure
and subject to such limits;

(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 withdrawal of such moneys therefrom, as specified in
the law.

Article: 243-l. Constitution of Finance Commission to review financial Position

(1) The Governor of a State shall, as soon as may be, within one year
from the commencement of the Constitution (Seventy-third
Amendment) Act, 1992, and thereafter at the expiration of every fifth
year, constitute a Finance Commission to review the financial 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 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) the measures needed to improve the financial position of the Panchayats;

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

(2) The Legislature of 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 there on to be laid before the Legislature of the State.

Article: 243-J. Audit of accounts of Panchayats -

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.

Article: 243-K. Election to the Panchayats -

(1) The superintendence, direction and control of the preparation of electoral rolls for, and the conduct of, all election to the Panchayats shall be vested in a State Election Commission consisting of a State Election Commissioner to be appointed by the Governor.

(2) Subject to the provisions of any law made by the Legislature of a State, the conditions of service and tenure of office of the State Election Commissioner shall be such as the Governor may by rule determine;

Provided that the State Election Commissioner shall not be removed from his office except in like manner and on the like grounds as a Judge of a High Court and the conditions of service of the State Election Commissioner shall not be varied to his disadvantage.

(3) The Governor of a State, when so requested by the State Election Commission, make available to the State Election Commission such
staff as may be necessary for the discharge of functions conferred on the State Election Commission by clause (1)

(4) Subject to the provisions of the Constitution, the Legislature of State may, by law, make provisions with respect to all matters, relating to, or in connection with, elections to the Panchayats.

Article: 243-L. Application to Union Territories -

The provision of this Part shall apply to the Union territories and shall, in their application to a Union territory, have effect as if the references to the Governor of a State were references to the Administrator of the Union territory appointed under Article 239 and references to the Legislature or the Legislative Assembly of a State were references, in relation to a Union territory having a Legislative Assembly, to that Legislative Assembly;

Provided that the President may, by public notification, direct that the provisions of this Part shall apply to any Union territory or part thereof subject to such exceptions and modifications as he may specify in the notification.

Article: 243-M. Part not to apply to certain areas -

(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 State of Nagaland, Meghalaya and Mizoram;

(b) the Hill Area in the State of Manipur for which District Council exist under any law for the time being in force.

(3) Nothing in this Part -

(a) relating to Panchayats at the district level shall apply to the hill areas of the District of Darjeeling in the State of West Bengal for which Darjeeling Gorkha Hill Council exists under any law for the time being in force;

(b) shall be construed to affect the functions and powers of the Darjeeling Gorkha Hill Council constituted under such law.

(4) 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 of 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 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 purpose of Article 368.
Article: 243-N. Continuance of existing laws and Panchayats -

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-third Amendment) Act, 1992, which is inconsistent with the provisions of this Part, shall continue to be in force until amended or repealed by a competent Legislature or other competent authority or until the expiration of one year from such commencement, whichever is earlier;

Provided that all 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.

Article: 243-O. Bar to interference by courts in electoral matters -

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 243-K, shall not be called in question in any court;

(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."

Amendment of Article 280 -

In the clause (3) of Article 280 of the Constitution, after sub-clause (b), the following sub-clause shall be inserted namely:-

"(bb) the measures needed to augment the Consolidated Fund of a State to supplement to resources of the Panchayats in the State on the basis of the recommendations made by the Finance Commission of the State."

Addition of Eleventh Schedule -

After the Tenth Schedule to the Constitution the following Schedule shall be added namely:-

"ELEVENTH SCHEDULE

01. Agriculture including agricultural extension
02. Land improvement, implementation of land reforms, land consolidation and soil conservation.
03. Minor irrigation, water management and watershed development.
04. Animal husbandry, dairying and poultry.
05. Fisheries.
06. Social forestry and farm forestry.
07. Minor forest produce.
08. Small scale industries, including food processing industries."
09. Khadi, village and cottage industries
10. Rural housing.
11. Drinking water.
12. Fuel and fodder.
13. Road, culvert, bridges, ferries, waterways and other means of communication
14. Rural electrification, including distribution of electricity
15. Non-conventional energy sources.
17. Education, including primary and secondary schools.
18. Technical training and vocational education.
19. Adult and non-formal education.
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."