APPENDICES
APPENDIX - I

THE CONSTITUTION (73\textsuperscript{RD} AMENDMENT) ACT, 1992\textsuperscript{1}.

An Act 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. Short title & commencement.- (1) This Act may be called the constitution (seventy-third Amendment) Act, 1992.
   (2) It shall come into force on such date\textsuperscript{2} as the central government may, by notification 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

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 parsons registered in the electoral rolls relating to a village comprised within the area of panchayat at village level;

(c) "Intermediate level" means a level between the village & 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 243-B, for the rural areas;

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

\textsuperscript{1} Received the assent of the president on April 20, 1993 & published in the Gazette of India, Extraordinary, part II, section 1, dated 20\textsuperscript{th} April, 1993.

\textsuperscript{2} Came into force w.e.f. 24-9-1993. by S.O. No. 267(e) dated 24-4-1993.
(f) **population** means the population 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 & includes a group of villages so specified.

243-A. **Gram sabha.** - A Gram sabha may exercise such powers & perform such functions at the village level as the legislature of a state may, by law, provide.

243-B. **Constitution of Panchayats.** - (1) There shall be constituted in every state, panchayats at the village, intermediate & 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 population not exceeding twenty lakhs.

243-C. **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 the ratio between the population of the territorial area of a panchayat at any level & 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 & for this purpose; each panchayat area shall be divided into territorial constituencies in such manner that the ratio between the population of each constituency & the manner 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 panchayats at the district level;

(c) Of the members of the House of the people & the members of the legislative Assembly of the state representing constituencies which comprises 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 & 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 Chairpersons of a panchayat & 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 elected in such manner as the legislature of a state may, by law, provide, &

b. A panchayat at the intermediate level or district level shall be elected by, & from amongst, the elected members therof.

243-D. Reservation seats.—(1) Seat shall be reserved for –

(a) The scheduled castes; &

(b) The scheduled tribes,

In every panchayat & 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 & such seats may be allotted by rotation to different constituencies in a panchayat.

(1) Not less than one-third of the total number of seats reserved under clause (2) 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 & scheduled tribes) of the total number of seats to be filled by direct election in every panchayat shall be reserved for women & 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 & 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 & the scheduled tribes in the panchayats at each level in any state shall bear, 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) & (2) & 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.

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, & 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 for which the dissolved panchayat would have continued is less than six months, it shall be 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 continued under clause(1) had it not been so dissolved.

243-f. Disqualifications for membership- (1) A person shall be disqualified for being chosen as, & 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 elections to the legislature of the state concerned:

Provided that no persons 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 an 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 & in such manner as the legislature of a state may, by, law, provide,

243-G. Powers, authority & responsibilities of panchayats.- Subject to the provisions of the constitution, the legislature of a state may, by law, endow the panchayats with such powers & authority as may be necessary to enable them to function as institutions of self-government & such law may contain provisions for the devolution of powers & 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 & social justice;

(b) The implementation of schemes for economic development & social justice as may be entrusted to them including those in relation to the matters listed in the Eleventh Schedule.
243-H. powers to impose taxes by, & funds of, the panchayats. - The legislature of a state may, by law,-

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

(b) assign to a panchayat such taxes, duties, tolls & fees levied & collected by the state Government for such purposes & subject to such conditions & limits;

(c) Provide for making such grants-in-aid to the panchayats from the consolidated fund of the state; &

(d) Provide for constitution of such funds for crediting all moneys received, respectively, by or on behalf of the panchayats & also for the withdrawal of such money’s there from,

as may be specified in the law.

243-I. 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(73nd Amendment) Act, 1992 & thereafter at the expiration of every fifth year, constitute a Finance commission to review the financial position of the panchayats & to make recommendations to the Governor as to-

(a) the principles which should govern-

(i) the distribution between the state & the panchayats of the net proceeds of the taxes, duties, tolls & fees which may be divided between them under this part & the allocation between the panchayats at all levels of their respective shares of such proceeds;

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

(iii) The grant-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 a state may, by law provide for the composition of the commission, the qualifications which shall be requisite for appointment as members thereof & the manner in which they shall be selected.

(3) The commission shall determine their procedure & 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.

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 & the auditing of such accounts.

243-K. Election of the panchayats.-(1) The superintendence, direction & control of the preparation of electoral rolls for, & the conduct of, all elections 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 & 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 & on the like grounds as a judge of a High court & the conditions of service of the state Election commissioner shall not be varied to his disadvantage after his appointment.

(3) The Governor of a state shall, 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 the functions conferred on the state Election commission by clause(1).

(4) 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, election to the panchayats.

243-L. Application to union territories.- The provisions of this part shall apply to the union territories & shall, in their application to a Union territory, have effect as if the reference to the Governor of a state with reference to the Administrator of the union territory appointed under Article 239 & 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 & modifications as he may specify in the notification.

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), & 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 & Mizoram;

(b) the hills 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 & powers of the Darjeeling Gorkha Hill council constituted under such law.

[(3A) Nothing in article 243D, relating to reservation of seats for the scheduled castes, shall apply to the state of Arunachal Pradesh.]

(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 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 & by a majority of not less than two-thirds of the members of that House present & voting;

(b) Parliament may, by law extend the provisions of this part to the scheduled areas & the tribal areas referred to in clause (1) subject to such exceptions & modifications as may be specified in such law & no such law shall be deemed to be an Amendment of this constitution for the purposes of Article 368.

243-N. continuance of existing laws & panchayats.- Notwithstanding anything in this part, any provision of any law relating to panchayats in force in a state

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3 Inserted by the constitution (83rd Amendment) Act, 2000. (w.e.f. 8.9.2009)
immediately before commencement of the constitution (73rd Amendment) Act 1992, which is inconsistent with the provisions of this part, shall continue to be in force until amended or repealed by a competent legislature or other competent authority or until the expiration of one year from such commencement whichever is earlier.

Provided that all the 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. 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 243K, 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 & in such manner as is provided for by or under any law made by the legislature of a state.

Amendment of Article 280.- In 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 the 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:-
APPENDIX – II
ELEVENTH SCHEDULE
(Article 243-G)

1. Agriculture, including agricultural extension.
2. Land improvement, implementation of land reforms, land consolidation & soil conservation.
3. Minor irrigation, water management & watershed development.
5. Fisheries
6. Social forestry & farm forestry.
7. Minor forest produce.
8. Small scale industries, including food processing industries.
9. Khadi, village & cottage industries
10. Rural housing.
11. Drinking water.
12. Fuel & fodder
13. Roads, culverts, bridges, ferries, waterways & other means of communication.
14. Rural electrification including distribution of electricity.
15. Non-conventional energy sources.
17. Education, including primary & secondary schools.
18. Technical training & vocational education.
19. Adult & non-formal education.
20. Libraries
21. Cultural activities.
22. Markets & fairs
23. Health & sanitation, including hospitals, primary health centres & dispensaries.
24. Family welfare
25. Women & child development
26. Social welfare, including welfare of the handicapped & mentally retarded

27. Welfare of the weaker sections, & in particular, of the scheduled castes & scheduled tribes.

28. Public distribution system.

29. Maintenance of community assets.”
APPENDIX – III
SCHEDULE II OF KARNATAKA
PANCHAYAT RAJ ACT 1993
(SECTION 58-FUNCTIONS OF GRAM PANCHAYAT)

I. General functions:

1. Preparation of annual plans for the development of the panchayat area.
2. Preparation of annual budget
3. Providing relief’s in natural calamities.
4. Removal of encroachment on public properties.
5. Organising voluntary labour & contribution for community works.

II. Agriculture, including agricultural extension:

1. Promotion & development of Agriculture & Horticulture.
3. Development & maintenance of grazing lands & preventing their unauthorized alienation & use.


1. Improvement of breed of cattle, poultry & piggery.
2. Promotion of Dairy farming, poultry & piggery

IV. Fisheries.

1. Development of fisheries in the villages.

V. Social & Farm Forestry, Minor Forest Produce, Fuel & Fodder:

1. Planting & preservation of trees on the sides of roads & other public lands under its control.
2. Fuel plantation & fodder development
3. Promotion of farm forestry.
4. Development of social forestry.
VI. Khadi, Village & Cottage Industries:

1. Promotion of rural & cottage industries
2. Organisation of conferences, seminars & Training programmes, agricultural & industrial exhibitions for the benefit of the rural areas.

VII. Rural Housing:

1. Distribution of house sites within Gram Thana limits.
2. Maintenance of records relating to the houses, sites & other private & public properties.

VIII. Drinking water:

1. Construction, repairs & maintenance of drinking water wells, tanks & ponds.
2. Prevention & control of water pollution
3. Maintenance of rural water supply schemes.