

**GOVERNMENT OF INDIA
PETROLEUM AND NATURAL GAS
LOK SABHA**

UNSTARRED QUESTION NO:3236
ANSWERED ON:19.08.2004
RESERVATION FOR WOMEN IN PANCHAYATS
Modi Shri Sushil Kumar

Will the Minister of PETROLEUM AND NATURAL GAS be pleased to state:

- (a) whether there is a uniform reservation policy for women candidates in the election of Panchayats;
- (b) if so, whether the reservation facility has not been divided for scheduled caste, scheduled tribe women candidates for the single post of Mukhiya, Pramukh and nairman in Panchayat elections in Bihar and some other States;
- (c) if so, the reasons therefor;
- (d) the present status of reservation of Dalit and 3A women in Panchayats of different States; and
- (e) the steps taken or to be taken by the Government provide reservation to these women in the country particularly in Bihar?

Answer

THE MINISTER OF PETROLEUM AND NATURAL GAS AND MINISTER OF PANCHAYATI RAJ (SHRI MANI SHANKAR AIYAR):

(a) to (c) The provisions in respect of reservations for women members and chairperson cooperate in every State with the exception of Bihar where [the reservation for women has been provided for the seat of Chairperson. In regard to Bihar, Patna High Court in DWJC No. 3351 of 1994 and analogous cases disposed [of a batch of writ petitions striking down certain provisions of the Bihar Panchayati Raj Act, 1993 relating to the reservation of seats for backward classes and also held that there should not be reservations for the post of Mukhiya of a Gram Panchayat, Pramukh of a Panchayat samiti and Adhyaksha of a Zilla Parishad on the ground that these are solitary posts and such reservation would amount to 100% reservation. The Government of Bihar filed an LP in the Supreme Court challenging the aforesaid order of the High Court. Subsequently, the Supreme Court clarified on 29.8.2000 on an application from the Government of Bihar that the Government may hold Panchayat elections in the State in accordance with the law, as it stands today, subject to the final decision of the Supreme Court in pending appeals. Based on the orders of the Apex Court, the Government of Bihar held Panchayat election in April, 2001 without providing for reservation for scheduled castes/scheduled tribes/women to the offices of the chairpersons at all the three levels of Panchayat. The case is still pending in the Supreme Court.

(d) and (e) Article 243D of the Constitution provides that seats shall be reserved for the scheduled castes and 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 elections 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. Not less than 1/3rd of the total number of seats reserved for as above shall be reserved for women belonging to the scheduled castes or, as the case may be, the scheduled tribes. As regard reservation for scheduled tribes in Bihar, the matter is subjudice. Such reservations have been operationalised in all States where Panchayat elections have been held, and are provided for in the legislations of the two States/UTs, Jharkhand and Pondicherry, where elections to the Panchayats are still to be held.

During the Conference of Chief Ministers and State Ministers in charge of Rural Development & Panchayati Raj on Poverty Alleviation and Rural Prosperity through Panchayati Raj held at New Delhi on 29-30 June, 2004 jointly organized by the Ministry of Rural Development and Ministry of Panchayati Raj, the Conference decided to hold seven Round Table Conferences to formulate a draft action plan for achieving the objectives of strengthening of Panchayati Raj Institutions to enable them to become true institutions of self-government for the implementation of programme of economic development and social justice as envisioned in the Constitution. Round Table-II scheduled to be held on 22-23 September, 2004 will discuss issues pertaining to reservation for Panchayati Raj.