

**GOVERNMENT OF INDIA
PANCHAYATI RAJ
LOK SABHA**

UNSTARRED QUESTION NO:3287
ANSWERED ON:30.08.2013
ROLE OF GRAM PRADHANS
Singh Shri Vijay Bahadur

Will the Minister of PANCHAYATI RAJ be pleased to state:

- (a) whether the Government has framed comprehensive rules for the Panchayats and the gram pradhans under section 243 and 243 (G) of Part IX of the Constitution specifying their role, participation and responsibilities including safeguarding the land adjacent to the gram sabha which contains sand and minerals;
- (b) if so, the details thereof and the steps taken to protect the same;
- (c) whether the Supreme Court has declared sand etc. found on Gram Sabha Land as wealth under minerals under the control of the gram sabha; and
- (d) if so, the details thereof and the steps taken or proposed to be taken by the Government to frame rules in this regard?

Answer

MINISTER OF PANCHAYATI RAJ (SHRI V. KISHORE CHANDRA DEO)

(a) to (d): Article 243G of the Constitution endows the responsibilities of framing laws to enable Panchayats to function as institutions of self-government and including devolution of powers under the Eleventh Schedule. The Panchayat (Extension to Schedule Areas) Act, 1996 also vests the responsibilities on the State Government to make laws to enable Panchayats to safeguard and preserve, inter alia, community resources. Prior recommendation of the Panchayat or Gram Sabha has been made mandatory before grant of prospective license or mining lease for minor minerals and exploitation of minor minerals by auction under this Act. The PESA Act 1996 is applicable to the areas covered under the Fifth Schedule of the Constitution. Since the responsibility of framing of the laws and vesting of powers under Article 243G of the Constitution rests on the State Governments, the Union Government has no scope to frame Rules in this regard.