

**GOVERNMENT OF INDIA
PANCHAYATI RAJ
LOK SABHA**

UNSTARRED QUESTION NO:4462
ANSWERED ON:21.02.2014
RESERVATION IN PANCHAYATI RAJ INSTITUTIONS
Rawat Shri Ashok Kumar

Will the Minister of PANCHAYATI RAJ be pleased to state:

- (a) whether the mandatory provision of reservation for persons belonging to the Scheduled Castes/Scheduled Tribes in Panchayati Raj Institutions (PRIs) under the Constitution (73rd Amendment) Act are not being observed in certain States/UTs;
- (b) if so, the details thereof;
- (c) whether the provisions of Constitution (73rd Amendment) Act had been extended to Scheduled areas by an Act passed in the year 1996 and the States were expected to enact the required laws in this regard within one year;
- (d) if so, the names of the States/UTs which have not enacted the required laws within the prescribed time along with the reasons therefor; and
- (e) the corrective steps taken by the Government in this regard and also to advise the concerned States regarding more empowerment of PRIs by transfer of important subjects like small forest produce to gram sabhas in the scheduled areas?

Answer

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

(a) & (b) As per Article 243D of the Constitution, the seats and offices of chairpersons in Panchayati Raj Institutions of the States/Union Territories covered by Part-IX of the Constitution have been reserved for the Scheduled Castes and the Scheduled Tribes in the same proportion as the proportion of their population in the total population of the areas. However, Article 243M(3A) exempts Arunachal Pradesh from the provision of reservation of seats for the Scheduled Castes.

(c), (d) & (e) Yes Madam! The PESA Act, 1996 was enacted to extend Part IX of the Constitution with certain modifications and exceptions to the Scheduled V Areas of nine States viz. Andhra Pradesh, Chhattisgarh, Gujarat, Himachal Pradesh, Jharkhand, Madhya Pradesh, Maharashtra, Odisha and Rajasthan.

All the States have undertaken an exercise to process the amendment of their Panchayati Raj and respective subject laws to bring them in consonance with PESA Act. Three States viz. Andhra Pradesh, Himachal Pradesh and Rajasthan have framed their own PESA Rules.

The Ministry has been constantly interacting with the States having Schedule V Areas for implementation of the Act. Further, for effective implementation of PESA Act, guidelines have also been issued by the Government to all the nine States having Schedule V Areas which inter-alia includes various guidelines issued by the Ministry of Panchayati Raj, by Ministry of Tribal Affairs on implementation of Forests Rights Act, 2006, and on Role of Joint Forest Management Committees (JFMC) in forest conservation issued by Ministry of Environment & Forests.