

GOVERNMENT OF INDIA  
MINISTRY OF PANCHAYATI RAJ

**LOK SABHA**  
**UNSTARRED QUESTION NO.1498**  
TO BE ANSWERED ON 26.07.2018

**Reservation to SCs/STs in PRIs**

†1498. SHRI ASHOK MAHADEORAO NETE:

Will the Minister of PANCHAYATI RAJ be please to state:

- (a) whether the 73rd amendment of the constitution provides for reservation of seats for scheduled castes/scheduled tribes in Panchayati Raj Institution;
- (b) if so, whether the non-compliance of said provision in urban and rural local bodies in any State and Union Territory will be considered as failure of constitutional mechanism and if so, the details thereof;
- (c) whether the Panchayats (Extension to Scheduled Areas) Act, 1996 passed by Parliament was enforced in scheduled areas and States were expected to enact law related to Panchayats within one year;
- (d) if so, the names of States which have followed the said instruction before expiry of the said time period along with the names of States/UTs which have not followed the said instruction along with the reasons therefor; and
- (e) the guidelines being issued by the Union Government to State Governments for disposal of important matters like transfer of minor forest produce to Gram Sabha in Scheduled areas?

**ANSWER**

THE MINISTER OF STATE IN THE MINISTRY OF PANCHAYATI RAJ  
(SHRI PARSHOTTAM RUPALA)

(a) and (b) Yes. Article 243D of the Constitution of India provides for reservation of seats for Scheduled Caste/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.

The reservation of seats for Scheduled Caste/Scheduled Tribes in Panchayati Raj Institutions under Article 243D is a mandatory provision of the Part IX of the Constitution and complied by all the States/Union Territories where Part IX of the Constitution applies.

(c) and (d) The Provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996 (PESA) was enacted to extend Part IX of the Constitution with certain modifications and exceptions to the Fifth Schedule Areas of then nine States viz. Andhra Pradesh (including Telangana), Chhattisgarh, Gujarat, Himachal Pradesh, Jharkhand, Madhya Pradesh, Maharashtra, Odisha, and Rajasthan. All these States had undertaken an exercise to process the amendment of their Panchayati Raj and respective subject laws to bring them in consonance with PESA Act. PESA also applies to the schedule area of Telangana.

(e) The Ministry has been constantly interacting with the States having Fifth Scheduled Areas for implementation of the PESA Act. For effective implementation of the PESA Act, guidelines have also been issued by the Government to all these States. The guidelines cover *inter-alia* minor forest produce. Further, the Ministry of Tribal Affairs has also issued guidelines for the implementation of “The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (FRA)” and the guidelines *inter-alia* deals with Minor Forest Produce.

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