

GOVERNMENT OF INDIA
MINISTRY OF PANCHAYATI RAJ
LOK SABHA
UNSTARRED QUESTION NO– 2317
ANSWERED ON-06.08.2024

RESERVATION IN PRIS

†2317. SHRI BHAUSAHEB RAJARAM WAKCHAURE:

Will the Minister of **PANCHAYATI RAJ** be pleased to state:

- (a) whether the reservation is made mandatory for Scheduled Castes/Scheduled Tribes (SC/ST) in Panchayati Raj Institutions as per the 73rd amendment of the Constitution, if so, the details thereof;
- (b) whether the non-compliance of the said provision in the rural and urban local bodies of States and Union Territories is likely to be considered as the failure of constitutional machinery;
- (c) whether as per the Panchayati Raj Act passed by the Parliament in the year 1996 was implemented in the Scheduled Areas and the States were expected to enact necessary laws in this regard within a year; and
- (d) if so, the names of the States and Union Territories which complied with and which did not comply with the said provision by the prescribed time period?

ANSWER

THE MINISTER OF STATE FOR PANCHAYATI RAJ

(PROF. S. P. SINGH BAGHEL)

(a) and (b) “Panchayat”, being “Local Government”, is a State subject and part of State List of Seventh Schedule of Constitution of India. Mandate for setting up of Panchayats is provided by Article 243C in Part IX of the Constitution of India. Article 243D of the Constitution of India provides for reservation of seats for 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 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 provisions for reservation of seats for Scheduled Castes/Scheduled Tribes have been incorporated in respective State Panchayat Raj Acts of States/Union Territories.

(c) Yes Sir.

(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 ten States viz. Andhra Pradesh, Chhattisgarh, Gujarat, Himachal Pradesh, Jharkhand, Madhya Pradesh, Maharashtra, Odisha, Rajasthan and Telangana. All these States have undertaken steps to process the amendment of their State Panchayati Raj Acts and respective subject laws to bring them in consonance with PESA Act. Statement showing compliance of State Panchayati Raj Acts with Section 4 of PESA Act 1996 is placed at **Annexure-I** and statement showing compliance of important subject laws with PESA Act is placed at **Annexure-II**. The States of Andhra Pradesh, Gujarat, Himachal Pradesh, Maharashtra, Rajasthan, Telangana, Chhattisgarh and Madhya Pradesh have framed their State PESA Rules under their respective State Panchayati Raj Acts. The States of Jharkhand & Odisha have notified their draft PESA Rules. Rajasthan has also enacted “The Rajasthan Panchayati Raj (Modification of Provisions in their Application to the Scheduled Areas) Act 1999” to bring them in conformity with the PESA Act 1996.

Madhya Pradesh	Y	Y	Y	Y	Y	Y	Y	Y	N	N	N	Y	N	Y	Y
Rajasthan	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Telangana	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y

'Y' denotes the provision has been made PESA compliant.

'N' denotes action is yet to be completed.

Annexure-II

Annexure referred to in reply to part (d) of the Lok Sabha Unstarred Question No. 2317 answered on 06.08.2024.

Compliance of important subject laws with PESA Act

States	Land acquisition	Excise	Forest produce	Mines and minerals	Agri produce market	Money lending
Andhra Pradesh	N	N	N	N	N	N
Chhattisgarh	Y	Y	N	Y	Y	Y
Gujarat	Y	Y	Y	Y	Y	Y
Himachal Pradesh	Y	Y	Y	Y	N	N
Jharkhand	N	N	Y*	N	N	N
Odisha	N	Y	Y	Y	N	N
Maharashtra	Y	N	Y	Y	N	Y
Madhya Pradesh	Y	Y	N	Y	Y	N
Rajasthan	N	N	N	Y	N	N
Telangana	N	N	N	N	N	N

* Jharkhand Govt. has adopted a resolution on 8.2.2007 conferring ownership right over Minor Forest Produce to Gram Panchayats.

'Y' denotes the provision has been made PESA compliant.

'N' denotes action is yet to be completed.
