

243-D

Reservation
SC/ST/women

243-E

duration of
Panchayat

243-F

243-D: Reservation

- It is mandatory for every states to reserve seats in favour of scheduled castes, scheduled tribes & women.
- Seats in favour of scheduled & scheduled tribes shall be reserved based on the proportion of population to the total population of the particular panchayat area. This means amount of or proportion of reservation could vary between different panchayats at different level and also between panchayats at diff level.
- Out of total no. of reserve seats in favour of SC, STs at least $\frac{1}{3}$ rd seats should be reserve in favour of women belonging to SC & ST category.
- Out of total no. of seats, at least $\frac{1}{3}$ rd seats should be reserved in favour of women, which also includes those seats reserved in favour of women of SC & ST category.
- Under this article, it is compulsion for every state to reserve at least $\frac{1}{3}$ rd seats in favour of women, although

State legislature by law can also reserve more than $\frac{1}{3}$ rd seats in the favour of women.

- State legislature by law can also provide reservation in favour of other backward classes.
- The article provides for office of chairperson seats shall reserved in favour of SC & ST, based on same proportion of population's proportion of SC, ST, to the total population of the state.
- At least $\frac{1}{3}$ rd seats for the office of chairperson shall be reserved in favour of women.



- State leg. by law can devolve or transfer those power & functions to the panchayat demarcated by 11th schedule.

- ① Agriculture including agriculture extension
- ② Land improvement & implementation of land reforms
- ③ Minor irrigation & water management
- ④ Social & farm forestry

- ⑤ drinking water
- ⑥ Rural electrification - distribution of electricity
- ⑦ Poverty alleviation prog
- ⑧ Non conventional energy sources
- ⑨ Education - primary & secondary school
- ⑩ Technical training & vocational education
- ⑪ Health & Sanitation including hospital - primary health centre & dispensaries
- ⑫ Women & child devt.
- ⑬ Social welfare - welfare of handicapped & mentally retarded.
- ⑭ Welfare of weaker section particularly SC & ST,
- ⑮ Public Dist. system (PDS)

243-14 = financial powers :-

243-1 = State finance Commⁿ (SFCs)

→ Governor ^{of state} after expiry of every 5 yrs constitutes a SFC to review financial position of states & give recommendation to governor, in matters of principle, which should govern distribution of net proceeds between state & Panchayats

at diff level of Panchayats. Commission shall also determine taxes, duties tolls & fees which could be assigned to Panchayats. It also determine amount of grants in favour of Panchayats. State Legislature by law determines composition of commission and qualification for appointment.

243-J law (Audit)

243-K State Election Commission (SEC) (Governor)
Judge



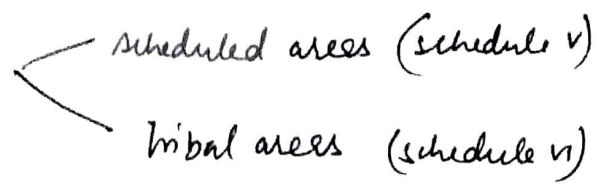
Election to Panchayats:-

→ The articles makes provision that SEC should be created to superintend, direct & control preparation of electoral roles and to conduct election for Panchayats.

→ SEC shall consist of ^{Election} commissioner appointed by Governor

→ The service, condition & tenure of State Election Commissioner shall be determined by governor & SEC shall be removed on the same ground & process by which judge of HC is removed.

243-M



Part not to applied in Central areas :-

- The provision of this part shall not apply in schedule & tribal areas codified under Article 244 clause 1 & 2 respectively

→ scheduled areas :- The provision of schedule areas are mentioned under Vth schedule of constitution, provides for adm. & control of scheduled areas. President is empowered to declare an area as scheduled area in consultation with governor of state

→ At Present, there are only 10 states, Andhra Pradesh, Telangana, Chhattisgarh, Guj, Himachal Pradesh, Jharkhand, MP, Mah, Odhisa & Koj. where concentration of schedule tribe is more in certain dist. of the state.

→ A tribal advisory council is to be est. in every scheduled area to advice on welfare & advancement of scheduled tribes. It consist of 20 members of $\frac{3}{4}$ are to be representatives of STs in state assembly.

- Governor can direct any act of Parliament or state legislature to be applied or not in concerned areas.
- Governor can also issue regulation to prohibit transfer of land by or among members of ST, & regulate allotment of land to members of ST.
- Article 243M in this regard provides Parliament by enacting law can apply provision of this part with some modification & exemption in concerned scheduled areas.
- On the lines of this article PESA Act 1996 was enacted.

Provision of PESA act 1996 :-

- Reservation for ST shall not be less than $\frac{1}{2}$ of total no. of seats at each level of Panchayat.
- All seats of chairperson shall be reserved for STs.
- State Governor may nominate such schedule tribes at intermediate & Zila Parishad level not represented in concerned bod's. Such nomination shall not exceed $\frac{1}{10}$ th of total elected members at each level of Panchayats.
- Under PESA Act 1996, special powers to Gram Sabha under which Gram Sabha is consulted before the

acquisition of land & its recommendation are mandatory for grant of any license & mining lease for minor minerals. State leg can empower gram Sabha to regulate or restrict the sale & consumption of any intoxicant, & provide ownership to minor forest produce

Tribal areas :-

Special provision w.r.to tribal areas are codified in 6th schedule of const. where, 10 tribal areas are demarcated in 4 states of country - Tripura, Assam, Meghalaya & Mizoram.

Provisions :-

- It is req to create an autonomous dist council in every tribal areas.
- Governor is authorised to organise or reorganise autonomous dist council.
- Each autonomous dist council consist of 30 members of which 4 are nominated by governor & remaining 26 are elected for 5 yrs.
- Each autonomous region also has a separate regional council.
- Dist & regional council can make laws on certain matters - land forest cultivation, Census etc... .

→ They also have power to hear cases or appeal in tribal matters.

243-D :- (BAR interference)

continue → The provision of this part shall not apply to Nagaland, Meghalaya, Mizoram, hilly areas of Manipur & Darjeeling dist of WB.

→ The provision Article 243D relating to reservation for scheduled caste shall not apply to the states of Arunachal Pradesh.

243-O (Bar to interference by courts)

→ The validity of any law related to delimitation & allocation of seats shall not be called in question before any court.

74th C.A. Act 1994

IXA = Municipalities

XII = 18

243-P = ~~Definition~~ Definition

Municipalities

Metropolitan
area.

243-Q = Constitution

243-R = Composition

243 P definition :

According to the article Municipality means an institution of self government. local govt. Metropolitan area is area that fulfill 4 criteria :-

- ① Population of 10 lakh or more
- ② Comprised in one or more dist
- ③ Consist of 2 or more municipalities or Panchayats.

243 Q :- Constitution of municipalities:

It is req for every states to est 3 types of municipality :-

- ① municipal corp for a large urban area.
- ② " council " small " "
- ③ Nagar Panchayat for transitional area.

→ To demarcate diff types of municipalities governor takes following criteria in consideration

- ① Population
- ② Population density
- ③ Economic importance
- ④ Revenue generated for local adm.
- ⑤ % of people in nonagricultural activities
- ⑥ any other areas deems necessary by governor.