



## Quota for Disabled in Panchayats

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### Why in News

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The Chhattisgarh Cabinet has approved an amendment to the State Panchayati Raj Act, 1993, which makes **mandatory the presence of a person with disabilities** in all panchayats across the state.

- This implies that if differently abled members are not elected through the electoral process, then one member, either male or female, would be nominated by the government.
- The Cabinet has also decided to **remove educational qualification as a requirement for the members of Panchayat.**

### Key Points

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- Chhattisgarh will be the **only State to have Persons with Disabilities (PwD) as members** in all panchayats. It needs to be noted that there is **no such quota** for the disabled community **in the elections to the central, state legislative assemblies and Panchayats** (in general).
- The State government would also nominate two such members, one male and one female, to Janpads and Zilla Panchayats.
- **Only being literate** would be enough to contest election. The cabinet has decided to **remove the educational stipulations** of Class V and Class VII for members of the Panch and those above Panch, respectively.

This in **contrast to the Supreme Court's judgement in 2015 ( Rajbala v. the State of Haryana)** where it upheld the decision of the Haryana government which mandated "minimum" educational qualifications as an eligibility to contest panchayat elections in the State.

### Constitutional and Legal Provisions Related to PwD

- **Article 41** of the **Directive Principles of State Policy (DPSP)** states that State shall make effective provision for securing right to work, to education and to public assistance in cases of unemployment, old age, sickness and disablement, within the limits of its economic capacity and development.
- The **subject of 'relief of the disabled and unemployable'** is specified in the **State List of the Seventh Schedule of the constitution.**
- The **Right of Persons with Disabilities Act 2016** provides reservation of 4% in government jobs and 5% in higher education institutes.

## Panchayati Raj Institution in India

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- **Formation**
  - The term **Panchayati Raj in India** signifies the system of rural **local self government.**
  - It has been **established in all the states of India** by the Acts of the state legislatures to build democracy at the grass root level.
  - It was constitutionalised through the **73<sup>rd</sup> Constitutional Amendment Act of 1992.**
- **Constitutional Provisions**
  - The **Part-IX** to the Constitution of India has been entitled as 'The Panchayats'.
  - It consists of provisions from **Articles 243 to 243 O.**
  - The **Eleventh Schedule** to the Constitution contains 29 functional items of the Panchayats.
- **Three - Tier System**
  - Gram Panchayat at the village level,
  - Janpad Panchayat at the intermediate/ block level and
  - Zilla Panchayat at the district level
- **Election of Members**
  - All the members of panchayats at the village, intermediate and district levels are elected **directly** by the people.
  - The **State Election Commission** conducts elections to the panchayats.
  - There is a **five-year term** of office to the panchayat at every level.
- **Reservation of Seats**
  - Reservation of seats (both members and chairpersons) for **Scheduled Castes (SCs) and Scheduled Tribes (STs)** in panchayats at all three levels.
  - Reservation of one-third seats (both members and chairpersons) **for women** in panchayats at all the three levels.
  - It is to be noted that providing **reservation of seats** (both members and chairpersons) **for backward classes** in panchayats at any level is a **voluntary provision.**

- **Powers and Functions**

The State Legislature may endow the Panchayats with such powers and authority as may be necessary to enable them to function as institutions of self-government.

**Source: IE**