

GOVERNMENT OF INDIA
MINISTRY OF PANCHAYATI RAJ
RAJYA SABHA
STARRED QUESTION NO.277
TO BE ANSWERED ON 12.12.2016

IMPLEMENTATION OF PESA ACT BY STATES

***277. SHRI B. K. HARIPRASAD:**

Will the Minister of PANCHAYATI RAJ be pleased to state:

- (a) whether implementation of provisions of the Panchayat (Extension to Scheduled Areas) Act (PESA) has been severely hampered by the reluctance of most State Governments to make laws and rules that conform to the spirit of the Act and its provisions have remained appealing on paper only;
- (b) whether the average size of land holdings by tribals has been shrinking due to the State-led acquisitions; and
- (c) if so, the details thereof and the corrective steps taken for the same?

ANSWER

MINISTER OF PANCHAYATI RAJ
(SHRI NARENDRA SINGH TOMAR)

- (a) to (c) A statement is laid on the table of the House.

STATEMENT REFERRED TO IN PARTS (a) to (c) OF REPLY TO RAJYA SABHA STARRED QUESTION NO. 277 FOR 12.12.2016, REGARDING IMPLEMENTATION OF PESA ACT BY STATES

(a) The Ministry of Panchayati Raj has issued guidelines from time to time for effective implementation of “the Provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996” (PESA). Most of the State Governments have amended their Panchayati Raj Acts in compliance with PESA provisions. Compliance status of State Panchayati Raj Acts and other subject laws with the provisions of PESA Act by the ten States having notified Fifth Schedule Areas is given at Annexe-IA and IB. Rules for implementing the provisions of PESA Act have been framed by Andhra Pradesh, Himachal Pradesh, Maharashtra, Rajasthan and Telangana

(b) & (c) No such issue has been brought to the notice of the Government.

Annexure referred to in reply to Rajya Sabha Starred Question No. 277 for answer on 12.12.2016 raised by Shri B. K. Hariprasad.

Status of compliance of States Panchayati Raj Acts with Section 4 of PESA Act

States	Provisions under clauses of Section 4 of PESA													
	d (Customary mode of conflict resolution by the Gram Sabha)	e (Selection of programme beneficiaries by Gram Sabha)	f (GP to obtain UC from Gram sabha)	h (Nomination by State Government of persons of ST not represented in intermediate & district PRIs)	i (Consultation with Gram Sabha or PRI before land acquisition and resettlement & rehabilitation)	j (Planning & management of water bodies by Gram Sabha or PRI)	k (Recommendation by Gram Sabha or PRI before grant of prospecting license or mining lease)	l (Recommendation by Gram Sabha or PRI before exploitation of minor minerals)	Sub-clauses of Section-4(m)					
									(i) (Restrict sale of intoxicant)	(ii) (Own Minor Forest Produce)	(iii) (Prevent land alienation)	(iv) (Manage village markets)	(v) (Control money lending)	(vi) (Control social sector institutions & functionaries)
Andhra Pradesh	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Chhattisgarh	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	N	Y
Gujarat	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y
Himachal Pradesh	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Jharkhand	Y	Y	Y	Y	N	N	N	N	N	N	N	Y	N	Y
Odisha	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Maharashtra	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	N	Y	Y
Madhya Pradesh	Y	Y	Y	Y	Y	Y	Y	Y	N	N	N	Y	N	Y
Rajasthan	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' denotes the provision has been made PESA compliant.

'N' denotes action is yet to be completed.

Annexure referred to in reply to Rajya Sabha Starred Question No. 277 for answer on 12.12.2016 raised by Shri B. K. Hariprasad.

Status of compliance of States Subject Laws with the provisions of 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	N	Y	N	Y	Y	Y
Himachal Pradesh	Y	Y	Y	Y	N	N
Jharkhand	N	N	Y*	N	N	N
Odisha	N	Y	Y	Y	N	Y
Maharashtra	N	N	Y	N	N	N
Madhya Pradesh	Y	Y	N	Y	Y	N
Rajasthan	N	N	N	Y	N	Y
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 GP.

‘Y’ denotes the provision has been made PESA compliant.

‘N’ denotes action is yet to be completed.
