

GOVERNMENT OF INDIA
MINISTRY OF PANCHAYATI RAJ
RAJYA SABHA
STARRED QUESTION NO-***168**
ANSWERED ON-06.03.2020

**SALE AND CONTROL OF ALCOHOL AND NARCOTIC SUBSTANCES IN
SCHEDULED AREAS**

*168. SHRI MAHESH PODDAR:

Will the Minister of PANCHAYATI RAJ be pleased to state:

- (a) whether it is a fact that the responsibility of sale and control of alcohol and narcotic substances in Scheduled Areas under the Panchayats (Extension to the Scheduled Areas) Act, 1996 (PESA) has been handed over to local Panchayats and Gram Sabhas;
- (b) whether it is also a fact that this provision is yet to be implemented in the State of Jharkhand;
- (c) if so, the reasons therefor; and
- (d) if not, the details of the steps taken by Government to implement the provision in Jharkhand?

ANSWER

THE MINISTER OF PANCHAYATI RAJ
(SHRI NARENDRA SINGH TOMAR)

(a) to (d) A Statement is laid on the Table of the House.

STATEMENT REFERRED TO IN REPLY TO RAJYA SABHA STARRED QUESTION NO. *168 ANSWERED ON 06.03.2020 REGARDING SALE AND CONTROL OF ALCOHOL AND NARCOTIC SUBSTANCES IN SCHEDULED AREAS.

(a) 'Panchayat', being "Local Government", is a State subject and part of State list of Seventh Schedule of the Constitution of India. Mandate for setting up of Panchayats is provided by Article 243 in Part IX of the Constitution of India. As per the Section 4 (m) (i) of the Provisions of the Panchayats (Extension to the Scheduled Areas), Act 1996 (PESA), while endowing Panchayats in the Fifth Schedule Areas with such powers and authority as may be necessary to enable them to function as institutions of self-government, a State Legislature shall ensure that the Panchayats at the appropriate level and the Gram Sabha are endowed specifically with the power to enforce prohibition or to regulate or restrict the sale and consumption of any intoxicant. Therefore, to handover the responsibility of sale and control of alcohol and narcotic substances in Fifth Scheduled Areas to local Panchayats and Gram Sabhas, comes under jurisdiction of respective State Governments.

(b) to (d) State PESA rules of Jharkhand are yet to be approved by the State Government of Jharkhand. Various advisories have been issued by the Ministry of Panchayati Raj from time to time to the State Government of Jharkhand to frame their PESA Rules.
