

GOVERNMENT OF INDIA  
MINISTRY OF PANCHAYATI RAJ  
**LOK SABHA**  
**UNSTARRED QUESTION NO. 2649**  
TO BE ANSWERED ON 01.12.2016

**IMPLEMENTATION OF PESA ACT**

**2649. SHRI MOHAMMED FAIZAL:**  
**SHRI SUNIL KUMAR SINGH:**

Will the Minister of PANCHAYATI RAJ be pleased to state:

- (a) the objectives of Panchayats (Extension to the Scheduled Areas) Act, 1996, (PESA);
- (b) whether any action has been taken so far under the above law, if so, the details thereof, State-wise;
- (c) whether the Union Government has ever reviewed the above law and if so, the details and the outcome thereof;
- (d) if not, whether the Government proposes to review the law and if so, the details thereof; and
- (e) the details of the States and the Union Territories which have implemented this Act so far and the results achieved thereon?

**ANSWER**

MINISTER OF STATE IN THE MINISTRY OF PANCHAYATI RAJ  
(SHRI PARSHOTTAM RUPALA)

(a) The Provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996, extends Part IX of the Constitution to the Fifth Schedule Areas (FSA) notified under article 244(1) of the Constitution with certain modifications and exceptions with the object to preserve tribal autonomy, their culture and empower them to ensure social and economic development and preservation of peace and harmony.

(b) to (e) The Ministry of Panchayati Raj has issued guidelines from time to time for effective implementation of the PESA provisions. The Ministry reviews the progress of implementation and compliance of PESA provisions with the State Governments periodically in various meetings and workshops. Compliance status of State Panchayati Raj Acts and other subject laws with the provisions of PESA Act by the ten States having notified FSA is given at **Annexe-IA and IB**.

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Annexure referred to in reply to Lok Sabha Unstarred Question No. 2649 for answer on 01.12.2016 raised by Shri Mohammed Faizal and Shri Sunil Kumar Singh.

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 MFP)	(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 Lok Sabha Unstarred Question No. 2649 for answer on 01.12.2016 raised by Shri Mohammed Faizal and Shri Sunil Kumar Singh.

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 MFP to GP.

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

‘N’ denotes action is yet to be completed.

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