

GOVERNMENT OF INDIA
MINISTRY OF PANCHAYATI RAJ
LOK SABHA
UNSTARRED QUESTION NO.1463
TO BE ANSWERED ON 09.03.2017

PESA

1463. DR. MANOJ RAJORIA:

Will the Minister of PANCHAYATI RAJ be pleased to state:

- (a) the details of concrete steps taken by the Government to effectively implement the provisions of the Panchayats (Extension to the Scheduled Areas) Act (PESA);
- (b) the details of State Governments which have formulated laws and rules to successfully implement the PESA; and
- (c) the steps taken by the Government to ensure that the States comply with PESA meticulously?

ANSWER

MINISTER OF STATE FOR PANCHAYATI RAJ

(SHRI PARSHOTTAM RUPALA)

(a) to (c) :The Provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996 (PESA) extends Part IX of the Constitution with certain modifications and exceptions, to the Fifth Schedule Areas (FSA) of ten States viz. Andhra Pradesh, Chhattisgarh, Gujarat, Himachal Pradesh, Jharkhand, Madhya Pradesh, Maharashtra, Odisha, Rajasthan and Telangana.

The States of Andhra Pradesh, Gujarat, Himachal Pradesh, Maharashtra, Rajasthan and Telangana have framed Rules for implementation of provisions of PESA Act.

The Government has taken various initiatives for effective implementation of the PESA Act including issuing guidelines for implementation of PESA, sharing of Draft Model Rules for PESA, supporting States in activating Gram Sabhas under the erstwhile flagship programme of the Government- Rajiv Gandhi Panchayat Sashaktikaran Abhiyan, building capacities of elected representatives and functionaries by strengthening training infrastructure in States, organizing workshops and issue of Handbooks on village level governance.

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 at **Annexe-IA and IB.**

Annexure referred to in reply to Lok Sabha Unstarred Question No. 1463 for answer on 09.03.2017 raised by DR. MANOJ RAJORIA regarding PESA

Compliance of State 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
MP	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. 1463 for answer on 09.03.2017 raised by DR. MANOJ RAJORIA regarding PESA

Compliance of important Subject Laws with PESA

States	Land acquisition	Excise	Forest produce	Mines and minerals	Agri produce market	Money lending
Andhra Pradesh (Includes Telangana)	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

* Jharkhand Govt. has adopted a resolution on 8.2.2007 conferring ownership right over MFP to GP.