

GOVERNMENT OF INDIA
(MINISTRY OF TRIBAL AFFAIRS)
LOK SABHA
UNSTARRED QUESTION NO. 2237
TO BE ANSWERED ON 24.12.2018

GRAM SABHAS IN FIFTH SCHEDULE AREAS

2237. SHRI JAGDAMBIKA PAL:

Will the Minister of TRIBAL AFFAIRS be pleased to state:

- (a) the steps taken by the Government to strengthen and empower Gram Sabhas in Fifth Schedule Areas regarding alienation and acquisition of tribal land under its jurisdiction;
- (b) whether the Union Government proposal to give directions or recommendations to State Governments to empower Gram Sabhas in Fifth Schedule areas to approve or disapprove alienation or acquisition of tribal land under their jurisdiction, if so, the details thereof and if not, the reasons therefor;
- (c) the number of States in which Gram Sabhas in Fifth Schedule areas have the power to approve or disapprove alienation or acquisition of tribal land under its jurisdiction and the details thereof; and
- (d) whether the Government believes that Gram Sabhas in Fifth Schedule areas should have the power to approve or disapprove alienation or acquisition of tribal land under their jurisdiction and if so, the details thereof ?

ANSWER

MINISTER OF STATE IN THE MINISTRY OF TRIBAL AFFAIRS
(SHRI SUDARSHAN BHAGAT)

(a): As per provision under section 4(m) (iii) of the Panchayats (Extension to the Scheduled Areas) Act 1996, (PESA), while endowing Panchayats in the Scheduled Area 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 appropriate level and the Gram Sabha are endowed specifically with power to prevent alienation of land in the Scheduled Areas and to take appropriate action to restore any unlawfully alienated land of a Scheduled Tribe. There is no provision in PESA Act for making rules. However, Andhra Pradesh, Gujarat, Rajasthan, Maharashtra, Himachal Pradesh and Telangana States have framed their State PESA Rules under their respective State Panchayati Raj Acts.

(b): All States having Fifth Schedule areas are empowered under PESA Act to ensure that the Panchayats at the appropriate level and the Gram Sabha are endowed specifically with power to prevent alienation of land in the Scheduled Areas and to take appropriate action to restore any unlawfully alienated land of a Scheduled Tribe.

(c): Under PESA Act, all States having Fifth Scheduled Areas have the power to approve or disapprove alienation or acquisition of tribal land in PESA areas.

(d): The power to Gram Sabhas in Fifth Schedule areas for approving or disapproving alienation or acquisition of tribal land under their jurisdiction is a measure to help tribals to protect their land.