

GOVERNMENT OF INDIA
MINISTRY OF PANCHAYATI RAJ
RAJYA SABHA
UNSTARRED QUESTION NO. 1208
ANSWERED ON-27.07.2022

IMPLEMENTATION OF THE PESA

1208. SHRI DEREK O' BRIEN:

Will the Minister of PANCHAYATI RAJ be pleased to state:

- (a) how many States have implemented the Panchayats (Extension to Scheduled Areas) Act (PESA) so far, the details thereof;
- (b) whether any State is facing problem in the implementation of the Act;
- (c) whether the Ministry has taken cognizance of the same, the details thereof; and
- (d) the measures undertaken to ensure that the provisions of the Act are adopted by the States to check the exploitation of the tribals, the details thereof?

ANSWER

THE MINISTER OF STATE FOR PANCHAYATI RAJ

(SHRI KAPIL MORESHWAR PATIL)

(a) to (d) The Parliament enacted “The Provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996” (PESA) to extend Part IX of the Constitution, with certain modifications and exceptions, to the Fifth Schedule areas of ten States viz. Andhra Pradesh, Chhattisgarh, Gujarat, Himachal Pradesh, Jharkhand, Madhya Pradesh, Maharashtra, Odisha, Rajasthan and Telangana. Nine PESA States, except Rajasthan, have incorporated the provisions of PESA 1996 in their respective State Panchayati Raj Acts. The tenth State, Rajasthan, has notified “The Rajasthan Panchayat Raj (Modification of Provisions in their Application to the Scheduled Areas) Act 1999”. With the objective of effective implementation of PESA, Ministry of Panchayati Raj circulated Draft Model PESA Rules in 2009. Based on constant persuasion by the Ministry of Panchayati Raj six States namely; Andhra Pradesh, Gujarat, Himachal Pradesh, Maharashtra, Rajasthan and Telangana have notified their State PESA Rules under their respective State Panchayati Raj Acts. The Ministry of Panchayati Raj has requested, the States of Jharkhand, Odisha, Chhattisgarh and Madhya Pradesh to notify their State PESA Rules through advisories, conferences, meetings, workshops. The recent advisory sent in this regard was in February, 2022.
