

PESA Act

August 9, 2022

In news— Recently, Aam Aadmi Party leader Arvind Kejriwal declared a six-point “guarantee” for tribals in Gujarat’s Chhota Udepur district, including the “strict implementation” of The Panchayats (Extension to the Scheduled Areas) Act (PESA Act).

What is the PESA Act?

- The PESA Act was **enacted in 1996** based on Dilip Singh Bhuria committee report **“to provide for the extension of the provisions of Part IX of the Constitution relating to the Panchayats to the Scheduled Areas”**.
- **Under the PESA Act, Scheduled Areas are those referred to in Article 244(1), which says that the provisions of the Fifth Schedule shall apply to the Scheduled Areas and Scheduled Tribes in states other than Assam, Meghalaya, Tripura, and Mizoram.** The Fifth Schedule provides for a range of special provisions for these areas.
- The PESA Act was **enacted to ensure self-governance through Gram Sabhas** (village assemblies) for people living in the Scheduled Areas.
- **It recognises the right of tribal communities, who are residents of the Scheduled Areas,** to govern themselves through their own systems of self-government, and also acknowledges their traditional rights over natural resources.
- In pursuance of this objective, the **Act empowers Gram Sabhas to play a key role in approving development plans and controlling all social sectors.**
- This includes the processes and personnel who implement policies, exercising control over minor (non-timber) forest resources, minor water bodies and minor minerals, managing local markets, preventing land alienation and

regulating intoxicants among other things.

- State governments were required to amend their respective Panchayat Raj Acts without making any law that would be inconsistent with the mandate of PESA.
- After the PESA Act was enacted, the central Ministry of Panchayati Raj circulated model PESA Rules. So far, six states have notified these Rules, including Gujarat.
- Gujarat notified the State PESA Rules in January 2017, and made them applicable in 4,503 gram sabhas under 2,584 village panchayats in 50 tribal talukas in eight districts of the state

Scheduled areas-

- “Scheduled Areas” means the Scheduled Areas as referred to in Clause (1) of Article 244[4] of the Constitution.
- These are areas identified by the Fifth Schedule of the Constitution of India.
- **Ten states** – Andhra Pradesh, Chhattisgarh, Gujarat, Himachal Pradesh, Jharkhand, Madhya Pradesh, Maharashtra, Odisha, Rajasthan, and Telangana – **have notified Fifth Schedule areas** that cover (partially or fully) several districts in each of these states.
- These are not covered by the Panchayati Raj Act.

Note:

- Other than Panchayats, Part IX, comprising Articles 243-243ZT of the Constitution, contains provisions relating to Municipalities and Cooperative Societies.