

**GOVERNMENT OF INDIA
PANCHAYATI RAJ
LOK SABHA**

UNSTARRED QUESTION NO:4915

ANSWERED ON:26.04.2010

PESA ACT

Chavan Shri Harischandra Deoram;Sudhakaran Shri K.

Will the Minister of PANCHAYATI RAJ be pleased to state:

(a) whether the provisions of Panchayats (Extension to the Scheduled Areas) (PESA) Act, 1996 has any provision to confer the rights upon Gram Samities/Sabhas regarding small minor forest products;

(b) if so, the details thereof alongwith powers and provisions of the said Act;

(c) whether according to the provisions of said Act, the State Governments have formulated their Acts; and

(d) if so, the details thereof and if not, the steps taken by the Government in this regard for speedy implementation of PESA Act/ Forest Rights Act, 2006?

Answer

MINISTER OF PANCHAYATI RAJ (Dr. C. P. JOSHI)

(a) & (b): Yes Sir, under Section 4 (m)

(ii) of the Panchayats (Extension to the Scheduled Areas) Act, 1996 the Panchayats at the appropriate level and the Gram Sabha are endowed specifically, inter-alia, with the ownership of Minor Forest Produce (MFP).

(c) & (d): The status of compliance by the PESA States to the provisions regarding Minor Forest Produce are given in Annex-I. Ministry of Panchayati Raj has been advising PESA States from time to time to adhere to provisions of PESA in letter and spirit and has taken the following steps:

(i) The Ministry had constituted a Sub-Committee chaired by Shri A.K.Sharma on 'Minor Forest Produce' and the report and recommendation of this Committee was forwarded to the PESA States.

(ii) Ministry of Panchayati Raj had commissioned a study from the Indian Law Institute (ILI) to formulate appropriate amendments in the concerned State laws to assist the State Governments in undertaking compliant legislation. The ILI Report had been forwarded to the States.

(iii) Needs Assessment Consultation Workshops have been initiated to address State specific issues impinging on the implementation of PESA, including amendment of subject laws.

(iv) The Ministry of Panchayati Raj has also drafted Model Rules for PESA States to enable States to frame their own rules.

As regards the implementation of the Forest Rights Act, 2006 the Ministry of Tribal Affairs has been interacting in the following ways with concerned State Governments and Union Territory Administrations urging them to expedite implementation of the Forest Rights Act, 2006 in order to ensure completion of the work relating to vesting of the forest rights at the earliest in terms of the Act.

(a) Review meetings with State Governments and Union Territory Administrations.

(b) Assessing the pace of implementation of the Act during visit of Officers of the Ministry of Tribal Affairs to States/Union Territories and accordingly guiding the States/UTs.