

**GOVERNMENT OF INDIA  
TRIBAL AFFAIRS  
LOK SABHA**

UNSTARRED QUESTION NO:4487  
ANSWERED ON:08.08.2014  
PROTECTION OF TRIBALS UNDER PESA ACT  
Kothapalli Smt. Geetha;Meghwal Shri Arjun Ram

**Will the Minister of TRIBAL AFFAIRS be pleased to state:**

- (a) the details of salient feature of the Panchayats (Extension to the Scheduled Areas) Act, 1996 (PESA) and the modalities worked out to grant rights to tribals in the country;
- (b) the details of the areas of States covered under PESA Act, State/UT-wise including Andhra Pradesh;
- (c) whether the Gram Sabhas have been constituted/notified as per the procedure laid down in the said Act in the country including Andhra Pradesh;
- (d) if so, the details thereof along with the role of Gram Sabhas as per the rules of PESA Act;
- (e) whether the Government proposes to appoint separate Divisional Commissioner for the development of tribal areas; and
- (f) if so, the time by which the said appointments are likely to be made and if not, the reasons therefor?

**Answer**

MINISTER OF TRIBAL AFFAIRS (SHRI JUAL ORAM)

(a): The salient features of the Act are:

- (i) Legislation on Panchayats shall be in conformity with the customary law, social and religious practices and traditional management practices of community resources;
- (ii) Habitation or a group of habitations or a hamlet or a group of hamlets comprising a community and managing its affairs in accordance with traditions and customs; and shall have a separate Gram Sabha.
- (iii) Every Gram Sabha to safeguard and preserve the traditions and customs of people, their cultural identity, community resources and the customary mode of dispute resolution.
- (iv) The Gram Sabhas have roles and responsibilities in approving all development works in the village, identify beneficiaries, issue certificates of utilization of funds; powers to control institutions and functionaries in all social sectors and local plans.
- (v) Gram Sabhas or Panchayats at appropriate level shall also have powers to manage minor water bodies; power of mandatory consultation in matters of land acquisition; resettlement and rehabilitation and prospecting licenses/mining leases for minor minerals; power to prevent alienation of land and restore alienated land; regulate and restrict sale/consumption of liquor; manage village markets, control money lending to STs; and ownership of minor forest produce.

(b): The provisions of Panchayats with certain modification and exceptions have been extended to the Schedule V areas viz. the ten States where the Panchayats exists in the country including Andhra Pradesh. A list of ten States has been annexed.

(c) & (d): Gram Sabhas have been constituted in every State as per the Panchayat Raj Act/PESA Rules of the concerned State. Only four States have framed their Rules for implementation of PESA. These are, Andhra Pradesh, Himachal Pradesh, Maharashtra and Rajasthan. So far as Andhra Pradesh is concerned, the Gram Sabhas have been constituted as per the procedure laid down in the PESA Act.

(e) & (f): The subject matter pertains to the State Governments.