

Madhya Pradesh notifies PESA Rules on the occasion of Janjatiya Gaurav Divas

Will empower the Gram Sabhas to take decisions on the rules and regulations with regard to all natural resources in the forest areas

Implementation of PESA Act in Fifth Schedule Areas in Madhya Pradesh

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Madhya Pradesh has notified its PESA Rules on the occasion of Janjatiya Gaurav Divas on 15th November, 2022. At the State Level Janjatiya Gaurav Divas Sammelan at Shahdol in Madhya Pradesh, Governor of Madhya Pradesh Shri Mangubhai Patel handed over the first copy of the Panchayats (Extension to Scheduled Areas) Act (PESA Act) Manual to the President of India Smt. Droupadi Murmu.

The PESA Act, now under implementation in Madhya Pradesh, will empower the Gram Sabhas to take decision on the rules and regulations with regard to all natural resources in the forest areas. The PESA Act will give more constitutional rights to the tribal people to reap the benefits of natural resources from the forest areas where they live.

“The new PESA Rules made for the scheduled areas in Madhya Pradesh will be effective in empowering the lives of tribal communities and giving the tribals their rights”, said the President of India Smt. Droupadi Murmu while addressing the above Sammelan.

Other dignitaries present at the Sammelan included Chief Minister of Madhya Pradesh Shri Shivraj Singh Chouhan, Union Tribal Affairs Minister Shri Arjun Munda, Union Minister of State for Rural Development & Steel Shri Faggan Singh Kulaste, other dignitaries and public representatives and a large number of tribal community representatives and local citizens, including women and youth, who had assembled from different parts of the State to celebrate the Janjatiya Gaurav Divas.

With the objective of effective implementation of PESA, Ministry of Panchayati Raj circulated Draft Model PESA Rules in 2009. Based on continuous advocacy and persuasion by the Ministry of Panchayati Raj eight States namely; Andhra Pradesh, Chhattisgarh, Gujarat, Himachal Pradesh, Maharashtra, Madhya Pradesh, Rajasthan and Telangana have notified their State PESA Rules under their respective State Panchayati Raj Acts. Recently, State of Chhattisgarh has notified their PESA Rules on 8th August, 2022. In the States of Jharkhand and Odisha the process of inter-Departmental consultation is still in progress.

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”.

Presently, 10 States viz. Andhra Pradesh, Chhattisgarh, Gujarat, Himachal Pradesh, Jharkhand, Madhya Pradesh, Maharashtra, Odisha, Rajasthan and Telangana, have Fifth Schedule Areas in their respective States.

Background

To bring the people residing in Fifth Schedule Areas in the mainstream, the Parliament, in terms of Article 243M(4)(b) of the Constitution, has enacted “the Provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996” (PESA) to extend Part IX of the Constitution, relating to Panchayats, to the Fifth Schedule areas, with certain modifications and exceptions. States, having Fifth Schedule Areas, have been empowered to make Panchayat Laws for these areas.

Under “The Provisions of the Panchayats (Extension to the Scheduled Areas), Act 1996” (PESA), State Legislatures have been empowered to frame all laws concerning the extension of the provisions of Part IX of the Constitution relating to the Panchayats in Fifth Scheduled Areas, subject to such exceptions and modifications as are provided in section 4 of the Act.

PESA is an Act to provide for the extension of the provisions of Part IX of the Constitution relating to the Panchayats to the Scheduled Areas. In terms of section 2 of this Act, “Scheduled Areas” means the Scheduled Areas as referred to in clause (1) of article 244 of the Constitution. Out of the ten PESA States, eight States namely; Andhra Pradesh, Chhattisgarh, Gujarat, Himachal Pradesh, Maharashtra, Madhya Pradesh, Rajasthan and Telangana have framed and notified their State PESA Rules under their respective State Panchayati Raj Acts.

To celebrate 75 years of progressive India and commemorate 25th year of enactment of the Panchayats (Extension to Scheduled Areas) Act, 1996 (PESA), the Ministry of Panchayati Raj in collaboration with Ministry of Tribal Affairs and National Institute of Rural Development and Panchayati Raj, had organized a one-day National Conference on the Panchayats (Extension to Scheduled Areas) Act 1996 (PESA) as a part of Azadi Ka Amrit Mahotsav on 18th November, 2021 at Vigyan Bhavan, New Delhi. This one-day National Conference was organized by the Ministry of Panchayati Raj to commemorate 25th year of promulgation of the PESA Act, with an objective to evaluate the progress of States in implementation of PESA as well as fostering a shared outlook on its impact at the grassroots level. This National Conference not only marked the 25th year enactment of PESA in the country, it also laid down a way forward to address the challenges and gaps in effective implementation of PESA in Scheduled Areas.

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