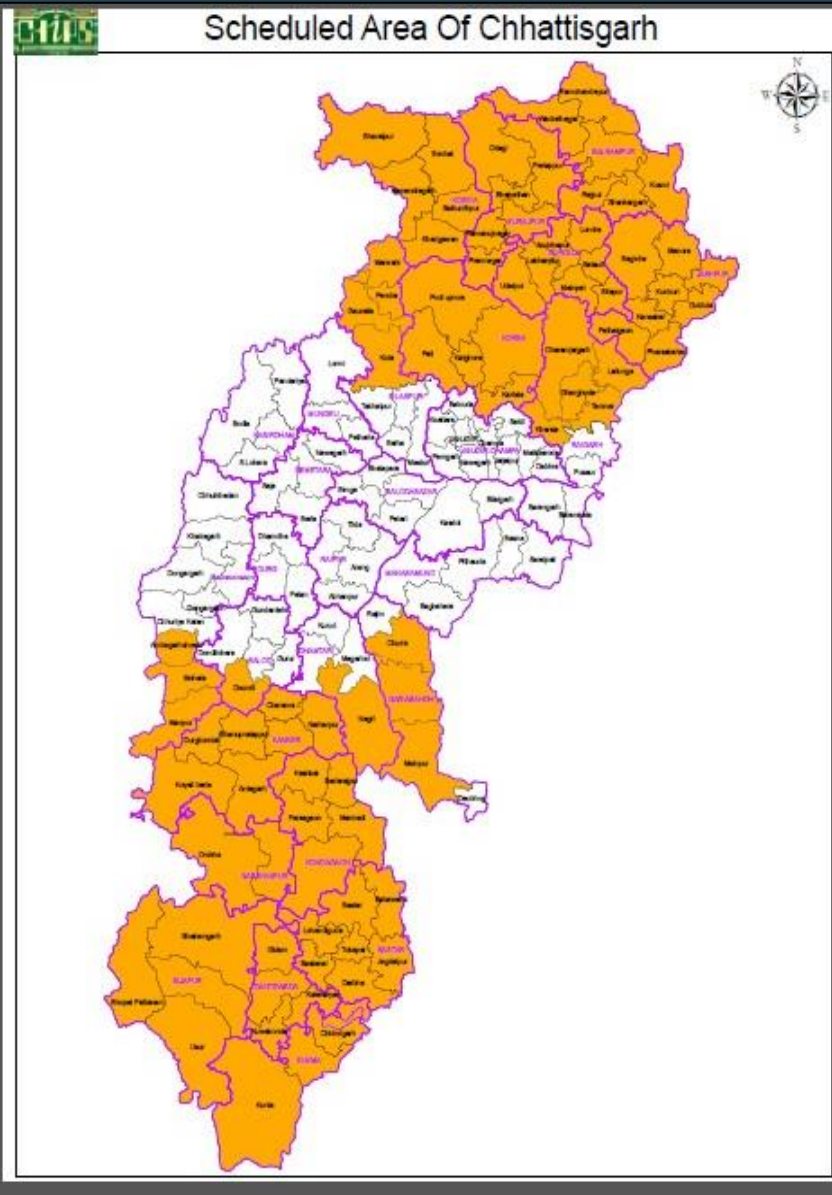




# Implementation of PESA in Chhattisgarh

R Prasanna  
Secretary,  
Government of Chhattisgarh



# Fifth Schedule Area in Chhattisgarh

Particulars	Districts	Number of blocks	
Total	28	146	
Complete Scheduled Areas	14	72	85
Partially Scheduled Areas	06	13	
Gram Panchayats	5,632 Gram Panchayats (48.28%) in Scheduled Areas out of total 11,664 Gram Panchayats		
Villages	9977 villages (49.5%) in Scheduled Areas out of total 20,126 villages		

# Legislative Framework

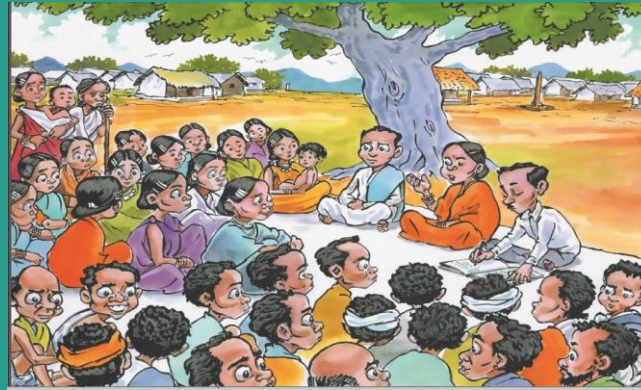
- PESA relevant provisions in the Panchayat Raj Act, 1993
- PESA related provisions in other subject matter Acts and Rules

# Panchayat Raj Provisions

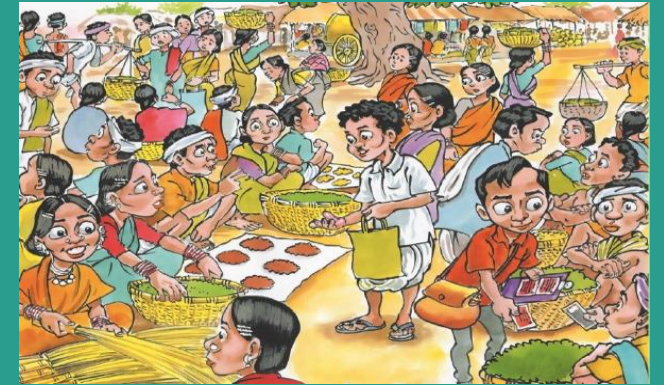
Amendment has been made in Chhattisgarh Panchayat Raj Act 1993 and two rules have been made supporting them.



**Section 129 A to F of Chhattisgarh Panchayat Raj Act 1993**



**Chhattisgarh Scheduled Areas Gram Sabha (Constitution, Procedure of Meeting and Conduct of Business) Rules, 1998**



**Chhattisgarh Panchayat (Regulation of Market and Melas within Gram Panchayat Area) Rules, 1994**

# Chhattisgarh Panchayat Raj Act, 1993

## Chapter 14 A: Special Provisions for Panchayats in the Scheduled Areas

129A	129B	129C	129D	129E	129F
Definitions	Constitution of Village and Gram Sabha	Powers and functions of Gram Sabha	Functions of Gram Panchayat	Reservation of seats	Powers of Janpad and Zila Panchayat
Provision of hamlet level village according to tradition and customs	Provision of hamlet level Gram Sabha  GS to be presided by ST person  Quorum of one-third (one-third would be women)	To manage natural resources including land, water and forests within the area of the village in accordance with its tradition	to manage village markets and melas To control local plans, resources and expenditure	50 percent reservation for STs  Seat of Chairperson reserved for STs at all levels  Nomination of ST at intermediate level	to plan, own and manage minor water bodies up to a specified water area

# Draft PESA Rules have been prepared

- ✓ PESA rules of six states along with model PESA rules studied and compared
- ✓ Extensive field level consultations done with communities in fifth schedule areas
- ✓ Tribal groups and national level experts consulted
- ✓ MLAs are being consulted
- ✓ Draft has been shared with all the departments for their feedback





# Amendments made in Acts and Rules of relevant departments

- **Revenue Department**

- Chhattisgarh Land Revenue Code, 1959
- Chhattisgarh Money Lenders Act, 1934
- Chhattisgarh LARR (Social Impact Assessment, Consent and Public Hearing) Rules, 2016

- **Excise Department**

- Chhattisgarh Excise Act, 1915

- **Mining Department**

- Chhattisgarh Minor Mineral Rules 2015
- Chhattisgarh Minor Mineral Ordinary Sand (Quarrying and Trade) Rules, 2019

- **Agriculture (Fisheries) Department**

- Chhattisgarh Fishery Policy, 2003

- **Forest Department**

- Chhattisgarh State Forest Policy, 2001

# Revenue Department

## The Chhattisgarh Land Revenue Code 1959

Under section 170-B (2-A) Gram Sabha has been given right for reversion of land of members of aboriginal tribe which was transferred by fraud. Earlier the power used to be with the SDM.

## Chhattisgarh Money Lenders Act, 1934

Money lending has be completely prohibited in fifth schedule areas

## Chhattisgarh LARR (Social Impact Assessment, Consent and Public Hearing) Rules, 2016

Gram Sabha shall be consulted before initiating the process of land acquisition. If gram sabha raises any objection on proposed land acquisition, then the Collector shall after appropriate hearing dispose the same.





# Excise Department

## The Chhattisgarh Excise Act, 1915:

Chapter VIIIA: Special Provisions For Scheduled Areas

**61D.**

### Exemptions

Scheduled Tribes may manufacture country spirit by distillation for the purpose of domestic consumption and for social and religious functions (max limit 5 liters)

**61E**

### Gram Sabha to regulate and prohibit manufacture and sale of intoxicants

No new factory for manufacturing or outlets for sale of any intoxicants shall be established/opened by the State Government without the consent or permission of the Gram Sabha.

**61F**

### Enforcement of the decisions of Gram Sabha

Gram Panchayat to implement decisions of Gram Sabha

Gram Panchayat can also take help of SDM



# Mining Department

## Chhattisgarh Minor Mineral Rules 2015

**Rule 4 (4):** The recommendations of the Gram Sabha or the Gram Panchayat shall be mandatory prior to grant of prospecting licence or mining lease for minor minerals in the Scheduled Areas.

**Rule 4 (5):** The prior recommendation of the Gram Sabha or the Gram Panchayat shall be mandatory for grant of concession for the exploitation of minor minerals by auction in the Scheduled Areas.

## Chhattisgarh Minor Mineral Ordinary Sand (Quarrying and Trade) Rules, 2019

**Rule 3 (5):** In scheduled areas the provision of the Panchayats (extension of the scheduled areas) Act, 1996 (No. 40 of 1996) shall be followed



# Agriculture (Fisheries) Department

Management rights have been transferred to all the three tiers of Panchayats:

1. Gram Panchayat: upto 10 hectares
2. Janpad Panchayat: upto 10-100 hectares
3. Zila Panchayat: upto 100-2000 hectares





# Forest Department

## Chhattisgarh State Forest Policy, 2001

**4.5.2 The state should take necessary steps for endowing the ownership rights of MFP on local communities as per the provisions of the Panchayat Upbandh (Anusuchit Kshetron ka Vistaar) Adhiniyam 1996**

# Administrative Framework

Rashtriya Gram Swaraj Abhiyan

Mukhyamantri Panchayat Shashaktikaran Yojna



# Rashtriya Gram Swaraj Abhiyaan

## Provision of:

1. Division level PESA Coordinators in five divisions
2. Gram Panchayat PESA Mobilizers in 5,632 Gram Panchayats
3. PESA Specialist at State Institute of Panchayat and Rural Development

## Mukhyamantri Panchayat Shashaktikaran Yojna

## Provision of:

1. Panchayati Raj, PESA monitoring and planning specialist



# Application of FRA 2006 to Strengthen PESA

## Community Rights

- Usufruct rights of ownership, use, value addition and sale of MFP and other community rights like water bodies, grazing, culture, biodiversity (Relevant Provisions of PESA: Sec 4 (d))

### Community Rights

SN	Claims Filed	Approved Claims	Titles Given	Land Distributed (In Ha)
1	50806	46251	45432	1950728.680





# Application of FRA 2006 to Strengthen PESA

## Community Forest Resources Right

- Protect, Regenerate, Conserve and Manage Community Forest Resources (CFR) (Relevant Provisions of PESA: Sec 4 (i),(j),(k) & (l))

### Community Forest Resources Rights

SN	Claims Filed	Approved Claims	Titles Given	Land Distributed (In Ha)
1	3647	3551	3113	1375160.07

State Tribal Dept. has initiated the implementation of recognition of Habitat Rights of PVTGs (Special Provision under FRA, Sec 3 (1) (e)) in Dhamtari district

# Focusing Development of Scheduled Areas through Inclusive Planning and Budget Allocation

- Budget allocation based on percentage of tribal population
- Programs/schemes implementation focuses decentralised planning
- Convergence and coherence among Dept. and Programs

SN	Budget Allocation under Development Heads	Budgetary Allocation under TSP	Percentage of Allocation
2019-20	60886.79	19721.02	32.39
2020-21	61102.06	20919.60	34.24
2021-22	61252.86	21200.94	34.61

# Improved Education Facilities for Students from Scheduled Areas

## Progress of PRAYAS Residential Schools

### 12th Board Examination Results

Year	Institutions Name	Pass %	Students Securing 90% and Above
2019	PRAYAS boys/girls Residential School Raipur,Ambikapur,Durg, Bliaspur and Jagdalpur	97.80%	15
2020	PRAYAS boys/girls Residential School Raipur,Ambikapur,Durg, Bliaspur, Jagdalpur and Kanker	98.00%	20
2021	PRAYAS boys/girls Residential School Raipur,Ambikapur,Durg, Bliaspur and Jagdalpur	99.60%	483

### 10th Board Examination Results

Year	Institutions Name	Pass %	Students Securing 90% and Above
2019	PRAYAS boys/girls Residential School Raipur and Kanker	100%	70
2020	PRAYAS boys/girls Residential School Raipur,Ambikapur,Durg, Bliaspur, Jagdalpur, Korba, Jashpur and Kanker	99.70%	254
2021	PRAYAS boys/girls Residential School Raipur,Ambikapur,Durg, Bliaspur, Jagdalpur, Korba, Jashpur and Kanker	100%	99.50

- **Tribal Advisory Council**
- **Bastar Vikas Pradhikaran**
- **Surguja Vikas Pradhikaran**
- **Madhya Kshetra Adivasi Vikas Pradhikaran**
- **Tribal Advisory Committee**
- **Pando Vikas Pradhikaran**
- **Bhunja Vikas Pradhikaran**





# Thank you

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Secretary,  
Department of Panchayat & Rural Development  
Government of Chhattisgarh

