



Panchayati Raj Department-HP



Presentation on PESA in Himachal Pradesh

**Presentation by Panchayati Raj
Department HP**



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GEO-DEMOGRAPHIC FEATURES

- Himachal Pradesh, lies in the North Western Himalayas.
- The altitude in the Pradesh, a wholly mountainous region in the lap of Himalayas, ranges from 350 metres to 6975 metres above mean sea level.



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Himachal at A Glance

Area	55673 Sq. km
Total Population	68,56,509
Rural Population	90.20%
SC	24.72%
ST	5.71%
Literacy Rate	83.78% (M=90.83% F=76.60%)



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Scheduled Area of Himachal Pradesh

- The scheduled area of the State lies in greater Himalayas with tough topography and some inaccessible pockets, as these areas observe heavy snowfall and remains cut off for months.





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To be Continued.....

- This Tribal population constitutes only a fraction of the total population with vast uninhabited area, which is bestowed with many cash crops like apple, stone fruits, chilgoza etc.





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Scheduled Area of Himachal Pradesh

- There are 10 different Tribes in Himachal Pradesh. Gaddi, Gujjar, Lahuala, Swangla, etc are major tribes in schedule Areas of the State . The total population of Tribals in the state is 5.71 %.

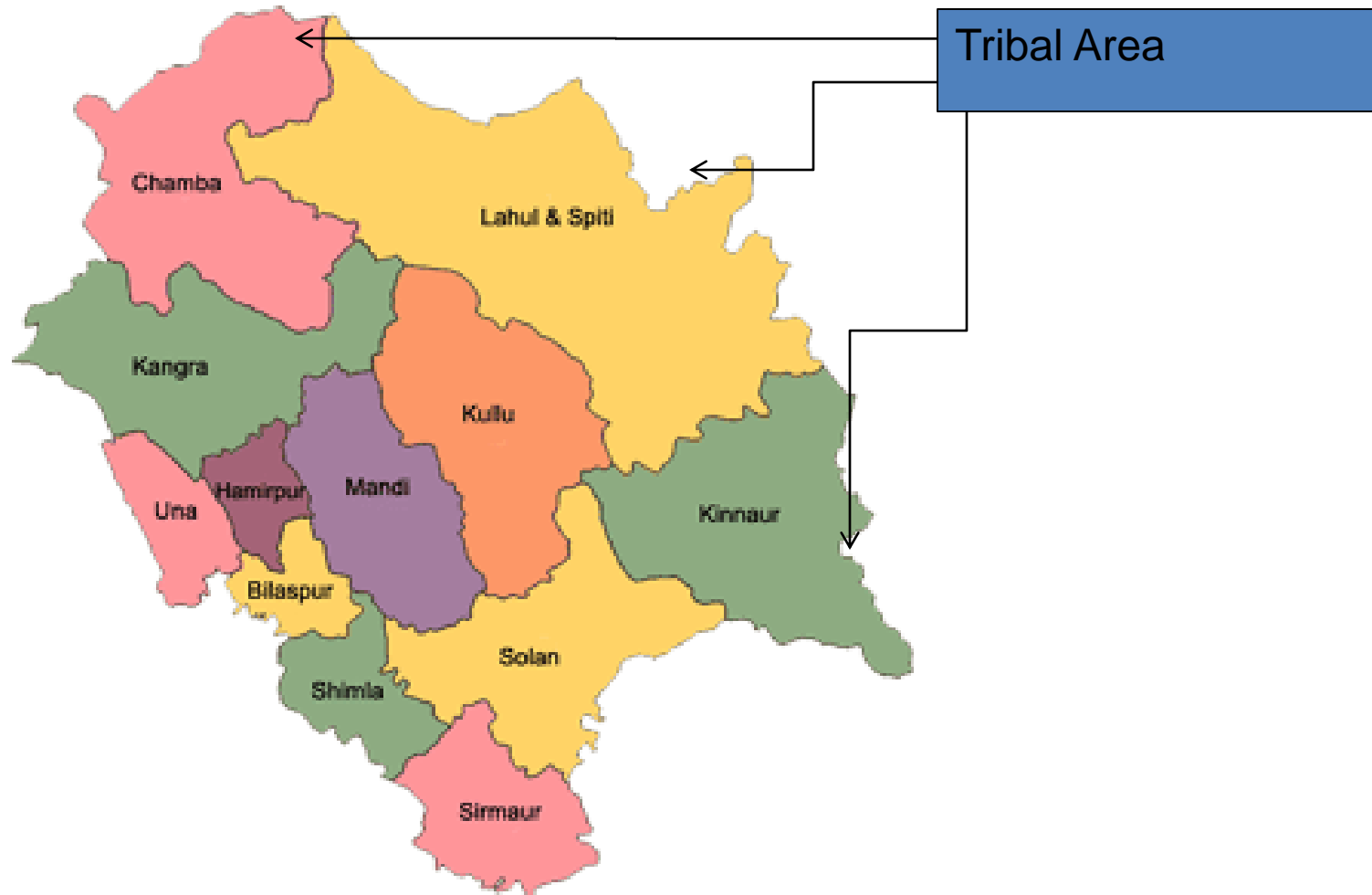




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Tribal Areas of Himachal Pradesh





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Tribal Area of Himachal Pradesh Cont....

- Two districts namely Kinnaur and Lahaul & Spiti and Two development blocks namely Pangi and Bharmaur of Chamba district comprise the Scheduled area of the State.
- There are 2 Zila Parishads namely Kinnaur and Lahaul & Spiti and a part of District Chamba in the scheduled area of HP. Seven Panchayat Samitis namely Kalpa, Nichar, Pooh, Lahaul, Spiti, Bharmaur and Pangi falls under Scheduled Area. There are 168 Gram Panchayats in the Scheduled – V area.



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Status of RLBs in Scheduled Area

Sr. No	Name of District	Name of Block	Total number of Gram Panchayats	Wards	Total Population
1	Kinnaur	1) Pooh	27	139	22343
		2) Kalpa	24	132	29361
		3) Nichar	22	118	26630
	Sub-total		73	389	78334
2	Lahaul & Spiti	1) Lahaul	32	160	22545
		2) Spiti	13	67	10679
	Sub-total		45	227	33224
3	Chamba	1) Bharmaur	31	171	37246
		2) Pangi	19	97	17598
	Sub-total		50	268	54844
	Grand Total		168	884	166402



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what has been done

- With a view to bring the Himachal Pradesh Panchayati Raj Act, 1994 in conformity with the provisions of the PESA Act, a new Chapter VI-A, namely special provisions relating to the Gram Panchayats, Panchayat Samitis and Zila Parishads located in the Scheduled Areas was added. The provisions of this Chapter have been made applicable to the Panchayats in the Scheduled areas of the State and shall prevail over anything inconsistent therewith else where in the Act.



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Status of PESA

- In accordance with the PESA Act, special provisions relating to Gram Panchayats, Panchayat Samitis and Zila Parishads have been incorporated in the H.P. Panchayati Raj Act, 1994 vide sections 97-A to 97-I and the same are being followed in letter & spirit.
- For facilitating the provisions of PESA Act, HP PANCHAYATI RAJ [Extension To The Scheduled Areas] RULES have also been framed and notified on 26th March 2011.



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Status of PESA Cont...

- The State Government has provided 100% reservation in the offices of Chairpersons of Panchayats at all the three levels for the persons belonging to the scheduled Tribes in Scheduled areas of the State and 50% of the total offices are further reserved for women.
- In the entire tribal area ,the Gram Sabhas are competent to safeguard the traditions and customs of the people, their cultural identity, community recourses without detriment to any law for the time being in force, the customary mode of dispute resolution.



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COMPLIANCE OF PROVISIONS OF PANCHAYAT (EXTENSION TO THE SCHEDULED AREAS) ACT, 1996 in Himachal Pradesh



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State Acts Amended

Name of Department	Act Amended	Section	Description
Department of Land Revenue	HP Transfer of Land (Regulation) Act, 1968	Section 3	Regulation of transfer of land.- (1) No person belonging to Scheduled Tribe shall transfer his interest in any land including any constructed premises by way of sale, mortgage, lease, gift or otherwise to any person not belonging to such tribes except with the previous permission in writing of the State Government:



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State Acts Amended

Name of Department	Act Amended	Section	Description
Department of Land Revenue	HP Transfer of Land (Regulation) Act, 1968	Section 5	Ejectment.- (1) If, as a result of transfer of any land in contravention of the provisions of section 3, any person other than a person belonging to any Scheduled Tribes, is found to be in possession of that land, the Deputy Commissioner or any other officer authorized in writing by State government in this behalf, or the Panchayats at the appropriate level, may, without prejudice to be provisions of section 9 serve a notice upon such person requiring him to vacate the land within ninety days from the date of service of the notice and to remove any building, fence or any other structure which may have been raised on such land:
Department of Industries	HP Minor Minerals (Concession) Revised Rules, 1971 made under the Mines and Minerals (Development and Regulation) Act, 1957.	Rule 5(4)	No mining lease shall be granted to a person in a scheduled area without the prior recommendation of the Gram Sabha or Panchayat concerned.



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State Acts Amended

Name of Department	Act Amended	Section	Description
Department of Industries	HP Minor Minerals (Concession) Revised Rules, 1971 made under the Mines and Minerals (Development and Regulation) Act, 1957.	Rule 28(3)	No tender/auction/contract shall be considered accepted unless approved by the Government; provided that no tender or auction or contract as the case may be, regarding exploitation of minor minerals in the scheduled areas of the State shall be considered by the Government for acceptance unless recommended by Gram Sabha or Panchayat at an appropriate level.



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State Acts Amended

Name of Department	Act Amended	Section	Description
Department of Forest			<p>The Forest Department vide executive order dated 28th February, 2003 has identified 37 species of Medicinal herbs and other non timber Forest Produce on which control has been given to the concerned Panchayats and the Pradhan of the concerned Panchayat has been empowered to issue passes for these items and to levy export fee which will form the fund of the Panchayat. In addition to this Pradhans of the Panchayats has been appointed as Forest Officer to carry out the purposes of rule 11 of the Himachal Pradesh Forest Produce Transit (Land Routes) rules, 1978 for the issuance pass for transport of Minor Forest Produce collected from the forest in the concerned Panchayat</p>



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Capacity Building and Training for PRIs in scheduled Areas.

- The elections of PR institutions were held in the State in the month of January 2021 except Lahul Sub-division of District Lahaul & Spiti where elections were held in October 2021
- Capacity building and training of Ers and Officials is under way



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Capacity Building continued.....

- Training Module PESA Material\Capacity building under PESA has already been developed and CBT Programmes are being started.
- Keeping in view the Provisions of PESA Act and the Rules made thereunder reading material in simple language has been prepared and will be distributed to the ERs of PRIs in Scheduled Areas.



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Separate Budget for Scheduled Areas

- Against 5.71 % tribal population, 9 % of the state plan/development funds have been earmarked for scheduled areas.
- For F.Y. 2020-21 Rs. 711 cr have been disbursed.
- For current F.Y. i.e. 2021-22 funds to the tune of 847 cr have been budgeted under TASP.



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E-Connectivity

All the Panchayat Samitis in the entire Scheduled Areas have been provided video conference facility and it is the endeavor on the part of the State government to directly interact with the grass root functionaries including the Panchayat Office bearers as well as Panchayat Officials. This will help State govt. and the department to have a feedback on all important govt. policies and acquaint the grass root functionaries regarding the latest developments at the Govt. level.



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What is remained to be done(WAY FORWARD)

- Appointment of PESA consultant
- Appointment of PESA Coordinator at district level
- Training of related line department officers at state level as well as district level for the better implementation of PESA provisions
- Capacity building of ERs and Officials of PESA area with Ex Office bearers as resource persons



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Way Forward contd.....

- Sensitization of Gram Sabha members with the involvement of NGOs which are working for tribal rights
- Periodic review of PESA implementation at highest level
- Distribution of PESA reading material to Ers and Gram Sabha members
- Active involvement of departments like Revenue, Industries , Forest , Agriculture etc. in the proper implementation of PESA



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Thanks