

# National Conference on PESA Act

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● **Panchayats (Extension to the Scheduled Areas) Act, 1996.** (PESA) is a Central legislation that extends the Provisions of the Panchayats, as given in Part IX of the Constitution to the Fifth Schedule Areas with certain modifications and exemptions.

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- The Act came into force on 24<sup>th</sup> December, 1996 in 10 states of the country with predominant tribal population, namely Andhra Pradesh, Chhattisgarh, Gujarat, Himachal Pradesh, Jharkhand, Madhya Pradesh, Maharashtra, Odisha, Rajasthan and Telangana.

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- **The Panchayats (Extension to the Scheduled Areas) Act** aims at devolving governance to Panchayats/Gram Sabhas in Schedule V areas for mainstreaming tribal development.

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- ① The PESA Act provides the Constitutional framework to preserve tribal self-governance, culture, customary laws and to protect their traditional way of living in Schedule V areas.
  - ① It also directs the state government to endow powers and authority to make Gram Sabhas and Panchayats function as Institutions of Local Self Governance.

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- Government of India is sensitive about the requirements/aspirations of the people living in tribal dominated areas. Through different instruments, it is ensured that every possible effort is made to empower the available institutions in these areas.

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- Consequent upon the implementation of the **Panchayats (Extension to the Scheduled Areas) Act, 1996**, Central Finance Commissions have ensured devolution of resources to these areas in order to promote uniformity of approach across all States in the matter of devolution to Local Governments. Some of the specific interventions made by the Central Finance Commissions for Excluded Areas are as under;

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- ⑦ The FC-X mandated that grants would be distributed to even those States which are not required to have panchayats in order to supplement the resources of similar local level representative bodies.
  - ⑦ The FC-XI stipulated that its award for Excluded Areas should be made available to the respective States only after the enactment of relevant legislative measures for the extension of the provisions of the Seventy-Third and Seventy-Fourth Amendments to such areas.

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- ① The FC-XII did not indicate separate grants for normal and excluded areas and left it to the States to distribute the grants between them.
  - ① The FC-XIII recommended grants of Rs. 1,357 crore for the Excluded Areas(Areas falling in Schedule V & VI).

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- The FC-XIV did not recommended grants to the areas where Part IX and IXA does not apply and left it to the Government to decide for direct intervention for their development at par with other areas. Consequently, the Govt. of India sanctioned special assistance for these areas at the same rate of Rs. 480 per capita per annum which the Commission had recommended for General category States/Areas. However, the Commission did include the Schedule V areas while working allocation of resources for local bodies.

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- The 15<sup>th</sup> Finance Commission was of the view that per capita grants that are considered due to every resident in India and in order to promote uniformity of approach across all States in the matter of devolution to local governments, recommended that grants shall be distributed to even those areas which are not required to have panchayats (fifth and sixth Schedule areas and Excluded Areas) in order to augment the resources available for providing basic services by their respective local level bodies.
  - It recommended grants for such areas falling within a State, based on population and area in the ratio of 90:10.

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