



KAMARAJ IAS ACADEMY
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Panchayat Extension to Scheduled Areas Act

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Why is in news? Madhya Pradesh govt implements Panchayat Extension to Scheduled Areas Act to preserve tribal population from exploitation

The **73rd constitutional amendment (1992)** gave shape to a three-tier Panchayati Raj Institution, however, its application to the **scheduled and tribal areas under Article 243(M) was restricted**.

It was after the **Bhuria Committee recommendations in 1995** that PESA Act 1996 came into existence.

The PESA Act was enacted in **1996** "to provide for the extension of the **provisions of Part IX** of the Constitution relating to the Panchayats to the Scheduled Areas".

Part IX, comprising **Articles 243-243ZT** of the Constitution, contains provisions relating to municipalities and cooperative societies.

Under the Act, Scheduled Areas are those referred to in **Article 244(1)**, which says that the **provisions of the Fifth Schedule** shall apply to the Scheduled Areas and Scheduled Tribes in states **other than Assam, Meghalaya, Tripura, and Mizoram**.

The **Fifth Schedule** provides for a range of special provisions for these areas - **Ten states** — Andhra Pradesh, Chhattisgarh, Gujarat, Himachal Pradesh, Jharkhand, Madhya Pradesh, Maharashtra, Odisha, Rajasthan, and Telangana — have notified Fifth Schedule areas that cover (partially or fully) several districts in each of these states.

Objectives:

To **ensure self-governance through Gram Sabhas** (village assemblies) for people living in the Scheduled Areas.

It **recognises the right of tribal communities**, who are residents of the Scheduled Areas, to govern themselves through their own systems of self-government, and also acknowledges their traditional rights over natural resources.

Empowers Gram Sabhas to **play a key role in approving development plans** and controlling all social sectors.

Issues Related to PESA:

Partial Implementation: The state governments are supposed to **enact state laws for their Scheduled Areas in consonance with this national law**. This has resulted in the **partially implemented** PESA. The partial implementation has worsened self-governance in Adivasi areas, like in Jharkhand.

Administrative Hurdles: Many experts have asserted that PESA did not deliver due to the lack of clarity, legal infirmity, bureaucratic apathy, absence of political will, resistance to change in the hierarchy of power, and so on.

Followed in Letter Rather than Spirit: Social audits conducted across the state have also pointed out that in reality different developmental schemes were being approved on paper by Gram Sabha, without actually having any meeting for discussion and decision making.

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