

Panchayat (Extension to Scheduled Areas) Act 1996

BACKGROUND:

Panchayat (Extension to Scheduled Areas) Act 1996(PESA) was enacted as an extension to the 73rd Amendment to the Constitution as a bold step to initiate the process of setting up of an appropriate governance structure in the V Schedule Areas suited to the special conditions of deprivation and isolation of the tribals.

The Parliament, while drafting the law, took into consideration the special circumstances prevailing in V Schedule Areas, the development failure resulting in increasing disaffection amongst the tribals, besides the fact that the tribals have a history of traditional self-governing structure. PESA has been received with much enthusiasm amongst the people. However, the experience of the past one and a half decades has shown that there have been major flaws in the understanding and interpretation of the provisions of PESA while enacting appropriate state legislations and subsequent rules. The required initiative to make it operational has been lacking at the state level. Neither has the Central government been able to ensure that the law is implemented.

As a result, by and large PESA has been a non-starter and have failed to meet the aspirations of the tribals as well as the intent of the Parliament. The situation in the tribal areas has been allowed to drift with the present administrative structure proving to be inadequate to meet the needs and aspirations of the tribal people. This has been repeatedly pointed out by the Planning Commission's documents, the Mungekar Committee, Administrative Reforms Commission many others. In fact, the situation is acknowledged to have reached alarming proportion. Therefore there is an urgent need for corrective measures to be undertaken.

In the light of the above the WG on Tribal Development will undertake the following tasks:

1. To review PESA in law and practice
2. To identify the key issues that need to be addressed to ensure that PESA is operational in letter and spirit
3. To propose recommendations to the key identified issues taking into consideration the various ongoing initiatives of the Central government and its ministries