

Draft amendment Panchayats (Extension to the Scheduled Areas) Bill, 2013

	Panchayats (Extension to Scheduled Areas) (Amendment) Bill, 2013	
	A Bill to further amend the Panchayats (Extension to the Scheduled Areas) Act, 1996 relating to the Panchayats in the Scheduled Areas.	
	Be it enacted by Parliament in the sixty fourth Year of the Republic of India as follows:-	
	1. This Act may be called the Panchayats (Extension to the Scheduled Areas) (Amendment) Act, 2013.	Short title and commencement
	2. It shall come into force on such date as the Central Government may, by notification, publish in the Official Gazette.	
Substitution of new section for section 2.	2. For section 2 of the Panchayats (Extension to the Scheduled Areas) Act, 1996 (hereinafter referred to as the Principal Act), the following section shall be substituted, namely:-	Definition
	In this Act, unless the context otherwise requires: (a) "Scheduled Area" means the Scheduled Areas as referred to in Clause (1) of Article 244 of the Constitution. (b) "Minerals and minor minerals" are as defined under Mines and Minerals (Regulation and Development) Act, 1957 and its successor laws. (c) "State" means a State which has Scheduled areas. (d) Any term that is not defined in the Act shall be as per its definition under Rules made under this Act and when not defined in the Rules shall be as per the definition in the corresponding subject Law/Rules of the Union or the State.	
	In section 4 of the Principal Act, -	
	Sub-section 4 (i) of the Principal Act shall be renumbered as 4(i) (i) with the following modification:-	
	In section 4 (i) of the principal Act, the word 'Prior informed consent of' shall be inserted before the words 'the Gram Sabha or the Panchayats' and the word 'consulted' shall be substituted by the word 'taken' after the words 'appropriate level shall be' and before the words 'before making the acquisition'.	Amendment of sub section (i) of section 4 and renumbering as 4 (i) (i)
New sub sections to be inserted in section 4 (i)	In section 4 (i), the following sub sections shall be inserted	
	4 (i)(ii) Prior informed consent of the Gram Sabhas and the concerned Panchayats at the appropriate level shall be mandatory regarding the rehabilitation and sustainable livelihood plan for persons affected by projects in the Scheduled Areas.	

	(iii) The procedure for prior informed consent in (i) and (ii) above and arriving at a decision shall be prescribed by the concerned State Government under the Rules.	
	In section 4 (k) of the Principal Act,-	Amendment of sub section (k) of section 4.
	For the word 'recommendations', the word 'prior informed consent' shall be substituted.	
	Before the words 'minor minerals', the word 'major and' shall be inserted.	
	In section 4 (l) of the Principal Act,-	Amendment of sub section (l) of section 4.
	For the word 'recommendations', the words 'prior informed consent' shall be substituted.	
	Before the words 'minor minerals', the words 'major and' shall be inserted.	
Insertion of new section for section 5.	Before the existing section 5 of the Principal Act, the following two new sections shall be substituted, namely:-	Insertion of a new section.
	5. Both the Central Government and the State Governments shall have powers to notify rules for implementation of this Act. No provisions of the State Government Rules shall be in contravention of the Central Government Rules, formulated under this Act.	Power to notify Rules
	6. The Central Government may issue general or special directions to the State Governments for the effective implementation of the various provisions of this Act and Rules framed thereunder.	Power to issue directions
Repeal of Section 5	Section 5 of the Principal Act is, hereby, repealed.	Transitory provision may be repealed
	Insertion of new Section '7'	
Insertion of new section 7.	"7. Any Union or State subject Acts alongwith rules and procedures thereunder dealing with subjects covered under this amendment Act, shall be null and void to the extent that they contravene this Act, unless brought conformity within one year of this amendment taking effect."	Contravention of subject laws which should be null and void.