

## **National Conference on PESA,**

**18<sup>th</sup> November, 2021 at Vigyan Bhawan, New Delhi**

### **Proceedings of the Conference**

Ministry of Panchayati Raj (MoPR) and Ministry of Tribal Affairs (MoTA) jointly organised a 'National Conference on PESA' on completion of 25 years of its enactment, and also as a part of observance of Azadi Ka Amrit Mahotsav (AKAM) celebrations commemorating the 75<sup>th</sup> year of independence. The Conference had the august presence of Hon'ble Cabinet Ministers of Ministry of Panchayati Raj and Ministry of Tribal Affairs; Hon'ble Minister of State of Ministry of Panchayati Raj; Secretaries of both the ministries; Additional Secretary, MoPR; Director General, Indian Institute of Public Administration; Director General, National Institute of Rural Development and Panchayati Raj (NIRDPR); other senior officers of MoPR, MoTA and NIRDPR, Principal Secretaries of Panchayati Raj as well as Tribal Development Departments of the PESA States, and representatives of the Civil Society Organisations/NGOs etc. Hon'ble Governor of Maharashtra addressed this Conference through virtual mode. Principal Secretaries/Secretaries of Governors of ten PESA States also joined this Conference through virtual mode. The list of participants is at **Annexure-I**. Live telecast of the Conference was also done through the Webcast link. The detailed schedule of the Conference is at **Annexure-II**.

#### **Session – I : Inaugural Session**

2. In his Welcome Address, Secretary, Ministry of Tribal Affairs highlighted the importance of collaboration to achieve better results. Citing the holding of National Conference on PESA which was an example of good collaboration between two Central Ministries, i.e. MoPR and MoTA, to come together to ensure effective implementation of PESA legislation for bringing into the mainstream the tribal communities living

in Schedule V areas of the country. He also mentioned that similar collaboration had been done by Ministry of Tribal Affairs with Ministry of Environment Forest and Climate Change to achieve convergence of forest, land, water resources while making provisions for implementation of the Forest Rights Act. Only through the partnership and working together by various Central Ministries and Departments and States and offices of Hon'ble Governors, which is quite essential in effective implementation of PESA type of legislations, better results could be ensured. He invited pertinent suggestions from officers attending from PESA States which could be taken up at the highest levels to achieve desired results.

2. In his presentation, DG NIRDPR, stated that the intent of this National Conference is to take stock of the implementation of 25 years of the PESA Act; what has been its achievement so far and what further actions are needed. He further mentioned that, as the PESA Act is specifically for 5<sup>th</sup> Schedule areas, amendments in State Acts and Panchayati Raj Acts have to be done to make them compliant with PESA legislation. Gram Sabhas (GSs) have been assigned key role in PESA Act. The Act separately defines GS and permits even small hamlets to become villages and have their own GSs. The Act bestows on GSs powers to safeguard all the traditional and customary practices of tribal people. However, there are deviations in implementation of this Act in various States. There are challenges in implementation of PESA even after 25 years of its existence. Awareness is still missing among tribal people and officials. Even the GSs, which have been formed, were found to have limited powers and institutional mechanisms are missing. The State Governors have many exclusive powers for PESA related matters. The Maharashtra Governor has already taken many steps in this regard which may be emulated by other States.

3. In his presentation, DG NIRDPR, further highlighted that the way forward would be formation of PESA Rules, where these are yet to be done; conformity of State Acts with PESA Act and strengthening of GSs. The mandatory provision of the issue of UCs by the GSs is also to be strengthened. There is need for dedicated PESA cells at State level to facilitate GSs. Various functioning committees under the PESA GSs are to be constituted and administrative manuals for PESA to be got prepared and circulated by States. The capacity building efforts are required to be strengthened. The measures to facilitate the utility of MFPs to PESA residents needs to be considered. Awareness has to be improved so that GSs may actually shoulder the role of self-governance. Training of tribal people in planning and administration needs to be conducted on large scale.

4. In his inaugural address, Shri Giriraj Singh, Hon'ble Minister of Rural Development and Panchayati Raj stated that holding of this National Conference during the celebration of AKAM and to commemorate 25 years of PESA marks a special occasion. He also shared the vision of Hon'ble Prime Minister which is to support optimum development of tribal people ensuring and respecting their cultural, traditional and social eco-system and natural ways of living. On this occasion he recalled the sacrifices of the great tribal leader Birsa Munda for the independence of the country. In recognition of the importance of the tribal areas, the Government has embarked on the Celebration of Birsa Munda Centenary. He brought to the notice of the participants that the Report submitted by the Dilip Singh Bhuria Committee finally resulted into the passing of the PESA Act in December, 1996. He mentioned that Hon'ble Governor of Maharashtra has made many precedents on how to coordinate PESA related provisions. Hon'ble Minister of Tribal Affairs and Hon'ble Minister of State for Panchayati Raj too have extensive experience of Panchayats, tribal affairs and State administration and

their presence have added special values to this Conference. He assured that he and Hon'ble Tribal Affairs Minister would work together to take forward PESA Act for effective implementation so as to benefit the tribal population.

5. Hon'ble Minister of Rural Development and Panchayati Raj further mentioned that, over the years, budget provisions towards welfare of tribal people have increased substantially and its impact on the lives of tribal people are also visible. There is substantial increase in scholarships for tribal students. However, still a lot is required to be done. He also stressed the need for proper utilisation of government money so that speedy and actual change in lives of tribal people might be ensured.

6. Hon'ble Minister of Rural Development and Panchayati Raj suggested that the Conference should deliberate on the ways of PESA implementation in the larger context of the Panchayati Raj Institutions. Over 700 groups of tribals with average population of 10 lakhs each are present in different parts of the country and hence their needs are to be attended to. Six States have already implemented exclusive PESA rules whereas 4 States are yet to implement PESA through formulation of exclusive rules. He urged these State Governments to come forward for enacting similar efforts. As the Government and the tribals equally want to have Gram Sabhas' roles, the States should not have any issue in tribals constituting the Gram Sabhas as envisaged under the PESA Act. Similarly, there should be no problem in empowering Gram Sabha as an Institution at grassroots level in tribal areas for the implementation of the PESA. As Central Finance Commission funds' release have an eligibility condition of elected and duly constituted Panchayat, similar conditions may also arise for PESA compliance which needs to be taken into consideration for taking preventive steps. Both the PRI and PESA institutions are required to prepare GPDPs. Such GPDPs should cover

the Gram Sabhas and also should take into consideration their traditions which can result into a new model of development. As 25 years being a long time to show effectiveness of democracy, he exhorted that all should work together and even the Chief Ministers also would be involved in these efforts.

7. In his inaugural address, Shri Arjun Munda, Hon'ble Minister of Tribal Affairs stated that this is a very important subject in the contemporary times and offers occasion for very useful discussions. This is the first conference in 25 years, where MoPR and MoTA have come together to discuss about the implementation of PESA. This is a beginning for holistic discussion and careful analysis of gaps. These deliberations will bring out many gaps to be bridged. When we talk of Swaraj then we mean how we are able to amalgamate the cultural and traditional life of tribals into the governance systems of villages. We need to keep the constitutional provisions and should be able to establish village Swaraj. We have to think as to how to take forward the spirit of constitutional provisions for panchayati raj and tribal way of life. We have to think about GS functions within the Constitutional framework. They have in anyway been managing their way of life in traditional ways and now the challenge is how to integrate with the constitutional provisions. We should ensure that self-governance is amalgamated with constitutional provisions while attaining Gram Swaraj.

8. Hon'ble Minister of Tribal Affairs further mentioned that the Constitutional provisions have many exclusive provisions for the Governors of the States in respect of Scheduled Areas. Most of the reports received by them contain physical and financial implementation aspects. But, many a times, such reports describe just the technical aspects, but the spirit behind that should be actually emphasized. The actual situation at the grass roots level identified, for example, through social audits etc are quite different. We should be concerned about it.

Whatever shown in these reports, the outcome of the impact remains the same. So the purpose of the Government should be to make development in consonance with the tribals' traditional ways of living.

9. Hon'ble Minister of Tribal Affairs also mentioned that discussion in the parliament for consideration of fundamental rights of the tribals regarding access to the forest products have reference to formulation of Forest Acts as early as 1900s. But these have no specific reference to the tribals and as to whether they are staying in or out of the forests. Though people's rights staying in forest areas continue to be discussed amongst various ministries including the Forest Ministry, the changes are not happening in a coordinated manner. The various activities should be done in the spirit of these Acts and not in a routine administrative manner. National outlook should also be taken regarding the tribals rather than doing things relating to State specific issues.

10. Hon'ble Minister of Tribal Affairs also highlighted the need for convergence of PESA and FRA. Panchayati Raj (PR) officials in Scheduled areas and Tribal Affairs (TA) officials also need training on the above, so that there is clarity in the plans. In this regard, PR and TA officials at State level should have a programme so that the perceptions are clear regarding the tribal issues. We need to ensure that the Non-Government Organisations' (NGO)/Civil Society Organisations' (CSO) should also be given importance at the grassroots level as they are able to reach the beneficiaries directly. Where the administration is not able to reach the grassroots level, it can be done through the NGO network. The detailed discussions held in the Parliament while PESA was being passed should be studied by PR and TA officials to understand the contextual facts underlying PESA along with its preamble and intent, to be taken forward. Under Schedule-V Areas, Governors have many powers and are also taking many measures. Hon'ble PM is talking about "One sun one Grid" on universal integration basis in regards to climate

change. Under the national umbrella, tribal areas, especially, PESA Scheduled areas should play a very important role.

11. Hon'ble Minister of Tribal Affairs also urged that there should also be discussions on availability of database. There is a provision that no land alienation should happen, but there is no reliable data available on the lands. Even if it is a State subject, since it is a constitutional matter, Governors, having the constitutional rights, being representatives of Union Government, should be having access to such data. When constitutional rights of tribals had to be in consonance with their traditional / customs of tribals, central database should also be available. When we are able to achieve the main motive of self-governance through Swaraj and the basic unit of village, a tribal person living with all comforts while practising his traditional and cultural lifestyle, then we shall truly and proudly be able to establish the spirit of Azaadi Ka Amrit Mahotsav.

12. In his inaugural address, through the video conference, Sh. Bhagat Singh Koshyari, Hon'ble Governor of Maharashtra pointed out that the Article 244 provides for special role to the Governors. In this regard, he has had many personal experiences apart from his interactions with Maharashtra Developmental Boards. In tribal areas, even after 75 years of Independence, many more things are yet to be done. PESA Act is very important in this direction. People working in civil society need to visit the tribal areas and preferably stay with those people in the villages to understand their needs. Tribals are basically very simple in nature. Divine feelings can be felt while being with them. We have to protect their own traditions and customs and also take them towards development and modernisation. In Maharashtra, the tribal youth are very talented. How to utilise and improve such talents needs to be thought of.

13. Hon'ble Governor of Maharashtra further mentioned that 15 amendments covering various aspects have already been done in PESA related provisions in the Maharashtra Acts to provide better amenities to the tribals. In many villages, these provisions have contributed to economic welfare like creation of posts of Gram Sewaks and other required officials. Still many tribal places don't have basic amenities. Even at a distance of 100 kms from Mumbai, facilities like mobile connectivity are lacking. In this regard, he expressed his happiness to the fact that Central Government has provided for future mobile connectivity in over 5000 such villages. This way, they will be able to utilise all the advantages of latest technology.

14. Hon'ble Governor of Maharashtra urged that discussions should be held on all issues, including specialities of individual States and model solutions be evolved for future implementation. Forest Departments should also be included in the exercise as the tribal people are intrinsically integrated with forests. The Government schemes should also look into all requirements of tribals, apart from things like mobile, road connectivity etc. He expressed his hope that under the able guidance and leadership of both the Ministers, good results would arise towards satisfying the vision of AKAM.

15. Additional Secretary, MoPR concluded the session with a vote of thanks to all dignitaries and speakers.

### **Session I – Legislative and Administrative Framework of PESA**

The session was held in the presence of Hon'ble Minister of Tribal Affairs and chaired by DG, IIPA.

### **Salient points of presentation made by JS (MoPR)**



In his presentation, JS (MoPR), illustrated the basic statistics of PRIs in PESA States. He also elaborated on various MoPR initiatives in PESA as below:

- PESA model rules circulated to States. 6 States have made the PESA rules. Remaining 4 States should immediately undertake to make these rules.
- Special GPDP guidelines for PESA states circulated in 2015. Process of GPDP as per these guidelines.
- Guidebook on PESA circulated.
- PESA workshops are held and GPDP campaigns held in PESA states.

He also clarified that the Planning Commission's document on institutionalisation of PRIs in PESA States would have been taken into consideration while formulating PESA guidelines.

The Gram Sabhas have exclusive empowerment in PESA areas for customary mode of dispute resolution, issue of utilisation certificates for funds, preventing land alienation, recommendation for exploitation of minerals, power to regulate intoxicants and control over Minor Forest Produce (MFP).

MoPR analysis revealed that the attendance in the Gram Sabhas held in the PESA States are still relatively low including that of women. There is therefore a need for further improvement.

He also described the status of Compliance with respect to PESA, and the scope for further improvement. Similarly, compliance to Section 4 of the Act also varies in the States and hence the States have to review these and take necessary actions.

The further actions suggested are - carry out amendments to Acts/ Rules for compliance with PESA, devolution of funds, functions and functionaries.

The road ahead will be to review the Acts/rules immediately, strengthen capacity building, use mobilisers etc using RGSA provisions, awareness generation in campaign mode and set up institutional mechanism at the State level.

DG-IIPA then invited the individual States to make their presentations.

**Salient points of presentation made by Secretary, PR, Chhattisgarh**

Secretary, PR, Chhattisgarh, in his presentation stated that PESA provisions have already been included in State PR Act. Amendments have also been made in various Acts. All provisions of model PESA Act have also been made. The proposed PESA rules are put in public domain. After consultation with all, including tribal representatives, by month of January 2022, it will be finalised.

Amendments related to Revenue Department, Excise Department, Mining Department and Agriculture (Fisheries) Departments have already been made in their respective acts/ rules towards requirement of consultation with GS and adhering to their decision.

Forest Department in the State has not done much work and discussions are still going on in this regard.

Regarding Administrative arrangements, PESA coordinators and mobilisers are in place in 5 divisions.

Community rights are ensured as large number of land claims have been fulfilled. Forest rights title claims also have been settled. Processing of Habitat rights claims are in progress.

More than 30 % of the State Budget is provided for tribals' welfare and the budget allocations are increasing gradually.

He also explained about details of improved educational facilities for students in the tribal areas.

Many tribal oriented administrative and institutional setups have also been created.

They have made many modifications in model PESA rules over GOI model rules. For example, the budget provisions will be known in advance for making plans. Functionaries have also been devolved. GS permission is required for all constructions and implementations. Shanthi Samitis have been empowered for imposing minor penalties for violations.

Earlier, with respect to Bastar affairs, entire cabinet used to meet and decisions were made immediately and decisions announced. People of same locality for class III and IV staff have been appointed. Funds have also been made available. The Chairman of the Committee for Bastar affairs was earlier the Chief Minister, now it has been changed in favour of the respective MLA.

The Secretary, Tribal Affairs, Chhattisgarh, added that the monitoring of the various provisions is being done by them. They also coordinate with Forests' Department.

### **Salient points of presentation made by Secretary, Tribal Affairs/PR, Madhya Pradesh**

The Tribal Affairs/ PR Secretary from Madhya Pradesh in his presentation stated that Model rules prepared in the State have been circulated to all departments and presentations have been made to them. Extensive consultations with Maharashtra, UP were also made. These will be finalised shortly.

Provisions for the powers of GSs have been added in MP PR act. GS approval has to be taken for Panchayat decision, Plans and Programs,

UC for funds utilisation, minor water bodies, minor irrigation, mining etc thus becoming fully compliant to Model PESA rules.

MFP also will be brought into GS purview first on pilot basis. The power to manage village markets with safeguards for land alienation will also be incorporated.

Some more changes with respect to matter on security and dispute resolution concerning Home department are also being made similar to Chhattisgarh.

Almost all the above provisions have reached final stages. PESA types of GS are still not being demanded because the PRI GSs are doing better where tribals are also participating. Appointment of coordinators etc are being helped through RGSA etc.

Using inputs from AP, Maharashtra Laws, model rules have been framed. Draft rules have not yet been published, but will be done after the above consultations.

Govarjan shifting to be done in the same areas to take care of land alienation.

GS can pass a resolution requiring separate GSs for the habitations as an enabling provision.

At the end of the presentation, it was suggested that the requirement as to whether as many GSs as the number of villages/ hamlets should be compulsory has to be further studied, including the model of Odisha where the palli sabhas exist apart from GSs.

### **Salient points of presentation made by Secretary, PR, Odisha**

In his presentation, PR Secretary, Odisha said that the amendments to PR Acts have been already carried out aligning with PESA.

Forest Deptts have given powers to GS in its rules. Rules and regulations have also been amended to comply with PESA. Government has issued instructions for devolution of functions, funds and functionaries.

Next elections for the PRIs in the State are scheduled in February, 22. Reservations have been made for STs in these elections for various positions. Training has also been conducted on PESA for PRI members.

Translation of PESA guidelines in Odia and 10 tribal languages for circulation has been done.

He mentioned that the draft PESA rules are ready, but still not in public domain.

He further cited the challenges posed as absence of prescription of minimum population resulting into large number of GPs, and increase in number of revenue villages.

As the way forward, he conveyed that many infrastructure facilities are being created on basic services. Capacity building being an important function, extensive training programs are also being worked out.

The Director of Tribal Affairs Department, Odisha added that they are keeping up with spirit of PESA, as large number of claims have been approved for lands and claims for conversion of forest land etc are also being done. They also work in convergence with the State Forest Department.

At the end of the discussions, it was suggested that MoPR, Govt of India may examine the need to provide uniform statutory provision for the provision of village level GSs like Pallisabha in Odisha below the Gram Sabhas by bringing suitable amendment to the PESA Act.

**Salient points of presentation made by Secretary, PR, Jharkhand**

In the presentation by the PR Secretary, Jharkhand, it was stated that the State has a large number of ST population and there are more GSs than GPs in the proportion of 8 times. They have notified all revenue villages as GS.

In many of the elected positions, the legal position is that the reservation for STs should not be less than 50 % or as per ST population, hence in some places the actual proportion of ST elected representatives goes upto 80%. The provisions in the State PR acts have been judicially challenged earlier, but the Supreme Court has settled the same in 2010. The State PR Act is fully PESA compliant. Elections to the PRIs based on these provisions have already been held, as the PIL against the same in the Supreme Court has also been dismissed.

In the provisions of the PR Act, four conditions have already been complied, namely, GS formulation, chairmanship of the GS, land disputes' settlement through local judicial committees, and land revenues collection. It is also ST reservations' compliant.

The State has carried out social audits through GSs. Funds' certification are also done by the GSs.

He informed that the rules of various Departments already have provisions having PESA compliance like necessary GS approvals. Hence PESA Act Section 4 has already been complied by the State and they feel some times as to the need for separate PESA rules, being already compliant. For example, in sand mining, etc, they are already compliant and regarding minor forest produce (MFP), requirement of transit permit for self-local use has been cancelled and with respect to village markets, the marketing federation rules have been repealed.

He cited the challenges being faced as the concerns of Excise Department, where ST population is more than 50%, there is a blanket provision of refusal of permission for liquor shops, even if the GSs agree

otherwise. However, there are no legal controls over mahua, which is local liquor.

Regarding provisions on land alienation and land restoration and to have tenancy the old rules are now being changed. Similarly on crime control, the police department is being taken into confidence.

The suggestion at the end of the presentation was on specifying time limit for GP approvals on GS resolutions.

### **Session end discussions**

An issue was raised by the representative of Telangana on converting rural areas into municipality areas. The state is having problems on the same as some larger PESA villages having big population are to be converted into Municipalities but in the absence of similar Act equivalent to PESA for urban areas, difficulties for the same are being experienced. The representative from Madhya Pradesh informed that in MP, in such municipalities having larger number of STs, the chairman posts are reserved for ST category.

In this regard, the representative from Andhra Pradesh informed that a bill for the same is presently pending with the Parliament Standing Committee.

The Hon'ble Minister of Tribal Affairs, in his concluding remarks, cautioned that the Schedule-V Areas and PESA have the basic concept of preserving the cultural identity, traditional lifestyles and natural resources and these should be kept safeguarded. Urbanising tribal areas may give future problems. Though such changes are happening, but the constitutional spirit has to be kept in mind. While a committee may go into all these issues, it should primarily be considered as to how to adhere to the basic constitutional spirit and not from any comfort point of view. The major resources like water, ecology, forests etc are all coming

from tribal areas only which are mainly Scheduled Areas. We should not do anything that will destroy these resources. A committee comprising of PR, TA, Forests, civil societies etc may take up this issue from this point of view also. Similarly, creation of database on land resources is another issue to be studied in detail as the data on land alienation etc which the Ministry has to maintain, are now-a-days being demanded to be in open domain. These points may be considered carefully while notifying the new PESA rules in the 4 States.

The session ended with vote of thanks to the chair.

### **Session II : Resource Framework in PESA States**

The Session II of the National Conference on PESA was organised on the theme of 'Resource Framework in PESA States'. The session was Chaired and moderated by Shri Navaljit Kapoor, Joint Secretary, Ministry of Tribal Affairs.

### **Salient points of presentation made by representative from State of Odisha:**

- Different interventions for smooth conduct of the Special Central Assistance to Tribal Sub scheme (SCA to TSS) programme and to promote formulation of Village Development Plans (VDP) have been taken up in Odisha
  - Formulation of State level VDP Committee under Development Commissioner cum Additional Chief Secretary
  - District Planning and Monitoring Committee under District Magistrate
- Tribal Research Institute, Odisha, has started empanelment of NGOs which would facilitate formulation of Village Development Plans. 4 NGOs have already been selected and it is anticipated



that these NGOs would complete the VDP documentation & subsequent approval process in the next four months.

- 1653 Villages have been identified covering 50% of tribal population for the period of 2021-26 under the SCA. 272 villages have been identified for the first phase and the State has requested the Ministry for provisioning of funds.
- Meanwhile activities such as village gap assessment, capacity building, awareness generation and need assessment are being taken up.

**Salient points of presentation made by representative from Andhra Pradesh:**

- MoTA is supporting the TRI for providing trainings, conducting workshops and publication of resource material on PESA Act.
- Several training programs have been organized for effective PESA implementation. Since 2019, 2432 officers, field level functionaries and other stake holders have attended the training programs on PESA Act and its related subject laws including the Forest Rights Act, LTR etc.
- A Training of Trainers (ToT) program for Welfare & Education Assistants, was conducted to spread the legal literacy in respect of PESA provisions at the village level.

Secretary, Ministry of Panchayati Raj at the end of presentation remarked that it is important to bring convergence in resource allocation.

**Salient points of presentation made by representative from Maharashtra:**

- Actions & Achievements:

- The PESA Rules 2014, provides authority for the formation of new PESA villages. Around 3000 new PESA villages are formed in the Scheduled Areas till date.
- The Government of Maharashtra has set up a State PESA Cell under the Rural Development Department funded by Tribal Development Department, on a pilot basis.
- State of Maharashtra has announced the PESA 5% Untied Fund Scheme for the Scheduled Areas by notification dated October 30, 2014. This provision has been made to provide 5% amount of total outlay of the Scheduled Tribes Plan to PESA Gram Panchayats. Maharashtra is the only state in the country to implement the “PESA 5% Abandh Nidhi Yojana”.
- Since 2015, Rs 1320 Crores have been distributed to the Gram Panchayats and PESA villages in the Scheduled Areas. A separate “Gram Sabha Kosh” has been set up for each PESA village for PESA 5% Untied fund. “PESA 5% Abandh Nidhi Yojana” has created an independent identity for Gram Sabhas.
- PESA villages prepare the development plans independently, keeping in view the local needs. Proper management of Minor Forest Produces has resulted significant increase in income. Also, untied funds are appropriately used to preserve traditions and customs in many villages.
- "Natural Resource and Management Committee" and "Gram Sabha Kosh" are constituted by Gram Sabha for each PESA village. Hon'ble Governor has issued a notification regarding the right to collect and sell Minor Forest Produce (MFP) like Tendu leaves, Bamboo, medicinal plants, Moha flowers etc. which are widely available in the Scheduled Areas.

- In the past, Minor Forest Produce (MFP) was sold by the Forest Department. In this process, only big traders were the beneficiaries. However, the right to sell and dispose of Minor Forest Produce (MFP) has been given directly to PESA villages, as a result of which, some of the PESA villages have become self-sufficient due to the amount of royalty.
- Funds allocated for GPDP planning in PESA areas is primarily divided into 4 categories including 'Basic Infrastructure', 'Health and Education' 'Conservation of Bio diversity' and 'Water Harvesting and Soil Conservation'. Administrative approvals and Technical Sanctions for any activities below Rs. 3 Lakhs could be provided by Gram Sabha.
- Funds are provided through the Rashtriya Gram Swaraj Abhiyan for training and capacity building of elected representatives, government officials and employees and other Stake Holders in the Scheduled Areas of the State of Maharashtra. Capacity building would play a crucial role in bringing convergence of resources in PESA areas. Booklets on PESA in Marathi language has also been prepared.
- Road Ahead:
  - Strengthen the Maharashtra State PESA Cell for effective implementation of the PESA Act
  - Due to the large population of non-tribal communities in many villages in the Scheduled Areas, budgetary provision for non-tribal population in proportion to the total population of the Scheduled Areas is also proposed to be made.
  - For the sustainable development of the Scheduled Area and for the effective implementation of the PESA Act, it seems

necessary for the Central Government to implement a **'National level Comprehensive Scheme for PESA'**.

- For the development of Scheduled Areas, the provision of Untied Funds on the lines of Maharashtra needs to be done in the form of a scheme.
- This includes, development of basic infrastructure, training and capacity building activities, IEC activities, setting up of dedicated mechanism for implementation of PESA schemes / activities, monitoring, evaluation etc.
- An independent Directorate is required for PESA. This requires manpower and dedicated machinery.

**Salient points of presentation made by representative from Telangana:**

- The State is releasing proportionate share matching 15th Finance commission Grant as financial support to Gram Panchayats for implementing village development plans.
- In PESA areas, the planning takes place at the Gram Panchayat level with involvement of all Gram Sabhas and habitations.
- Earlier the Gram Panchayat had the authority to sanction activities under Rs. 2 Lakhs, however, under the new Panchayati Raj Act, Gram Panchayats are empowered to sanctions all the funds available to them for their activities.
- Enactment of Scheduled Castes and Scheduled Tribes Special Development Fund (Planning, Allocation and utilization of Financial Recourses) Act 2017 which has the following provisions.
  - Bottom up planning process
  - Carry forward provision

- Funds are earmarked for basic infrastructure such as roads, electricity etc.
  - A demand for 3 phase electricity has also been observed, which is being addressed utilising the earmarked funds. A State level project for electrification of around 3765 tribal villages and habitations, has been initiated with an outlay of around Rs 260 crore
  - Around 1952 minor water bodies have been identified in PESA areas, which are currently being utilised for agriculture and fishing activities. Funds from State Fisheries Department have been allocated to these areas for promoting utilisation of minor water bodies.
- While planning at the village level, all habitation under the village are being covered.
- A nodal agency has been setup under the leadership of the Chief Minister of State for monitoring the progress of fund aggregation under the ST Special Development Fund.
- Under the new Panchayati Raj Act, in case the expenditure is not met in the current fiscal, it would be carried forward to the next year, in addition to next year's budget.

**Salient points of presentation made by representative of Department of Expenditure, Ministry of Finance:**

- 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. 488 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 out allocation of resources for local bodies.

- The 15<sup>th</sup> Finance Commission was of the view that per capita grants that are considered should be due to every rural 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 (6<sup>th</sup> 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.
- The first and second instalments of XV FC Grants for FY 2020-21 have already been released by the Department of Expenditure.

In his concluding remarks Joint Secretary, MoPR made the following observations.

- It is important to bring convergence of funds at the Central level as well as State level.
- It is crucial to prioritise the villages in PESA areas as well as the Schemes of Centre and State Government for effective convergence of funds.
- Focusing on Capacity building of Panchayat officials and awareness generation of citizens in PESA areas is required.

### **Session III : Planning and Implementation – the way forward**

The Session III of the National Conference on PESA was organised on the theme of 'Planning and Implementation – the way forward'. The

session was Chaired and moderated by Dr. Chandra Shekhar Kumar, Additional Secretary, Ministry of Panchayati Raj.

The session was begun with a brief presentation on 'Planning and Implementation – the way forward' by Joint Secretary, Ministry of Panchayati Raj followed by presentations by the representatives of the States.

### **Salient points of presentation made by representative of Gujarat:**

#### Road ahead for the State PESA activities

- Organising 'Mahila Sabhas' before every Gram Sabhas for promoting awareness amongst women and improving their participation in Gram Sabhas.
- Workshops for capacity building under RGSA would be organised in PESA areas. Reference material would be prepared in Gujarati for awareness generation about the provisions of PESA Act, within 2 next months.
- Presence of officers from line departments in Gram Sabhas to address any gaps in implementation of Schemes would be ensured.
- Monitoring of scheduling of Gram Sabhas in a cluster to optimise the resources at Block and District levels.
- Promoting convergence of XV FC funds and MGNREGA funds available at GP level under the ongoing Convergence drive in State in 250 GPs in 100 days timeframe.

### **Salient points of presentation made by representative of Himachal Pradesh:**

- The elections of PR institutions were held in the State in the month of January 2021 except Lahaul Sub-division of District Lahaul & Spiti where elections were held in October 2021
- Capacity building and training of ERs and Officials is under way
- Training Module on PESA for Capacity building 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.
- All the Panchayat Samitis in the entire Scheduled Areas have been provided video conference facility and it is the endeavour 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.

Road ahead:

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

**Salient points of presentation made by representative of Rajasthan:**

- Efforts to improve the Own Sources of Revenue of PESA areas have been made
- Gram Sabha Mobilisers have been contracted by State to encourage participation in Gram Sabhas.
- Efforts have been made to promote capacity building in PESA areas and around 3363 Panchayat Officials have been trained.
- Responsibility of managing major water bodies of upto 300 hectares have been given to the Gram Sabhas.
- Gram Sabhas have been formulated in around 90% PESA Villages
- A campaign for distribution of title deeds has been started, with a special focus on PESA areas. As of now, around 45,159 title deeds have been distributed and another 18,000 applications have also been received.
- 479 Van Dhan Vikas Kendra have been established in the State. Special training for collection and sorting of MFP are also being provided.
- For promoting convergence, the State Government is bearing 100% funds under the PM Kusum Yojana for installing solar pumps in PESA areas.

**Salient points of presentation made by representative from Andhra Pradesh:**

- Monitoring and promoting adherence to the Operational Guidelines issued by Ministry of Tribal Affairs in 2017 for streamlining Gram Sabhas.
- Need for monitoring and promoting compliance of State subject laws with PESA.
- Need for optimal utilisation of funds under RGSA to empower the lower tiers of PRIs towards bringing awareness about PESA

**Salient points of presentation made by representative from Chhattisgarh:**

- Preparation of Checklist of parameters to be monitored to track the progress of Gram Sabhas as well as Line Departments towards effective implementation of PESA.
- A background note with critical assessment of all the issues relating to PESA for circulation with States, for ready reference of Senior Officials of the State PR and Tribal Departments has been prepared.
- The modalities of allocating a percentage of Tribal Sub plan funds in PESA areas to GPs would be discussed with the State of Maharashtra.

**Salient points of presentation made by representative from Jharkhand:**

- Need for subsuming different Committees which have been formulated on directions of Ministries/Department under the Panchayat as sub committees for optimisation of efforts at the GP levels.

**Salient points of presentation made by representative from Madhya Pradesh:**

- Efforts to allocate a percentage of Tribal Sub plan funds in PESA areas to GPs would be explored.
- Village Poverty reduction plan needs to be monitored and reviewed at the Centre level

**Salient points of presentation made by representative from Odisha:**

- Need for greater collaboration between representatives of Line Departments at the Gram Panchayat level.
- Institutional mechanism for effective devolution of functionaries at GP level.

**Salient points of presentation made by representative from Telangana:**

- Promoting Own Sources of Revenue in PESA areas through effective utilisation of resources.

At the end of the session, a brief presentation was made by Advisor, NITI Aayog on importance of PESA for development of PESA Areas.

Additional Secretary, Ministry of Panchayati Raj in his concluding remarks made the following observations:

- The following challenges are to be addressed expeditiously
  - Completion of amendments in State laws in compliance to PESA Act
  - Documenting the challenges faced during the implementation of PESA Act
  - Bringing convergence of resources in GPDP.

Shri Vishnu Kant, Akhil Bhartiya Vanvasi Kalyan Ashram made the following remarks:

- Need for greater commitment and spirit in States for implementation of PESA

- Need for development of training modules pertaining to critical regulations such as PESA Act, FRA etc., for Civil Servants in the training academies at State and Central level, for ensuring awareness about these laws amongst senior officials of the government.
- Need for development of training modules pertaining to critical regulations such as PESA Act, FRA etc., for inclusion in education curriculum of graduation level for greater awareness amongst wider population.
- Formulation of PESA Cell in Ministry of Tribal Affairs, Ministry of Panchayati Raj and O/o Governor of State for effective monitoring of implementation of PESA Act.
- Renaming of 'Peace Committee' formulated in States, to 'Nyaya Panchayat' etc. which could effectively reflect the role of traditional mode of dispute resolution.
- Circulation of all Draft regulations pertaining to PESA act for public consultation by States.
- Empowering Gram Sabhas as fourth tier of local governance in PESA areas, instead of intermediate Sabhas such as Palli Sabhas.
- Need for greater awareness for empowering Gram Sabhas to become more functional through a mission mode programme.

Shri Milind Thatte, Vayam made the following remarks:

- Need for notification of natural villages as villages under PESA act
- Addressing the conflict of interests in role of Gram Sabha President by empowering Gram Sabhas
- Promoting independent functioning of Gram Sabhas and addressing restrictions imposed on Gram Sabhas.
- Addressing gaps in definitions of MFP in FRA as well as State PESA regulations.

- Empowering Gram Sabhas on important areas such as Land acquisition and money lending

Shri Shivaram Krishnan, Shakti stressed for the need for translation of relevant Acts in regional languages

Shri Girish Kuber, Akhil Bhartiya Vanvasi Kalyan Ashram made the following remarks:

- Need for proactive devolution of funds, functions and functionaries upto the Gram Sabhas in PESA areas.
- Need for formulation of Convergence Committee at district level or block level.
- Ensuring consonance of allocation of powers to Gram Panchayats under PESA Act

### **Closing Session**

Secretary, Ministry of Tribal Affairs in his concluding address made the following remarks:

- Need for optimisation of efforts of Ministries/Departments at State and Central Level for ensuring better outcomes
- Ensuring convergence is the way to ensure real impact at the grassroots level.
- Enabling amendments in State laws & regulations to uphold the spirit of PESA Act
- Promote development of model villages in States with population of tribal people is in majority
- Empowering institution of Gram Sabhas for promoting transparency and accountability
- States must make efforts to adhere to the given timelines
- Ministry of Panchayati Raj and Ministry of Tribal Affairs would explore formation of consultative groups

Secretary, Ministry of Panchayati Raj, in his concluding address, made the following remarks:

- Many States have made significant efforts to implement PESA Act and made necessary amendments in their State laws, which has resulted in formulation of regulations in compliance to PESA Act
- It is noteworthy, that States such as Chhattisgarh have already developed Draft PESA rules, and it is recommended that all States which are in the process, must ensure adequate public consultation on all proposed PESA regulations.
- Ministry of Panchayati Raj is hopeful that States such as Chhattisgarh, Madhya Pradesh and Odisha would notify their respective PESA rules early in the Year 2022. Ministry of Panchayati Raj would be actively working with Jharkhand to notify their PESA Rules.
- It is important to ensure exchange of best practices and ideas to empower the administrative framework of PESA areas in the 10 States.
- Impact assessment on implementation of PESA Act and comparison of PESA Vs non PESA areas in the same district may be carried by State, for understating the role of PESA Act in development of tribal communities of the country.
- States should assess infrastructure deficit gaps identified under the Mission Antyodaya programme through the State Panchayati Raj and Tribal Affairs Departments, at least for a sample set of villages. Corrective measures based on the analysis may be taken up by the States.
- States must explore the possibility to utilise high resolution Geo Spatial information (Watershed, Forest cover, land topology etc.,) made available by the National Remote Sensing Centre of PESA & non PESA areas for effective planning at the GP level.
- It is important to empower the Gram Panchayats as third tier of governance instead of only as an implementing agency.

- It is important to empower and earmark the Schedule Areas/tribal communities to become leaders of SDGs.
- Building spirit of community participation in PESA areas and enhancing adoption of technology to facilitate them to become self-reliant.
- Government of India is determined to make concerted efforts with collaboration of Ministry of Panchayati Raj, Ministry of Tribal Affairs, Ministry of Environment, Forest & Climate Change and NITI Aayog to ensure effective implementation of PESA Act and subsequently contribute to the development of tribal areas of the country.

The conference concluded with a Vote of Thanks to the dignitaries and all participants from States.

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**National Conference on PESA,  
18<sup>th</sup> November, 2021 at Vigyan Bhawan, New Delhi**

**List of participants**

- 1) Shri Bhagat Singh Koshyari, Hon'ble Governor of Maharashtra
- 2) Shri Arjun Munda, Hon'ble Minister of Tribal Affairs
- 3) Shri Giriraj Singh, Hon'ble Minister of Rural Development and Panchayati Raj
- 4) Shri Kapil Moreshwar Patil, Hon'ble Minister of State for Panchayati Raj
- 5) Shri Sunil Kumar, Secretary, Ministry of Panchayati Raj
- 6) Shri Anil Kumar Jha, Secretary, Ministry of Tribal Affairs

**Participants from Ministry of Panchayati Raj**

- 7) Dr. Chandra Shekhar Kumar, Additional Secretary
- 8) Shri Khushwant Singh Sethi, Joint Secretary
- 9) Ms Rekha Yadav, Joint Secretary
- 10) Shri Rajkumar Digvijay, PS to Hon'ble Minister of Panchayati Raj
- 11) Shri Amul Ket, PS to Hon'ble MoS Panchayati Raj
- 12) Shri Shiva Shankar Prasad, Director
- 13) Shri Kamlesh Kumar Tripathi, Director
- 14) Smt Malti Rawat, Deputy Secretary
- 15) Shri Vijay Kumar, Deputy Secretary
- 16) Shri A.K.Mishra, Deputy Secretary
- 17) Shri Tara Chandar, Under Secretary
- 18) Shri Puneet Sharma, Under Secretary
- 19) Shri Nirmal Praphul Toppo, Under Secretary
- 20) Shri Harkesh Chander, Under Secretary
- 21) Shri Pankaj Kumar, Under Secretary
- 22) Shri S. Mohit Rao, Consultant

**Participants from Ministry of Tribal Affairs**

- 23) Dr. Anil Kumar Addepally, PS to Hon'ble Minister of Tribal Affairs
- 24) Shri Manoj Bopna, Director
- 25) Shri Uttam Kumar Kar, Under Secretary
- 26) Dr. Dinesh Kumar Jha, Add. PS to MoS Tribal Affairs
- 27) Shri Rahul Kumar, Deputy Director



28) Shri Ashish Shukla, Consultant STC

**Participants from Central Ministries/NITI Aayog**

29) Shri Avinash Mishra, Advisor, NITI Aayog

30) Dr. Sumantara Pal, Economic Advisor, Ministry of Women and Child Development

31) Shri S C Meena, Director, Ministry of Finance

32) Dr. Prasant Armorikar, Additional Commissioner, Ministry of Agriculture & FW

33) Shri D.P. Singh, Deputy Secretary, Ministry of Skill Development & Entrepreneurship.

34) Mrs. Maya Pandey, Deputy Secretary, Ministry of Micro, Small and Medium Enterprises.

**Participants from NIRDPR**

35) Sh. G. Narendra Kumar, DG, NIRDPR

36) Shri S. N. Rao, Associate Professor, NIRDPR.

37) Dr. Rubina Nusrat, Associate Professor, NIRDPR.

**Participants from State of Andhra Pradesh**

38) Shri Kantilal Dande, Secretary, Tribal Affairs Department

39) Dr. Palla Trinadha Rao, Advocate & Researcher, Legal Consultant, Tribal Welfare Department, Vijayawada

**Participants from State of Chhattisgarh**

40) Shri R. Prasana, Secretary, PR Department

41) Shri Sanjay Gaur, Add. Director, Tribal Welfare Department

42) Shri Dinesh Agrawal, Deputy Director, PR Department

**Participants from State of Gujarat**

43) Shri Sandeep Kumar, Commissioner, PR Department

44) Ms. Sheetal Goswami, Joint Commissioner, Tribal Affairs Department

45) Shri C.G. Rabadia, Assistant Commissioner, Office of Commissioner of Tribal Development

46) Shri Digvijay Singh, Add. Development Commissioner, PR Department

47) Shri I.S. Prajapati, PR Department, Assistant Development Commissioner

**Participants from State of Himachal Pradesh**

48) Shri Rugved Thakur, Director cum Spl. Secretary, PR

- 49) Shri Satish Sharma, Jt. Director, PR Department
- 50) Shri Kailash Chouhan, Dy. Director (Tribal)
- 51) Shri Vivek Guleria, B.D.O. (PR)

**Participants from State of Jharkhand**

- 52) Kamal Kishore Soan, Secretary, ST Welfare
- 53) Shri Rahul Sharma, Secretary, PR Department
- 54) Ms. Megha Bhardwaj, Deputy Development Commissioner, PR Department,
- 55) Shri Lokesh Mishra, CEO, Zila Parishad, PR Department

**Participants from State of Maharashtra**

- 56) Dr. Rajendra Bharud, Commissioner, Tribal Research Training Institute, Tribal Development Department, Mantralaya, Mumbai
- 57) Shri Vikrant Bagade, Director, State PESA
- 58) Shri Atul Gode, State PESA Coordinator

**Participants from State of Madhya Pradesh**

- 59) Ms. Shilbala Martin, Director, Tribal Affairs Department
- 60) Shri Pradyumna Sharma, Additional Director, PR Department

**Participants from State of Odisha**

- 61) Shri Ashok Meena, Principal Secretary, PR & DW Department
- 62) Ms Poonam Guha, Director ST, Tribal Affairs Department
- 63) Dr. Praveen Kumar, Jt Secretary, PR Department

**Participants from State of Rajasthan**

- 64) Dr. Praneeh Kumar, Joint Secretary, PR Deptt.
- 65) Shri Shambu Dayal Meena, Additional Commissioner, Tribal Affairs Department

**Participants from State of Telangana**

- 66) Shri E Sridhar, Spl Secretary, Tribal Welfare Department

**Participants from NGOs/CSOs**

- 67) Shri Vishnu Kant, NGO, ABVKA
- 68) Shri Kalyan Girish Kuber, NGO, ABVKA
- 69) Dr. Siva Ramakrishna Shakti, NGO Hyderabad
- 70) Shri Milind Thatte, Vayam, Jawhar, NGO, Maharashtra.

**Government of India, Ministry of Panchayati Raj**  
**One-Day National Conference on PESA Act, 18th November 2021 (10:00 AM to 5:00 PM)**  
**Hall No. 1, Vigyan Bhawan, New Delhi**

<b>9:30 AM – 10:00 AM</b>	<b>Registration of Participants &amp; Tea</b>
<b>10:00 AM – 11:00 PM</b>	<b>Inaugural Session</b>
10:00 AM – 10:03 AM	Welcome of Dignitaries
10:03 AM – 10:08 AM	Inauguration of the Conference by Lamp Lighting
10:08 AM – 10:13 AM	Welcome Address by Secretary, Ministry of Tribal Affairs
10:13 AM – 10:25 AM	Presentation by DG, NIRDPR, Overview of Implementation of PESA Act
10:25 AM – 10:35 AM	Address by Hon'ble Minister of Panchayati Raj
10:35 AM – 10:45 AM	Address by Hon'ble Minister of Tribal Affairs
10:45 AM – 10: 55 AM	Address by Hon'ble Governor of Maharashtra
10:55 AM – 11:00 AM	Vote of Thanks
<b>11:00 AM – 12:10 PM</b>	<b>Session I: Legislative and Administrative Framework under PESA Chaired by: Secretary, National Commission for scheduled Tribes</b>
11:00 AM – 11:05 AM	Presentation by Joint Secretary, Ministry of Panchayati Raj
11:05 AM - 11:45 PM	Brief Presentation by States of Chhattisgarh, Jharkhand, Madhya Pradesh, Odisha (PR Dept & Tribal Dev Depts jointly) – 10 Mins each
11:45 AM – 12:05PM	Point of View by Andhra Pradesh, Gujarat, Himachal Pradesh, Maharashtra and Telangana- 3 Mins each
12:05 PM – 12:10 PM	Summation by the Chair
<b>12:10 PM – 1:20 PM</b>	<b>Session II: Resource Framework in PESA States Chaired by: Joint Secretary, Ministry of Tribal Affairs</b>
12:10 PM – 12:15 PM	Presentation by Joint Secretary, Ministry of Tribal Affairs
12:15 PM - 12:45 PM	Brief Presentation by States of Andhra Pradesh, Maharashtra, Telangana (PR Dept & Tribal Dev Depts jointly) – 10 Mins each
12:45 PM – 1: 05 PM	Point of view by Chhattisgarh, Gujarat, Himachal Pradesh, Jharkhand, Madhya Pradesh, Odisha, Rajasthan- 3 Mins each
1:05 PM – 1:15 PM	Presentation by Joint Secretary, Dept of Expenditure, Ministry of Finance (JS FCD)
1:15 PM – 1:20 PM	Summation by Joint Secretary, Ministry of Tribal Affairs
<b>1:20 to 2:00 PM</b>	<b>Lunch</b>
<b>2:00 – 3:00 PM</b>	<b>Session III: Planning &amp; Implementation of PESA – the Way Forward Chaired by : Additional Secretary, MoPR</b>
2:00 – 2:05 PM	Presentation by Joint Secretary, Ministry of Panchayati Raj
2:05 – 2:35 PM	Brief Presentations by States of Gujarat, Himachal Pradesh, Rajasthan on Way forward (PR Dept & Tribal Dev. Dept. jointly)- 10 mins each
2:35 PM – 3:00 PM	<b>Point of view by Andhra Pradesh, Chhatisgarh, Jharkhand, Madhya Pradesh, Maharashtra, Odisha, Telangana- 3 Mins each</b>
3:00 PM - 3:10 PM	Presentation by Advisor, NITI Aayog, Importance of PESA for development in Schedule V areas.

3:10 PM – 3:15 PM	Summation by Additional Secretary, Ministry of Panchayati Raj
3:15 PM – 3:30 PM	Tea
<b>3:30 PM – 4:30 PM</b>	<b>Role of Non- Government Stakeholders in Strengthening implementation of PESA : Presentation by Akhil Bharatiya Banavasi Kalyan Ashram and other organisations</b>
4:30 PM – 4:45 PM	Summing up and Concluding Remarks by Secretary, MoPR
4:45 PM – 4: 50 PM	Vote of Thanks by Deputy Secretary, Ministry of Panchayati Raj