

GOVERNMENT OF INDIA  
MINISTRY OF PANCHAYATI RAJ  
**RAJYA SABHA**  
**UNSTARRED QUESTION NO. 1393**  
ANSWERED ON-12.02.2021

**IMPLEMENTATION OF PESA**

1393# **DR. KIRODI LAL MEENA:**

Will the Minister of PANCHAYATI RAJ be pleased to state:

- (a) the States which have not yet enacted rules/ provisions/ laws for the implementation of the Provisions of the Panchayats (Extension to Scheduled Areas) Act, 1996 (PESA), so far;
- (b) the States where tribal population is relatively high; and
- (c) the States which have not yet made compatible laws in compliance with Section 4(K), 4(L), 4(E)(iii) of the PESA?

**ANSWER**

THE MINISTER OF PANCHAYATI RAJ  
(SHRI NARENDRA SINGH TOMAR)

- (a) The States of Jharkhand, Odisha, Chhattisgarh and Madhya Pradesh have not framed their State PESA Rules so far.
- (b) As per Census 2011 of India, the proportion of population of tribal communities in Fifth Schedule States of Chhattisgarh, Jharkhand, Odisha, Madhya Pradesh, Gujarat and Rajasthan is comparatively larger than that in the States of Andhra Pradesh, Telangana, Maharashtra and Himachal Pradesh with reference to their State population. Comparative Statement of tribal population in PESA States is given at **Annexure-I**.
- (c) Details of States, which have not formulated relevant laws with Section 4(k), 4(l) and 4(E)(iii) of the PESA, are given at **Annexure-II**.

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**Annexure referred to in reply to part (b) of Rajya Sabha Unstarred Question No. 1393 for answer on 12.02.2021.**

State-wise overall population, Scheduled Tribes (STs) population in Fifth Scheduled States

Sl. No.	State	Total Population (In lakh)	ST Population (In lakh)	% STs in State to total population of State	% STs in the State to total ST population in India
1.	Andhra Pradesh	493.87	26.31	5.3	2.5
2.	Chhattisgarh	255.45	78.23	30.6	7.5
3.	Gujarat	604.40	89.17	14.8	8.5
4.	Himachal Pradesh	68.65	3.92	5.7	0.4
5.	Jharkhand	329.88	86.45	26.2	8.3
6.	Madhya Pradesh	726.27	153.17	21.1	14.7
7.	Maharashtra	1123.74	105.1	9.4	10.1
8.	Odisha	419.74	95.91	22.8	9.2
9.	Rajasthan	685.48	92.39	13.5	8.8
10.	Telangana	351.94	32.87	9.3	3.1

*Source: Census 2011, Office of the Registrar General, India*

## Annexure-II

**Annexure referred to in reply to part (c) of Rajya Sabha Unstarred Question No. 1393 for answer on 12.02.2021.**

Details of States, which have not formulated relevant laws under Panchayati Raj System in compliance of Section 4(k), 4(l) and 4(E)(iii) of PESA Act, 1996

Sections of PESA Act, 1996	States not formulated relevant law/ Remarks
4(k) the recommendations of the Gram Sabha or the Panchayats at the appropriate level shall be made mandatory prior to grant of prospecting licence or mining lease for minor minerals in the Scheduled Areas;	Nil
4(l) the prior recommendation of the Gram Sabha or the Panchayats at the appropriate level shall be made mandatory for grant of concession for the exploitation of minor minerals by auction;	Nil
4(E)(iii)	Does not exist under PESA Act, 1996.