

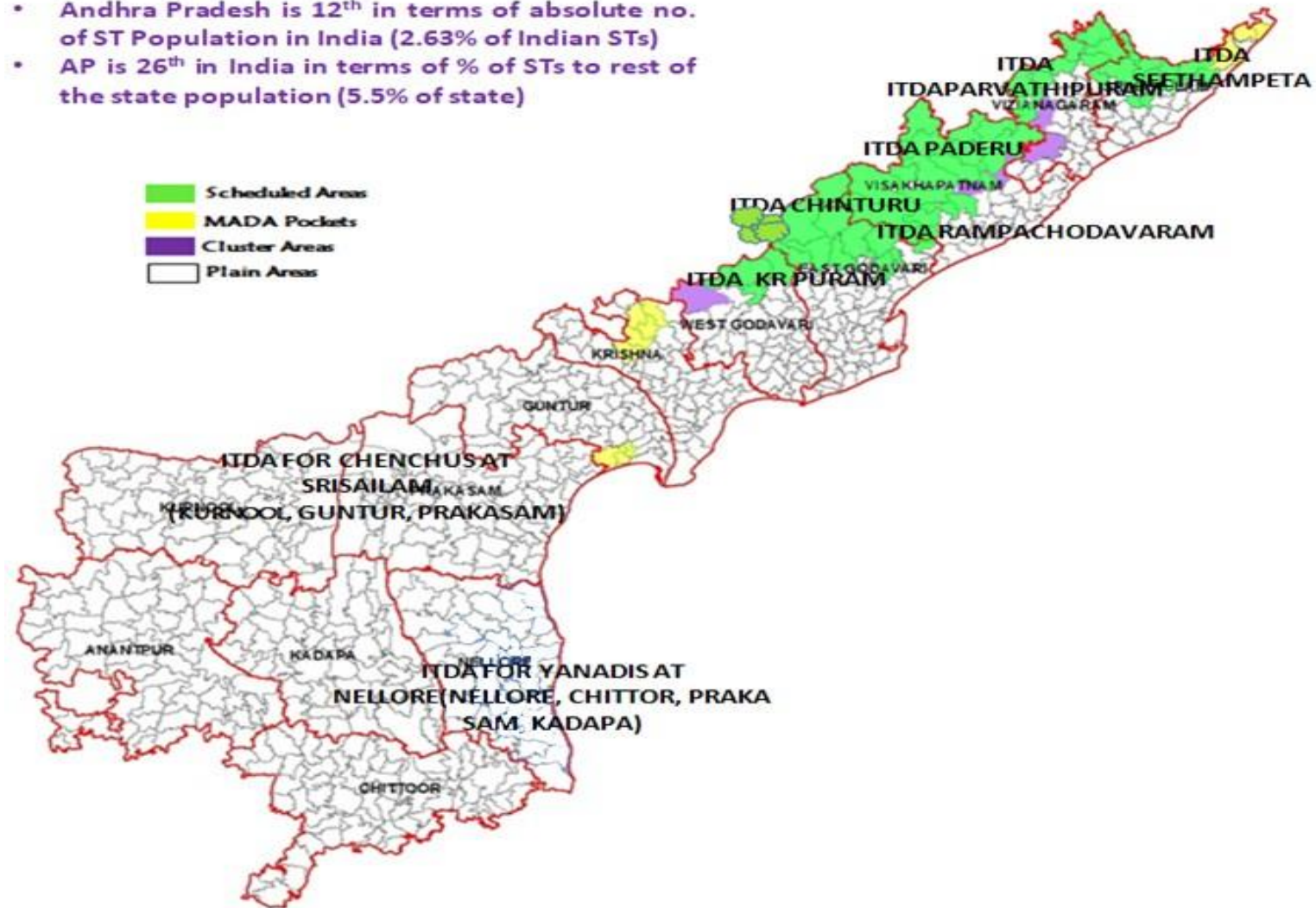
**NATIONAL CONFERENCE ON
PESA ACT
AT NEW DELHI
18-11-2021**

TRIBAL WELFARE AND PANCHAYATRAJ AND RURAL DEVELOPMENT- AP

SCHEDULED AREA –Andhra Pradesh

1

- Andhra Pradesh is 12th in terms of absolute no. of ST Population in India (2.63% of Indian STs)
- AP is 26th in India in terms of % of STs to rest of the state population (5.5% of state)



Andhra Pradesh Profile

- Total Districts Partially covered by PESA: 5 Districts.(Srikakulam, Vizianagaram, Visakhapatnam, East& West Godavari Districts)
- Total Mandals covered by PESA: 36
- Total GPs covered by PESA: 613
- Gram Sabhas Notified: 1609.

Legislative and Administrative Frame work

- **AP Legislation:** The Government of Andhra Pradesh brought State legislation AP Panchayatraj (Amendment) Act 1998.
- **AP PESA Rules:** The State PESA Act 1998 became operational through notifying the PESA Rules in 2011.
- **Notification of Gram Sabhas:** In 2013, the Commissioner of Tribal Welfare notified the villages for the purposes of constituting Gram Sabhas. Gram Sabhas were notified at the level of group of habitations /hamlet or village level. The Commissioner means the Commissioner of TW for the purpose of implementation of PESA Act in the Scheduled Area.
- **Redeclaration of villages:** The Government of AP is re-examining earlier criteria to declare villages and give guidelines afresh covering 100-300 population, distance within the radius of 2km or less than from the proposed village/GS etc.

- **State Project Monitoring Unit:** A separate State Level Project Monitoring Unit was established in the Tribal Welfare Directorate in 2017 to monitor the implementation of PESA Act in the Scheduled Area of the State.
- **Operational Guidelines:** Operational Guidelines were issued in 2017 by the Secretary to Government, Tribal Welfare to mainstream the Gram Sabhas in local administration.
- **Convergence: Village Secretariat System:** The Village Secretariat System has been established in AP as a mechanism for decentralized delivery of service. The Welfare & Education Assistant appointed by the Tribal Welfare Department has functional responsibility in implementing PESA Act in the Scheduled Area. There is an organic linkage between the PESA Gram Sabha and Village Secretariat System in approving and implementing the socio, economic development schemes.

- **Hormonizing laws:** There is a clear mandate under the Section 4 of the Central PESA that the legislature of a State shall not make any law inconsistent with the basic features of the central law.
- There are certain provisions of the State Subject Laws and Gos are not in conformity with the Central PESA /State PESA /Rules.
- The Tribal Welfare Department is facilitating the other line departments to bring amendments to the State Subject laws and rules in tune with PESA Act by suggesting draft amendments. So far, such facilitation was made to the departments of Revenue, Panchayat Raj and Excise laws, and Tribal Sub Plan.

Resource Framework

- MoTA is supporting to the TRI for providing trainings, conducting workshops and publication of resource material on PESA Act.
- **Workshops:** Several training programs are organized for effective PESA implementation. During 2019-Till date, the training programs on PESA Act and its related subject laws including the Forest Rights Act ,LTR were held covering 2432 officers, field level functionaries, other stake holders.
- **TOT:** 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.

Planning & Implementation of PESA

- 1) PR&RD is the law making authority while the TWD is the implementing agency in AP. There is a need to develop an organic link between the PR&RD and TWD for implementation of PESA Act. The State Project Monitoring Unit (PESA) is already established in Tribal Welfare Directorate.
- 2) There are certain laws/Gos of PESA State subjects are not in conformity with the provisions of PESA enactments. A State Level Monitoring Committee (SLMC) with the Chief Secretary may be proposed to bring required changes in the laws/rules etc.
- 3) Some portion of the untied funds may be available for strengthening the GSs in the scheduled area.