

## **Draft**

### MODEL RULES FOR THE PANCHAYATS (EXTENSION OF THE SCHEEDED AREAS) ACT, 1996

## **Index**

| <b>Provision of<br/>PESA Act</b>                       | <b>Topic</b>                                                   |
|--------------------------------------------------------|----------------------------------------------------------------|
| <b>I. INTRODUCTION</b>                                 |                                                                |
| 1.                                                     | Short title and scope of rules                                 |
| 2.                                                     | Definitions                                                    |
| <b>II. COMPOSITION AND FUNCTIONING OF GRAM SABHA</b>   |                                                                |
| 3.                                                     | Composition of the Gram Sabha                                  |
| 4.                                                     | Declaration of Village                                         |
| 5.                                                     | Gram Panchayat to the Executive Committee of Gram Sabha        |
| 6.                                                     | Secretary, office, etc. of Gram Sabha                          |
| 7.                                                     | Gram Sabha meetings to be in public                            |
| 8.                                                     | Method of taking decisions                                     |
| 9.                                                     | Date and time of meetings of Gram Sabha                        |
| 10.                                                    | Proceeding of the meetings of Gram Sabha                       |
| 11.                                                    | Presence in Gram Sabha                                         |
| 12.                                                    | Special meetings of Gram Sabha                                 |
| 13.                                                    | Standing Committee of Gram Sabha                               |
| 14.                                                    | Parallel bodies                                                |
| 15.                                                    | Procedure of the Standing Committees of Gram Sabha             |
| 16.                                                    | Complaint against Gram Sabha                                   |
| 17.                                                    | Joint meetings of Gram Sabhas                                  |
| 18.                                                    | Committee of Gram Panchayat to execute works in Gram Sabha     |
| <b>III. GRAM SABHA ACCOUNTS</b>                        |                                                                |
| 19.                                                    | Gram Sabha Kosh                                                |
| 20.                                                    | Cash box                                                       |
| 21.                                                    | Accounts to be maintained                                      |
| 22.                                                    | Gram Sabha wise accounts                                       |
| <b>IV. PEACE &amp; SECURITY AND DISPUTE RESOLUTION</b> |                                                                |
| 23.                                                    | Role of Gram Sabha in maintaining peace and dispute resolution |
| 24.                                                    | Peace Committee                                                |
| 25.                                                    | Peace and Security Corps                                       |
| 26.                                                    | Matters relating to superstition, sorcery etc                  |
| 27.                                                    | Disputes to be heard by Gram Sabha                             |
| 28.                                                    | Justice Committee                                              |
| 29.                                                    | Process of dispute resolution                                  |
| 30.                                                    | Punishment by Gram Sabha                                       |
| 31.                                                    | Role of police                                                 |

|                                                                 |                                                                                                              |
|-----------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------|
| 32.                                                             | Arrest and bail                                                                                              |
| 33.                                                             | Action by a person or persons not satisfied with the decision of the Gram Sabha regarding dispute resolution |
| <b>V. MANAGEMENT OF NATURAL RESOURCES, AGRICULTURE AND LAND</b> |                                                                                                              |
| 34.                                                             | Gram Sabha of safeguard Natural resources                                                                    |
| 35.                                                             | Resource Planning and Management Committee                                                                   |
| 36.                                                             | Gram Sabha to plan for farming                                                                               |
| 37.                                                             | Land Management                                                                                              |
| 38.                                                             | Prevention of land alienation                                                                                |
| 39.                                                             | Restoration of alienated land                                                                                |
| 40.                                                             | Consultation before land-acquisition                                                                         |
| 41.                                                             | Planning and management of water resources                                                                   |
| 42.                                                             | Management of irrigation                                                                                     |
| 43.                                                             | Management of land of ponds                                                                                  |
| 44.                                                             | Fishing etc.                                                                                                 |
| <b>VI. MINES AND MINERALS</b>                                   |                                                                                                              |
| 45.                                                             | Gram Sabha to plan for minor minerals                                                                        |
| 46.                                                             | Use by individual villagers                                                                                  |
| 47.                                                             | Mining lease for minor minerals                                                                              |
| 48.                                                             | Protection of environment                                                                                    |
| 49.                                                             | Grant of concession for exploitation of minor minerals by auction                                            |
| <b>VII. MANPOWER</b>                                            |                                                                                                              |
| 50.                                                             | Gram Sabha to plan for labour force                                                                          |
| 51.                                                             | Workers taken outside the village                                                                            |
| 52.                                                             | Accounting of birth, death etc.                                                                              |
| 53.                                                             | Wages for work                                                                                               |
| 54.                                                             | Muster Roll to be submitted to Gram Sabha                                                                    |
| <b>VIII. INTOXICATION CONTROL</b>                               |                                                                                                              |
| 55.                                                             | Regulation of intoxicants                                                                                    |
| 56.                                                             | Intoxication Control Committee                                                                               |
| 57.                                                             | Instructions by Gram Sabha to manufactures of intoxicants                                                    |
| 58.                                                             | Opening a new factory or shop                                                                                |
| 59.                                                             | Continuance of liquor shops                                                                                  |
| 60.                                                             | Views of women to be crucial                                                                                 |
| <b>IX. MINOR FOREST PRODUCE</b>                                 |                                                                                                              |
| 61.                                                             | Consultation with Gram Sabha for Departmental Programmes of Forests                                          |
| 62.                                                             | Management of minor forest produce                                                                           |
| 63.                                                             | Gram Sabha to decide purchase of minor forest produce and royalty                                            |
| 64.                                                             | Official management of minor forest produce                                                                  |
| 65.                                                             | Scheme for minor forests                                                                                     |
| <b>X. MANAGEMENT OF MARKETS</b>                                 |                                                                                                              |
| 66.                                                             | Control over Markets                                                                                         |
| 67.                                                             | Market Committee                                                                                             |
| <b>XI. MONEY LENDING</b>                                        |                                                                                                              |

|                                                                                           |                                                                                                                            |
|-------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------|
| 68.                                                                                       | Control over money lending transaction : scope and process                                                                 |
| 69.                                                                                       | Review of agreements                                                                                                       |
| 70.                                                                                       | Rescheduling of loan repayment                                                                                             |
| 71.                                                                                       | No attachment or auctioning of land without permission of Gram Sabha                                                       |
| 72.                                                                                       | Seeds and granary                                                                                                          |
| <b>XII. POWERS OF IDENTIFICATION OF BENEFICIARIES, APPROVAL OF PLANS SUPERVISION ETC.</b> |                                                                                                                            |
| 73.                                                                                       | Gram Sabha to identify beneficiaries                                                                                       |
| 74.                                                                                       | Approval of programmes by Gram Sabha                                                                                       |
| 75.                                                                                       | Compliance of decision of Gram Sabha by Government Departments and Gram Panchayat                                          |
| 76.                                                                                       | Certification of expenses                                                                                                  |
| 77.                                                                                       | Details regarding works to be given to Gram Sabha                                                                          |
| 78.                                                                                       | Enquiries of Panchayat etc.                                                                                                |
| 79.                                                                                       | Review of Social Sector                                                                                                    |
| 80.                                                                                       | State legislation to be in keeping with customary law, social, religious and traditional management practices of community |
| <b>XIII. NOMINATION IN BLOCK AND DISTRICT PANCHAYATS</b>                                  |                                                                                                                            |
| 81.                                                                                       | State Government to nominate Scheduled Tribe representatives in block and district Panchayats                              |

## **Draft**

### **MODEL RULES FOR THE PANCHAYATS (EXTENSION OF THE SCHEDULED AREAS) ACT, 1996**

#### **I. INTRODUCTION**

##### **1. Short title and scope of rules**

- (1) These rules may be called the Model Rules for the Panchayat (Extension to Scheduled Area) Act, 1996.
- (2) These rules are formulated under the Panchayats (Extension) to Scheduled Areas Act, 1996.
- (3) These rules shall apply to all the areas covered under the Panchayat (Extension to the Scheduled Areas) Act 1996.

##### **2. Definitions**

- (1) **Gram Sabha:-** Gram Sabha means a village assembly, comprising all adult members of village.
- (2) **Minor Water body:-** Minor water body means water body used for fetching drinking water, construction of check dams any and irrigating land up to 40 hectares.
- (3) **Scheduled Areas:-** Scheduled Areas means the Schedule Areas referred to in clause (1) of article 244 of the Constitution.
- (4) **Village:-** Village means a habitation or group of habitations or a hamlet or group of hamlets comprising a community and managing its affairs in accordance with tradition and customs.
- (5) **Minor Forest Produce:-** Minor Forest Produce includes all non-timber forest produce of plant origin including bamboo, brush wood, stumps, cane, tussar, cocoons, honey, wax, lac, tendu, or kendu leaves, medicinal plants and herbs, roots, tubers and the like.

#### **II. COMPOSITION AND FUNCTIONING OF GRAM SABHA**

##### **3. Composition of the Gram Sabha**

All the people included in the electoral rolls of a village shall be the members of the Gram Sabha of that village.

##### **4. Declaration of Village**

- (1) In conformity with the provision of Section 4 (b) of PESA Act, a village shall consist of a habitation or a group of habitations, or a hamlet or a group of hamlets, comprising a community and managing its affairs in accordance with its traditions and customs.

- (2) If the people of any habitation are of the opinion that their habitation should be recorded as a village, and is not so recorded, they may pass a resolution to this effect and forward it to the Sub-Divisional Magistrate (SDM).
- (3) The SDM will enquire into the merits of the resolution. In case of favorable outcome of the inquiry, the habitation shall be notified as a village.

#### **5. Gram Panchayat to be the Executive Committee of Gram Sabha**

- (1) The Gram Panchayat shall be deemed to be the Executive Committee of the Gram Sabha.
- (2) The Gram Panchayat shall function under the general superintendence, control and direction of the Gram Sabha.

#### **6. Secretary, office, etc. of Gram Sabha**

- (1) The Secretary of the Gram Panchayat will be deemed to be the Secretary of the Gram Sabha. In a situation where there are more than one Gram Sabhas in a Gram Panchayat, the Secretary of the Gram Panchayat will be the Secretary of all the Gram Sabhas.
- (2) The Gram Sabha may appoint an Assistant-Secretary from its members apart from the Secretary. But the Assistant Secretary will not be entitled to any pay, honorarium etc. He or she will execute his duties honorarily.
- (3) The duties of the Assistant Secretary will be to help the Secretary and work in collaboration with him. In the absence of the Secretary, the Assistant Secretary will discharge the duties on his behalf.
- (4) The office of the Gram Panchayat will be the office of the Gram Sabha. If there is more than one Gram Sabha in a Gram Panchayat, apart from the headquarter of the Gram Panchayat, each Gram Sabha will have its own office in its village, such as the house of an ordinary person. Rent will not be paid in any form for this office.

#### **7. Gram Sabha meetings to be in public**

- (1) Every meeting or proceeding of the Gram Sabha will be conducted in public,
- (2) Even if a meeting of the Gram Sabha is to be held in a closed building, there will not be any provision of closing the doors or prohibiting entry.

#### **8. Method of taking decisions**

- (1) As far as possible, the working of the Gram Sabha will be done with consensus.

Note: 'Consensus' means the people present either agree with the proposal or are neutral, and none of them is an opponent. There is a compulsion of the quorum for a consensus.

- (2) In the condition of non-consensus on any issue in a meeting, that matter will be discussed in the meeting to be held after one week or later, as decided by the Gram Sabha.
- (3) If there is no consensus in the second meeting also, a decision will be taken on the basis of a majority. But there is a compulsion of quorum in such meetings. In the absence of quorum the matter will be considered void. The issue may subsequently be decided by a majority whenever the quorum is completed.

## **9. Date and time of meetings of Gram Sabha**

- (1) Gram Sabha will hold a meeting at least once in two months. The Gram Sabha may decide a fixed date (means English date, Indian date or the day of the week), time and place of the meeting permanently. In such a case there would be no need to provide any type of information for specific meetings.
- (2) However, if the Gram Sabha decides to fix each meeting separately, or decides to hold a meeting on a particular day, within three days of the decision, an announcement will be made in the whole village.

## **10. Proceedings of the meeting of Gram Sabha**

- (1) A chairperson will be selected for the meeting of the Gram Sabha for one year. From the members present, only a member of Scheduled Tribe will be so selected.

Provided that in villages where the population of Scheduled Tribes is less than 10%, a chairperson may be selected from among persons who do not belong to the Scheduled Tribes.

Provided further that no Sarpanch or Panch of the Panchayat shall be eligible to act as the chairperson of the Gram Sabha.

- (2) Selection of chairperson will be done with consensus to the extent possible. In the case of non-consensus, amongst the members present, the oldest lady from the Scheduled Tribes would be the chairperson.
- (3) In case the Gram Sabha is not satisfied with the performance of the chairperson, it will have the right to recall him/her by a simple majority and select a new chairperson.
- (4) The quorum of the meeting of the Gram Sabha will be one fifth of the total members. There shall be a separate quorum for women, which will be one third of the general quorum.
- (5) In the absence of the quorum, the meeting would be considered postponed. But the amongst the present members may decide to hold a meeting within a week. The quorum will be necessary even in the postponed meeting.
- (6) A detailed statement of the complete record of income, expenditure of the last month, muster roll of workers, sale and purchase will be produced in the meeting of the Gram Sabha. The quality of the works undertaken may be discussed and necessary action taken as per the decisions of the Gram Sabha to improve the situation.

- (7) While concluding the meeting, a brief statement of the decisions taken in the Gram Sabha will be prepared by the Secretary/Additional Secretary and in their absence, a person nominated by the Gram Sabha. That statement will be read out in the meeting. After a consensus upon the correctness of the statement, the Chairperson, Secretary or the writer will sign or put a mark. In the case of disposal of disputes, the members of the judicial committee will sign or stamp that statement.

### **11. Presence in Gram Sabha:**

The Gram Sabha can ensure the mandatory presence of at least one member from every family of the village for the execution of its works. The concerned family may be penalized if the member is absent without proper reason.

### **12. Special meeting of Gram Sabha:**

- (1) Apart from its regular meetings, in the following circumstances special meetings of the Gram Sabha may be held:

- (i) If it is so decided in the general meeting of the Gram Sabha,
- (ii) If there is a proposal in the Panchayat which needs to be considered by the Gram Sabha,
- (iii) If an officer requests the Sarpanch,
- (iv) On the basis of the written information given to the Secretary by at least 5 percent of total members of Gram Sabha or 25 members, whichever is more.

- (2) Except in situation (i), the Secretary will call for a meeting within seven days after consulting the Sarpanch, and public information thereof will be given in the village 3 days prior to the fixed date through announcement and other methods.

Provided that if the Secretary is of the opinion that the Sarpanch is hindering holding a meeting, he will hold a meeting despite the negative advice of the Sarpanch.

Provided that, in the absence of Secretary/Assistant Secretary or lack of action to hold a meeting within a week, three members from among the people who request in writing to organize a meeting may inform the Sarpanch and organize the meeting by giving notice of at least three days.

- (3) The decisions taken in a particular meeting shall not be challenged anywhere else except in the next meeting. The decisions of the Gram Sabha will be final.

### **13. Standing Committees of Gram Sabha**

- (1) The Gram Sabha may constitute Standing Committees viz. Peace Committee, Justice Committee, Resource Planning and Management Committee, Intoxication Control Committee, Debt Control Committee, Market

Committee, Sabha Kosh Committee and others as deemed appropriate by the Gram Sabha in order to fulfill its responsibilities regarding various aspects of the working of the village. Besides, temporary and ad-hoc committees may be constituted as per requirement.

- (2) The members of the Standing Committees of the Gram Sabha shall be elected in an open meeting of the Gram Sabha among members of the Gram Sabha. As per the spirit of the participatory democracy, that to the extent possible, every member of the Gram Sabha will be included in some Committee and discharge some responsibility.
- (3) The tenure of all the Standing Committees will be of one or two years as decided by the Gram Sabha. For this purpose on the decided date all the members of these Committees will be relieved of their duties. Gram Sabha will then take a decision to assign them responsibility in the same or some other Standing Committee. The Gram Sabha is competent to reconstitute all the Committees.
- (4) There will be a President and a Secretary in each Standing Committee. The Committee concerned will appoint them from among the members with consensus.

Provided that if the Standing Committee is not able to form a consensus, a decision will be taken through simple majority.

- (5) The responsibility to implement the decisions taken by the Gram Sabha on various subjects will be of the concerned Standing Committee. But the responsibility of the works to be carried out from the amount received from the Government in any form will be of the Gram Panchayat and its concerned committees.

#### **14. Parallel bodies**

- (1) If under any Act on any subject such as forest, irrigation management etc., a body or committee is constituted by any government department, the same will be treated as a Standing Committee of Gram Sabha on that subject. Notwithstanding the provisions in the concerned Act, that body or committee will be accountable to Gram Sabha.
- (2) Any instructions issued by any agency other than the Gram Sabha will not be treated as legal instructions to the Gram Sabha or Gram Panchayat. Such instructions will be treated merely as “advisory”.
- (3) The concerned committee will put up such “instructions” before Gram Sabha and the final decision to implement them in the same or revised form or not to implement them will be of the Gram Sabha.

#### **15. Procedure of the Standing Committees of Gram Sabha:**

The procedure of the Standing Committees of Gram Sabha will be the same as of Gram Sabha as follows:

- (1) Meetings of all Committees including Gram Panchayat will be in open,

- (2) Notice of every meeting of the Standing Committee, specifying the date, time and place thereof and business to be transacted thereat shall be given by the Secretary of the Standing Committee at least three days in advance.
- (3) The quorum necessary for the meeting of the Standing Committee shall be one-half, including the President.
- (4) A member of Gram Sabha may attend any meeting of Standing Committee. He may ask any question on the topic of the discussion with the permission of the chair. But he or she will not have the right to vote at the time of final decision.
- (5) All the decisions of the Standing Committees will be taken as per the procedure for the Gram Sabha.
- (6) The gist of the important decisions taken in the meetings of the Standing Committees will be recorded.

#### **16. Complaint against Gram Sabha**

- (1) Any complaint, allegation or objection made about any action taken by the Gram Sabha may be put up in the general meeting of the Gram Sabha for reconsideration.
- (2) If the complainant or any other person is of the opinion that an observer is necessary to assist the Gram Sabha in resolving the complaint, he may make a request to the District Collector to direct an observer to attend the Gram Sabha meeting.
- (3) If the District Collector is satisfied about the need for an observer, he may depute an observer for the meeting of the Gram Sabha under intimation to the complainants.
- (4) The observer so appointed shall facilitate the redressal of the grievance of the complainant.
- (5) If the issue is not addressed, the complainant or the observer may refer the issue to the Ombudsman whose decision shall be final.

#### **17. Joint meetings of Gram Sabhas:**

- 1) Every Gram Sabha is competent to execute its functions in its jurisdiction. But in matters like management of resources, construction of roads etc. in which working with other Gram Sabhas is required, a joint meeting of all Gram Sabhas falling under the jurisdiction of the Gram Panchayat can be conducted.
- 2) The joint meeting of Gram Sabhas would be conducted as per the rules of Gram Sabha as if all the Gram Sabhas were a single entity.
- 3) The joint meeting would be chaired by the Sarpanch of the Village Panchayat.
- 4) In the joint meeting, attendance of a minimum of 5% members or 10 members from each Gram Sabha, whichever is less, would be mandatory. In case there is no quorum, the date of next meeting would be finalized on the same day and the same would be sent to all Gram Sabhas.
- 5) The decision making process would be the same as in the case of a single Gram Sabha.

- 6) The area wise allocation for Government programmes in the Gram Panchayat will be made in the joint meetings for which the proposal will be made by the Gram Panchayat. The decision of the joint Gram Sabha would be final.

#### **18. Committee of Gram Panchayat to execute works in Gram Sabha:**

The Gram Panchayat may constitute a Standing Committee to execute the works of a Gram Sabha after obtaining agreement from the concerned Gram Sabha. All the 'Panch' or members elected from that Gram Sabha will be the members of this Committee and one of them will act as coordinator. This Standing Committee will be competent to execute all the works of that Gram Sabha on behalf of the Panchayat.

### **III. GRAM SABHA ACCOUNTS**

#### **19. Gram Sabha Kosh**

- (1) The Gram Sabha will maintain a Gram Sabha Kosh.
- (2) This Kosh will consist of the contribution received in any form including voluntary contributions of cash and goods and the labour of villagers; amount received through the government from minor forest produce, minor minerals etc; and surcharges imposed on the consumption of the resources or fines levied by the Gram Sabha.
- (3) The Kosh will be under the control of Gram Sabha. The Gram Sabha will have the complete right of its usage as per its own decisions.
- (4) The Kosh will be operated by a Gram Kosh Committee comprising at least three members nominated with consensus or elected by the Gram Sabha. At least one member out of the three members would be a woman. One member will be incharge of the deposited amount of kosh. Another member will take care of the accounts. The third member will take care of the transaction of money or expenditure.

#### **20. Cash box**

- (1) The cash available with the Gram Sabha may be kept in a box under lock and key upto Rs.3000/- and in a bank for higher amounts.
- (2) In case of the cash kept in a box, the box, and the key to the lock of the box will be kept with different persons.

#### **21. Accounts to be maintained**

- (1) The accounts of the Gram Sabha Kosh shall be maintained in a register by a member of the Gram Kosh Committee.
- (2) The accounts of the Kosh will be produced in the monthly meeting of Gram Sabha every month.

## **22. Gram Sabha wise accounts:**

For every Gram Sabha, the Gram Panchayat will keep a separate account of the expenditures incurred from the funds of the Panchayat, which would be certified only by the concerned Gram Sabha.

## **IV. PEACE & SECURITY AND DISPUTE RESOLUTION:**

### **23. Role of Gram Sabha in maintaining peace and dispute resolution**

- (a) In keeping with community traditions and the spirit of the Constitution, law and relevant rules, it will be the fundamental duty of the Gram Sabha to maintain peace and order in its area.
- (b) Gram Sabha is competent for the following action/works in its region:
  - i) To maintain a peaceful atmosphere where there is no fear,
  - ii) To safeguard self respect and maintain the freedom of expression of every citizen and
  - iii) To counter the vices of antisocial elements including indecent behaviour with women, fighting/quarrelling in public place etc.
  - iv) Resolve disputes

### **24. Peace Committee**

- (1) The Gram Sabha may constitute a Peace Committee. The Peace Committee shall have at least 33% women, and a minimum of 50% STs.
- (2) The Peace Committee shall maintain a healthy relationship with the neighbouring villages, and ensure that in matters of common interest and interdependence of neighboring villages, any action taken will be based on consultation with the neighbouring villages.
- (3) The Gram Sabha may empower the Peace Committee to:
  - (i) Inquire into incidents that vitiate peace of the village and report to Gram Sabha for a decision.
  - (ii) Counsel those breaking peace and arbitrate.
  - (iii) Take immediate action where necessary, and subsequently report to Gram Sabha.
  - (iv) With the approval of the Gram Sabha make a report / request to the Sub Divisional Magistrate for suitable action.

### **25. Peace and Security Corps**

- (1) Gram Sabha may constitute a Peace and Security Corps in order to protect life and property. This team will function under the guidance of the Peace Committee.
- (2) Youth of the village from the age-group 18 years to 30 years may voluntarily join the Peace and Security Corps. But in any extraordinary situation or

owing to any special reason, Gram Sabha on its own may induct any youngster in the team.

- (3) The leader of the Peace and Security team will be an ex-officio member of the Peace Committee.
- (4) The Peace and Security Corps will form small groups to fulfill their responsibilities that may be allotted any work including night patrolling.
- (5) If the members of the team come to know about any untoward incident or the possibility of its occurrence, whether themselves or through any other medium, then without making any delay they will take the matter to the coordinator of the Peace Committee or any of its members, and act as per his instructions.
- (6) The members of the team will not use force in any form except in circumstance where they have to use their right of self-defence and that too only when there is no other way out and they are completely helpless.

#### **26. Matters relating to superstition, sorcery etc :**

- (1) Matters related to superstition sorcery or magic will be deliberated upon in open meetings of the Gram Sabha.
- (2) The matters of superstition will be discussed in two continuous meetings of the Gram Sabha so that everyone gets an opportunity to think over the matter.
- (3) When such matters are discussed, any member of the Gram Sabha may make a request to the District Collector for the presence of an observer. Upon receiving such a request, the District Collector shall depute an observer.
- (4) It will be the duty of the observer so deputed to provide factual and scientific information about the matter to the Gram Sabha.

#### **27. Disputes to be heard by Gram Sabha:**

- (1) Whenever any dispute is brought to the Gram Sabha by the Peace Committee or any person or persons, the Gram Sabha will consider it immediately or fix a date to for hearing.
- (2) The Gram Sabha or a Committee authorized by it will be competent to hear cases and levy punishment as indicated in **Annexure-I**.

#### **28. Justice Committee**

- (1) To carry out the proceedings/hearings of the disputes, Gram Sabha may constitute a Justice Committee comprising of three to twelve members.
- (2) Judicious senior citizens will be included in the Committee. At least 50% of the members will be from among Scheduled Tribes and at least 50% will be women and two persons will be from the Peace Committee who will act as its representatives.
- (3) Cases will be heard by a bench of three members as decided among the Justice Committee. There will be at least one woman in each bench.

## **29. Process of dispute resolution**

- (1) While resolving a dispute, the Gram Sabha, Justice Committee or the Peace Committee will take action as per its tradition, keeping in mind the principles of natural justice.
- (2) The hearing of any dispute will take place only in public. Before arriving at the final decision, persons from both the parties and other people actively involved in the proceedings, if any, will be given ample opportunity to express their views.
- (3) After listening to the views of all the people, the bench of the Justice Committee, after deliberating on the matter, shall present its conclusion and proposal for further action to the Gram Sabha.
- (4) All the members of the Gram Sabha will have an opportunity to give their views on the conclusions and proposals of the Justice Committee.
- (5) After getting the reactions of the Gram Sabha, the Justice Committee, after making appropriate amendments if necessary, will present its conclusion and proposal to the Gram Sabha again. These will be accepted as the decision of the Gram Sabha on the basis of consensus or a majority vote as the case may be.
- (6) If the conclusions or proposals of the Justice Committee do not get a majority vote in the Gram Sabha, the matter shall be sent to the Peace Committee. After having an informal talk with the parties, the Peace Committee shall, again present the matter in the next meeting of Gram Sabha.
- (7) In case the proposal of the peace Committee fails to get a majority, the Justice Committee and Peace Committee will take a decision as per their discretion and their decision will be considered to be the decision of the Gram Sabha and will have to be accepted by both the parties.
- (8) The main objective of resolving any dispute will be to eliminate the dispute completely and create an atmosphere of harmony in the village.

## **30. Punishment by Gram Sabha**

1. The Gram Sabha may provide for punishment as follows:
  - (i) In cases where there is no intent to cause harm, to accept ones mistake, regretting it in front of the Gram Sabha, apologizing for the wrong committed, and promising not to repeat the mistake will be considered a suitable punishment.
  - (ii) In other cases, penalty may be levied by the Gram Sabha upto the maximum limit indicated in Annexure-I. The penalty, will be in proportion to the economic condition of the person found guilty.
  - (iii) In case the matter is extremely serious, a complaint may be made to the Competent Authority with the approval of Gram Sabha.

## **31. Role of police:**

- (1) If the local police receives information regarding a possibility of disruption of peace in the area of any Gram Sabha, then except in cases in which immediate action by the police is mandatory, the police officer concerned will present a detailed report of the matter to the Gram Sabha or to the Peace Committee.

Arbitration in such matters or preventive measures against any person will be taken only with the concurrence of the Gram Sabha.

- (2) If the police receives information regarding any crime, then except in case of serious crime or in an extraordinary situation where immediate action by the police is required, after the report is registered in the police station, a copy of the same will be sent to Gram Sabha or Peace Committee. If necessary, an effort will be made to resolve the matter in Gram Sabha's special meeting or in its forthcoming meeting. In case the matter is not resolved in three months, the Gram Sabha will inform the police for further action.

**Note:** Those crimes shall be considered to be serious, for which there is a provision of punishment of 2 or more years in the Indian Penal Code.

### **32. Arrest and bail:**

- (1) Before arresting any person as far as possible, the concerned officer will present the matter in Gram Sabha for its views on the matter. If the Gram Sabha is not in agreement with the police, the arrest would be made only after stating the reason for it in writing.
- (2) In cases where the police has to make arrests without consulting the Gram Sabha or Peace Committee, it will be the responsibility of the police to present the matter in detail to the Peace Committee or Gram Sabha at the earliest and in any case in two weeks.
- (3) At the time of arrest, the presence of the Coordinator of the Peace Committee or any of its other members will be mandatory.
- (4) The police will have to give full information within 48 hours regarding the custody of any person to the Gram Sabha or well wisher of the person concerned nominated by the Gram Sabha.

### **33. Action by a person or persons not satisfied with the decision of the Gram Sabha regarding dispute resolution:**

If a person or a group affected by any decision of the Gram Sabha feels that there has been a violation of his human rights and in following the decision a punishable offence and the affected person registers a report in the police station, then in such cases, before initiating action as per normal procedure, the concerned officers shall contact the Gram Sabha or Peace Committee for full information regarding the decision.

## **V. MANAGEMENT OF NATURAL RESOURCES, AGRICULTURE AND LAND**

### **34. Gram Sabha of safeguard Natural resources**

- (1) Gram Sabha is competent to safeguard and preserve the natural resources located in its area as well as those over which it enjoys traditional rights including water, forest, land and mineral as per local tradition and the spirit of

the laws of the Central and State Governments. To fulfill this role, the Gram Sabha may play active role in their management.

- (2) The Gram Sabha will ensure that resources are utilized in such a way that :
  - (i) Livelihood means are sustained.
  - (ii) Inequality among the people does not increase.
  - (iii) Resources are not confined to a few people.
  - (iv) There is full utilization of local resources, in keeping with sustainability.
- (3) Though as per the prevalent rules individual rights over natural and other resources will be suitably honoured, their management will be done keeping in view the inherent spirit of the community legacy.

### **35. Resource Planning and Management Committee**

- (1) There will be a Standing Resource Planning and Management Committee (RPMC) of Gram Sabha. Representatives of all departments will function as advisors to the RPMC and attend its meetings.
- (2) RPMC will chalk out a plan for the best possible use of all the resources within the territory of the village and those in the surrounding and will advise and cooperate with Gram Sabha members to make use of them accordingly.
- (3) The RPMC will consider all the aspects, including difference of opinion or dispute about the management or use of the resources. The Gram Sabha may authorize the RPMC to resolve such disputes. If the RPMC is not able to resolve the same these will be considered in the meetings of Gram Sabha. The decision of Gram Sabha will be final.
- (4) The RPMC may constitute sub- committees on specific issues such as farming, minor minerals, to assist it in its functions.

### **36. Gram Sabha to plan for farming**

- (1) Gram Sabha is competent to plan and take action about the farming of its village in such a way make farming economically viable for the farmer.
- (2) The decisions of Gram Sabha, inter-alia, may include the following major points:
  - (a) To prevent the soil erosion.
  - (b) To regulate grazing in order to protect crops and enhance the capacity of meadows.
  - (c) To accumulate rain water, use it for farming and provide for its distribution.
  - (d) With mutual cooperation or otherwise, to ensure provision of seeds, manure etc. as well as knowledge sharing.
  - (e) Promotion of organic manures, fertilizers and insecticides.

### **37. Land Management**

- (1) The Gram Sabha may undertake the following activities with respect to the land in the village:

- (a) Review of records of the entire land of the village in meetings of Gram Sabha to ensure that the farmer's names are correctly recorded and records are properly maintained.
  - (b) Measures to ensure that farming land does not remain fallow due to any reason and to provide for the farming on lands of migrating people, dependents and minors etc. and to determine the conditions for the tillers of such land.
  - (c) Make arrangements so that the lands of migrating people can be farmed by landless or needy people and decide the conditions for such farming.
- (2) It shall be mandatory for village officials to take permission from Gram Sabha prior to any kind of transfer of land.

Note : Any kind of devolution includes sale, mortgage, lease-contract etc in which the owner or tiller of the land changes.

- (3) All matters regarding of mortgage of land will be put up before Gram Sabha. Gram Sabha may take action to prevent such mortgage or decided the conditions of such mortgage.

### **38. Prevention of land alienation**

- (1) The Gram Sabha will ensure that no land belonging to Scheduled Tribes is transferred to non ST persons.
- (2) The Gram Sabha shall be competent to enquire into any land transactions, or authorize the Peace Committee to do so, on the basis of complaints or suo- motto.
- (3) The Peace Committee shall place its findings before the Gram Sabha.
- (4) If the Gram Sabha is of the opinion that attempts are being made to alienate lands belonging to STs, it may issue instructions to prohibit the transaction.
- (5) The decision of the Gram Sabha in such cases shall be final.

### **39. Restoration of alienated land**

- (1) If Gram Sabha finds that any person other than a member of the aboriginal tribe, is in possession of any land of a Bhmiswami belonging to an aboriginal tribe, without any lawful authority, it shall restore the possession of such land to that person to whom it originally belonged and if that person is dead to his legal heirs.
- (2) In case of dispute regarding the land to be restored, the Gram Sabha will follow its process of dispute resolution.

### **40. Consultation before land-acquisition**

- (1) When the government considers land acquisition under any Act, the government or the concerned authority will submit to the Gram Sabha the following written information along with the proposal:-

- (i) The complete outline of the proposed project including the possible impact of the project.
- (ii) Proposed land acquisition.
- (iii) New people likely to settle in the village and possible impact on the area and society, and
- (iv) The proposed participation, amount of compensation, job opportunities, for the people of the village.

(2) After getting complete information the concerned Gram Sabhas will be competent to summon the representatives of the concerned authorities and the government to examine them either individually or collectively. It will be mandatory for all such persons summoned to furnish point-wise clear and correct information.

(3) The Gram Sabha after considering all the facts, shall make a recommendation regarding the proposed land acquisition and rehabilitation plan of persons displaced.

(4) The recommendation of the Gram Sabha shall be considered by the land Acquisition Officer.

(5) In case the land Acquisitions Officer is not in agreement with the recommendations of the Gram Sabha, he will send the case again to the Gram Sabha for reconsideration.

(6) If after a second consultation, the Land Acquisition Officer passes an order against the recommendations of the Gram Sabha, he shall record the reasons for doing so in writing.

(7) In case of industrial projects, all the Gram Sabhas that are influenced by such projects shall be consulted.

#### **41. Planning and management of water resources**

(1) The management and use of water resources will be such that these are kept intact for future generations, and all the villagers have equal rights over this resource.

(2) Water bodies within a Gram Panchayat will be managed by the Gram Panchayat, those extending to more than one Gram Panchayat by the 'Block Panchayat' and those extending to more than one Block Panchayat by Zilla Panchayat

(3) The Gram Panchayat or the Block or District Panchayat as the case may be, after consulting the Gram Sabha, keeping in view its traditions and the spirit of prevalent laws, will regulate the use of available water in the village for various purposes and also decide about the priority of use.

(4) It will be mandatory for Panchayats at all levels to consult the RPMC or the Gram consensus before taking any decision regarding water body.

#### **42. Management of irrigation**

(1) The Gram Panchayat or the Block or District Panchayat as the case may be, regulate the use of water for irrigation after taking the advice of the RPMC.

(2) The use of water for irrigation will be such that equal access is allowed to all.

- (3) Any dispute will be put up before the RPMC or Gram Sabha. The decision of Gram Sabha will be final and binding for all.

#### **43. Management of land of ponds**

The Gram Panchayat or the Block or District Panchayat as the case may be will make arrangements for the farming of land available as a consequence of the reduction of water level of ponds meant for the irrigation and other purposes, in consultation with RPMC and concerned departments. It will also decide about the levy rate on that land, keeping in view State Government rules.

#### **44. Fishing etc. :**

- (1) All person will have equal rights to fishing as per the convention in the water resources located within the territory of the village.
- (2) Keeping in view the local traditions the Gram Panchayat will impose necessary conditions regarding any aspect of fishing to ensure that one or more persons do not increase their jurisdiction in an unjust manner and also to maintain the availability of the fish.

.

### **VI. MINES AND MINERALS**

#### **45. Gram Sabha to plan for minor minerals**

- (1) Gram Sabha is competent to plan and control the excavation and use of all the minor minerals including soil, stones, sands, etc to be found in its area.
- (2) The RPMC shall discharge this responsibility.

#### **46. Use by individual villagers**

- (1) The villagers may use minor minerals for their individual needs as per the traditional practice. But
  - (i) The permission of Gram Sabha will be compulsory for use of minerals.
  - (ii) Gram Sabha may decide the extent of use of the local material such as stone, sand, etc for making Pukka houses different from the traditional dwellings and may also impose royalty.
- (2) The Gram Sabha may fix the responsibilities such as filling up pits, planting trees, constructing ponds etc. by persons undertaking excavation to compensate for the general or special ill effects of excavation.

#### **47. Mining lease for minor minerals**

- (1) The Panchayat or the Government department concerned may award mining lease for minor minerals only in consultation with Gram Sabha.

- (2) Gram Sabha may impose conditions for protecting the environment, employment, etc in the leases of minor minerals.

#### **48. Protection of environment**

- (1) In villages having commercial feasibility of minor mineral production, before permitting the minor minerals to be used commercially, it will be the responsibility of the Mineral Department to consult Gram Sabha.
- (2) If any condition has been imposed by the Government for the protection of the environment etc. the concerned officer will provide complete information to the Gram Sabha in this regard.
- (3) The condition imposed by Gram Sabha about the environment can not be relaxed at any level.
- (4) The plan for exploitation of minor minerals. This will include arrangements such as excavation area, the type of area, managing of ill effects of excavation such as existence of pits, water shortage, reduction in vegetation, effect of ash or smoke on fields, etc; the nullify all these effects by filling up the pits, planting trees, etc.

#### **49. Grant of concession for exploitation of minor minerals by auction**

If any concession is given by any Government department for the exploitation of minor minerals, it shall be mandatory of the said department to obtain the permission of the Gram Sabha.

### **VII. MANPOWER**

#### **50. Gram Sabha to plan for labour force**

- (1) Gram Sabha is competent to undertake activities in order to ensure that there is full utilization of the village labour force including under the National Rural Employment Guarantee Scheme and forest related works.
- (2) The Gram Sabha may take any action which encourages cooperation among the people, sharing each others knowledge work etc.

#### **51. Workers taken outside the village**

- (1) It will be mandatory for all persons taking workers outside the village for jobs to provide complete information to Gram Sabha about the written or oral agreement specifying nature and conditions of work, and take its permission before taking any workers outside the village.
- (2) Gram Sabha or Peace Committee will ensure that all persons going out for work have complete and correct information about the work and any agreements made. If they are to be given an advance sum of money as the condition of going out or otherwise, the amount will be given before Gram Sabha or Peace Committee.
- (3) Only after getting the permission of the Gram Sabha as per the procedure mentioned above, will it be possible to take the people out for work.

- (4) Gram Sabha will be competent to make such an arrangement as it deems fit to ensure that girls do not get entrapped. Apart from the establishments of the governmental and organized sector, it will be mandatory for managers of private or unorganized sector to keep the Gram Sabha concerned informed from time to time about the well being of the girls.

#### **52. Accounting of birth, death etc.**

- (1) Gram Sabha is competent to maintain separate registers for the details of the (i) births (ii) deaths (iii) marriages (iv) festivals (v) persons going outside the village to make livelihood.
- (2) The same will be certified by Chairperson and Secretary in meetings of the Gram Sabha and the details of this certification will be recorded in the proceedings of the meeting.
- (3) In case of dispute, the particulars prepared by Gram Sabha will be treated as proofs.

#### **53. Wages for work**

- (1) If in a village, the work is to be got done by a Government or non-Governmental institution on the basis of measurement of work instead of daily wages, the work rates will have to be submitted in the general meeting of the Gram Sabha.
- (2) Gram Sabha, inter-alia, will be informed about the name of the officer deciding the rate, the name of the Act, data and modalities of how it was decided.
- (3) Gram Sabha, after taking into account those details, if required, may ask the department to reconsider it citing the reasons for the same.
- (4) These wage rates will be displayed on a board at a common place in the village.

#### **54. Muster Roll to be submitted to Gram Sabha**

Muster Roll of the labourers pertaining to all kinds of works to be conducted by Deptt. or institution will be submitted in the monthly general meeting of the Gram Sabha for its information, review and certification.

### **VIII. INTOXICATION CONTROL**

#### **55. Regulation of intoxicants:**

The Gram Sabha is competent to have full control over all the aspects related to any type of intoxicant within its jurisdiction. It means that the Gram Sabha may:

- (a) completely stop the relaxation of allowing tribals to make local liquor for their own use or impose any type of ban on it in the village.

- (b) give instructions to stop the sale of any type of intoxicant from a shop or in any other manner. Provided that these instructions would come into force from the forth coming financial year.
- (c) impose a ban on bringing in any type of intoxicant or taking it outside the village territory.
- (d) prohibit or impose a limit on the storage of intoxicants at any place.
- (e) completely stop the use of liquor or other intoxicants in its village territory or impose any restriction.
- (f) prohibit the sale of Mahua, Jaggrey etc. which are used in making liquor in the village or in the market.
- (g) regulate the use of Taadi, Sulphi etc.

#### **56. Intoxication Control Committee**

- (1) The Gram Sabha may constitute an Intoxication Control Committee to inquire into complaints related to intoxicants and either on the basis of complains or suo motto, make suitable suggestions regarding the control of intoxicants for the benefit of the people.
- (2) At least half of the members of the Intoxication Control Committee shall be women.
- (3) The responsibilities of the Intoxication Committee would include:
  - a. To ensure that the factories manufacturing any type of intoxicants adhere to all the conditions mentioned in the license and in case of any infringements, report to competent authorities.
  - b. To ask the owner of the concerned factory to present all matters related to the welfare of the people including manufacture of liquor, distribution system, its environmental impact etc. before the Gram Sabha.
- (4) Gram Sabha may take advice and help from the Excise Department for the smooth functioning of the Intoxication Control Committee.

#### **57. Instructions by Gram Sabha to manufactures of intoxicants**

- (1) The Gram Sabha may give appropriate instructions to the owner of any factory manufacturing intoxicants of any type on matters related to the welfare of people, and also ask the Excise Department to intervene if it considers necessary.
- (2) If the problems of the welfare are not solved even after departmental intervention, the matter will be referred to the District Collector.

#### **58. Opening a new factory or shop:**

- (1) Without the concurrence of the Gram Sabha, no new factory for manufacturing liquor or other intoxicants may be established.
- (2) All proposals to construct a factory to manufacture liquor or other intoxicants or to open a new shop for the sale of liquor in the jurisdiction of a Gram Sabha, by the Government or any other agency, would be required to be presented to the Gram Sabha.

- (3) Such proposals will be presented for information in the Gram Sabha meeting, but would be considered in the next meeting or in a special meeting by the Gram Sabha.
- (4) The decision of the Gram Sabha will be final.
- (5) In case the Gram Sabha remains undecided on the issue or if the proposal is not considered, then that proposal will be deemed to be unacceptable.
- (6) In the absence of a complete quorum, the above mentioned proposal cannot be considered in the meeting of the Gram Sabha.

#### **59. Continuance of liquor shops:**

- (1) In order to continue a liquor shop for any year, a proposal would have to be presented by the Excise Department in the Gram Sabha meeting before the month of December of the previous year.
- (2) A liquor shop may continue only if a resolution is passed in the Gram Sabha to allow continuing the sale of liquor.
- (3) If such a proposal is not received from the Excise Department till the Gram Sabha meeting of the month of December or a proposal is received but there is no decision in the Gram Sabha regarding allowing the shop to continue, then this will be considered to be an order to close the shop from 1<sup>st</sup> April. In such a case, it will be mandatory for the shopkeeper to close the shop from 1<sup>st</sup> April.
- (4) If such a shop is not closed by the shopkeeper voluntarily, the Intoxication Control Committee by its own discretion will be competent to take appropriate action to close the shop.

#### **60. Views of women to be crucial:**

- (1) On any of the above mentioned topics, the views of the female members present in the Gram Sabha will be considered to be the views of the Gram Sabha and action will be taken in this regard according to those views.
- (2) In the Intoxication Control Committee in case of any difference of views the views of the women members will be held to be the views of the Committee.

### **IX. MINOR FOREST PRODUCE**

#### **61. Consultation with Gram Sabha for Departmental Programmes of Forests**

Before chalking out the departmental programme for forests and exploitation of forest produce, it will be compulsory for the Forest Department to consult the Gram Sabha.

Notes: In this consultation it will be ensured that the exploitation of the forest is in consonance with the scheme chalked out with people's consent, and no such plants/trees are cut which are useful to the local people and there is no illegal export of the forest yield.

## **62. Management of minor forest produce**

- (1) Despite any provision about minor forest produce in any Act the management of such produce will be done to protect the right of ownership access to collect, use and dispose of minor forest produce which has been traditionally collected within or outside village boundaries of forest dwelling Scheduled Tribes and other forest dwellers in consonance with section 3 of Forest Rights Act, 2006.
- (2) The Gram Sabha may chalk out an action plan about the use or exploitation of small forest produce in consultation with the forest officer concerned.
- (3) Gram Sabha may, in case of limited quantity of a minor forest produce, make a cyclic arrangement for its collection and use by a few people such as re-sourceless and economically weaker groups.
- (4) Gram Sabha is competent to ensure strict compliance of rules in the exploitation of minor forest produce and that collectors of minor forest produce do not commit any act which damages the forest.

## **63. Gram Sabha to decide purchase of minor forest produce and royalty**

- (1) One or more Gram Sabhas together, in consultation with the Forest Department, may decide the minimum price for the purchase of minor forest produce or exchange rates for other commodities such as chiraunji and salt.
- (2) Gram Sabha may determine the royalty payable by the collector or the trader on minor forest produce. This amount will be deposited in Sabha Kosh.
- (3) It will be mandatory to give details to Gram Sabha before taking any minor forest produce outside the area of the Gram Sabha collected by any department or institution on the basis of any Act, rule or administrative instructions, and obtain clearance from it for the same.

## **64. Official management of minor forest produce**

- (1) If the State Government organizes the trade of any minor forest produce in order to protect tribal interests, that trade will be treated as trade carried out on behalf of people.

But prior approval of the Gram Sabha will be needed for the proposed arrangement. On the basis of suggestions of the Gram Sabha, necessary changes may be carried out.

- (2) In the above trade, Gram Sabha and the collectors will have complete right over net profit..

## **65. Scheme for minor forests**

- (1) For meeting the villages requirements such as grazing, fuel wood making houses and ploughs, Gram Sabha will chalk out a minor forest scheme for the use of forest resources used traditionally by the people in consultation with the concerned Forest Officers. Under this scheme every person will be able to use the resources after getting permission letter from the RPMC.
- (2) Gram Sabha may make rules to ensure that the interest of the poor persons for picking up the fuel wood and livelihood are protected.

- (3) Gram Sabha may chalk out suitable programmes to conserve the forest, improve the environment and enhance employment at local level in their respective areas.
- (4) Gram Sabha is competent to make enquiries, despite the departmental permit, about the wood or the forest produce passing through their areas.
- (5) If there is a doubt of illegal operations on enquiry, Gram Sabha is competent to stop it on the spot.

## **X. MANAGEMENT OF MARKETS**

### **66. Control over Markets**

Gram Sabha is competent to control and manage the markets within its territory, including the following:

- (a) make available water, sheds and other physical facilities to the shopkeepers and the consumers in the market.
- (b) prohibit the inflow and sale of harmful objects in the market.
- (c) ensure that the weight, measurement and payment in the transactions are genuine.
- (d) obtain and share information about the prices being charged.
- (e) prohibit all unfair practices, including cheating or misinformation regarding prices.
- (f) prohibit gambling, betting, testing luck, cock-fighting etc. in the market or its surrounding area.
- (g) impose tax on the shopkeepers of the market.

Provided that no tax shall be levied on small vendors coming to the market to sell the yield. The Gram Sabha will be competent to decide who qualifies as a small vender.

### **67. Market Committee**

- (1) Gram Sabhas of villages which share a common market may constitute a Market Committee for the management of the market of the village. Market Committee will be accountable for the arrangement of the market.
- (2) Peace Crops of the village in which the market is held at the instructions of Market Committee will be responsible for ensuring smooth functioning of the market without any conflict or quarrel.
- (3) In case of any dispute the decision of the Market Committee can be challenged in Gram Sabha. The decision of Gram Sabha will be final.

## **XI. MONEY LENDING**

### **68. Control over money lending transaction : scope and process.**

- (1) Despite any provisions in any Act or law, according to the spirit of section 4 (m) of the Extension Act, Gram Sabha is competent to control money lending

transactions of all the villagers. For this, it may institute a Debt Control Committee.

Note: Money lending transactions include loan etc. extended by Govt, co-operatives, money lenders, banks and other institutions under an Act or privately or informally, as per the convention or otherwise.

- (2) Gram Sabha is competent to decide the condition of maximum interest and repayment in the matters of private transaction.
- (3) Gram Sabha may ask for any information regarding the loan extended by any person or institution to the villagers, its conditions, repayment status etc. In these matters, on being asked for the information, the concerned person or institution will provide complete information to the Gram Sabha within the prescribed time.
- (4) A villager may put up his case in writing or orally before the Gram Sabha or Debt Control Committee regarding any kind of irregularity, corruption in transaction, the recovery proceeding, inability to repay the loan etc. in respect of the loan extended by any institution or person. If there is an oral complaint, it will be the duty of Secretary of Gram Sabha or Debt Control Committee to prepare a memo in this regard and to keep the same in records.
- (5) After considering the application mentioned above if the Gram Sabha itself or on the basis of the conclusions of the Debt Control Committee finds that there has been injustice with the applicant, it may instruct the concerned institution/person to redress the injustice.
- (6) Gram Sabha, especially in the case of the tribals, may instruct a bank, society or any lender that loans be disbursed only in presence of Gram Sabha or its Debt Control Committee. The same instructions may be issued about the repayment of the loan.
- (7) Instructions of Gram Sabha will be binding.
- (8) If the concerned institution has any doubt about it, it may appeal to the District Collector. The District Collector shall appoint an arbiter, who will resolve the complaint.

## **69. Review of agreements**

Gram Sabha is competent to review written, oral and informal agreements of all kinds of labourers in the village and ensure that there is no forced labour as repayment of loan.

## **70. Rescheduling of loan repayment**

- (1) A debtor may apply to the Gram Sabha for the rescheduling of his loan.
- (2) While considering any application for waiver or concession regarding a loan on the basis of the information and other facts submitted, Gram Sabha will inter-alia, consider the following points:-
  - (a) The amount of loan and the date on which received by the applicant.
  - (b) The installments already paid.
  - (c) Whether the applicant has received the loan or grant in time and as per his requirement for the programme concerned.

- (d) Whether the applicant has received any aid from the credit institution or the Government department in circumstances beyond his understanding.
  - (e) Whether the applicant received desired benefit after taking the loan.
  - (f) Whether the social and economic condition of the applicant have been considered while deciding the installments for recovery and accordingly making the recovery.
- (3) After considering all the aspects of the loan, the Gram Sabha may reschedule the loan and decide installments for its repayment.
  - (4) The decision of the Gram Sabha will be final.

#### **71. No attachment or auctioning of land without permission of Gram Sabha**

No legal action including attachment of property for recovery of any loan may be taken without the permission of Gram Sabha. If such an action is being taken against any person he may give application to Gram Sabha about it. After considering the application, Gram Sabha may also instruct to stop that action till the decision is taken.

#### **72. Seeds and granary**

- (1) Gram Sabha is competent to store seeds granary in the village with mutual co-operation for the following purposes:-
  - (i) To make available grains and other produce in the required quantity to meet the requirements of the villagers and

**Note:** ‘The requirements of a village includes the provision for emergency and seeds etc. in case of crop failure due to any reason.

- (ii) To provide facility of advance to those persons who have shortage of food.
  - (iii) To provide relief to the farmers from the compulsion of selling at low price.
- (2) Gram Sabha may to make rules regarding the contribution in the storage by its members and the purchase of the grains by granary.
- (3) Gram Sabha is competent to decide conditions for providing grains etc. to its members from the storage in the form of loan, as per conventions and principles of natural justice.

### **XII. POWERS OF IDENTIFICATION OF BENEFICIARIES, APPROVAL OF PLANS SUPERVISION ETC.**

### **73. Gram Sabha to identify beneficiaries:**

- (1) The Gram Sabha is competent to finalise rules and criteria for identification of beneficiaries on the basis of the economic condition of the family for development programmes from among the people of the village, in keeping with government rules.
- (2) Beneficiaries for all developmental programmes will be selected by the Gram Sabha.

### **74. Approval of programmes by Gram Sabha:**

- (1) It will be mandatory for the Gram Panchayat to obtain the approval of all the Gram Sabhas on plans and projects for the village.
- (2) Before beginning any programme or project in the village the Gram Panchayat, any government department or any other institution will present it before the Gram Sabha for its approval.
- (3) The concerned institution will present complete information related with that programme before the Gram Sabha including the following:
  - (a) The relevance and importance of the programme with reference to the objectives finalized for the development of the village.
  - (b) The full financial details of the programme, such as expenditure by government, loan or aid.
  - (c) In matters regarding construction works, their dimension, construction material, use of technology and machines, participation of the local workers, the role of contractors etc.
- (4) It will be the right of the Gram Sabha to:–
  - (a) Approve the plan, programme or project in the form in which it is presented by the concerned institution or put conditions.
  - (b) While giving an approval for programme, make necessary modifications keeping in mind the situation of the village.
- (5) The decision of the Gram Sabha will be final.

### **75. Compliance of decision of Gram Sabha by Government Departments and Gram Panchayat**

- (1) The Gram Panchayat and its committees will work under control and direction of Gram Sabha and they will be wholly accountable to Gram Sabha.
- (2) The functioning of Gram Panchayat will be carried out as per the general rules if made, by the Government. But in case of conflict between these rules and directives of the Gram Sabha, the latter will have supremacy.
- (3) While using its rights, if the Gram Sabha takes a decision which causes hindrance or there is possibility of hindrance in the official work of any department or officer, then action will be taken as follows:
  - (a) The representative of the concerned department the officer will postpone the action on the disputed matter and present his point of view to the Gram Sabha and with a request to it to reconsider its decision.

(b) If the department is not satisfied with the decision of the Gram Sabha, it will refer the matter to District Collector whose decision will be final.

#### **76. Certification of expenses**

- (1) It will be mandatory for the Gram Panchayat to obtain a certification of utilization of all funds from the Gram Sabha for works undertaken in its areas.
- (2) Gram Sabha is competent to give a certificate that the amount given in any form or the work taken up by any department or institution under any head in the village is spent properly.
- (3) The certificate given by the Gram Sabha will be considered valid during the audit process.

#### **77. Details regarding works to be given to Gram Sabha**

- (1) In the meetings of the Gram Sabha the complete details regarding every work going on in the village will be given by all the agencies working in the area.
- (2) Any objection pertaining to the quality of the work, certification of the expenditure etc. may be placed before Gram Sabha. Gram Sabha may examine the issue and give proper instruction for improvement and its decision will be final.
- (3) On completion of any programme or the complete details thereof will be produced before the next meeting of Gram Sabha.

#### **78. Enquiries of Panchayat etc.:**

- (1) Any enquiry into the functioning of Gram Panchayat by any officer under Panchayat Act or any other Act will not be made without consulting Gram Sabha.
- (2) Before finalizing the results of the enquiry undertaken after consulting Gram Sabha, the results would be presented before Gram Sabha. Keeping in mind the consultations with Gram Sabha in this regard, if found necessary, suitable amendments would be made in the results and the report would be forwarded for proper action.
- (3) During the review of all institutions, the procedure described above in (2) would be followed.

#### **79. Review of Social Sector**

- (1) The Gram Sabha shall be competent to review social sector schemes as well as local institutions such as schools, hospitals etc. from time to time.
- (2) The Gram Sabha may constitute special Committees to assist in its reviews
- (3) The instructions given by the Gram Sabha to improve the implementation of social sector schemes of local institutions will have to be followed by the concerned functionaries.

**80. State legislation to be in keeping with customary law, social, religious and traditional management practices of community**

- (1) If a Gram Sabha is of the opinion that any State Legislation is not in consonance with the customary law, social and religious practices and traditional management practices of the community resources it may pass a resolution to that effect.
- (2) The resolution so passed shall be forwarded to the District Collector by the Gram Sabha, who shall forward it to the State Government.
- (3) All such resolutions of Gram Sabhas shall be considered by a Committee constituted by the State Government chaired by the Minister for Tribal affairs, and comprising Scheduled Tribe MLAs, and NGO representatives and activists working in Scheduled Tribe areas. The Committee will make its recommendations on the resolution of the Gram Sabha after due consideration to the State Governments.
- (4) The State Government shall take necessary action on the recommendations made by the above mentioned Committee.

**XIII. NOMINATION IN BLOCK AND DISTRICT PANCHAYATS**

**81. State Government to nominate Scheduled Tribe representatives in block and district Panchayats**

- (1) The State Government may nominate members of Schedules Tribes to a block or district Panchayats, provided that the number of persons so nominated shall not exceed 10% of the total strength of the Panchayats.
- (2) Provided members from among different tribes shall be nominated by rotation.

**Annexure-I****Offences under IPC triable by Gram Sabha under PESA Rules:**

| <b>S. No.</b> | <b>Sections under IPC</b> | <b>Offences</b>                                                       | <b>Maximum Punishment</b>  |
|---------------|---------------------------|-----------------------------------------------------------------------|----------------------------|
| 1.            | 160                       | Affray                                                                | Fine not extending Rs 100  |
| 2.            | 264                       | Fraudulent use of false instruments for weighting                     | Fine not exceeding Rs 500  |
| 3.            | 265                       | Fraudulent use of false weight or measure                             | Fine not exceeding Rs 500  |
| 4.            | 266                       | Being in possession of false weight or measure                        | Fine not exceeding Rs 200  |
| 5.            | 267                       | Making or selling false weight or measure                             | Fine not exceeding Rs 1000 |
| 6.            | 269                       | Negligent act likely to spread infection of disease dangerous to life | Fine not exceeding Rs 500. |
| 7.            | 277                       | Fouling water of public spring or reservoir                           | Fine not extending Rs 500  |
| 8.            | 283                       | Danger or obstruction in public way or line of navigation             | Fine not exceeding Rs200   |
| 9.            | 285                       | Negligent conduct with respect to fire or combustible matter          | Fine not exceeding Rs 500  |
| 10.           | 286                       | Negligent conduct with respect to explosive substance                 | Fine not exceeding Rs 1000 |
| 11.           | 288                       | Negligent conduct with respect to pulling down or repairing buildings | Fine not exceeding Rs 500  |
| 12.           | 289                       | Negligent conduct with respect to animal                              | Fine not exceeding Rs. 500 |
| 13.           | 290                       | Public nuisance in cases not otherwise provided for                   | Fine not exceeding Rs. 200 |

|     |      |                                                                                               |                            |
|-----|------|-----------------------------------------------------------------------------------------------|----------------------------|
| 14. | 294  | Obscene acts and songs                                                                        | Fine not exceeding Rs 200  |
| 15. | 298  | Uttering words, etc., with deliberate intent to wound the religious feelings of any person    | Fine not exceeding Rs 500  |
| 16. | 323  | Voluntarily causing hurt                                                                      | Fine not exceeding Rs 1000 |
| 17. | 334  | Voluntarily causing hurt on provocation                                                       | Fine not exceeding Rs 500  |
| 18. | 336  | Act endangering life or personal safety of others                                             | Fine not exceeding Rs 250  |
| 19. | 341  | Wrongful Restraint                                                                            | Fine not exceeding Rs 500  |
| 20. | 352  | Assault or criminal force otherwise than on grave provocation                                 | Fine not exceeding Rs 500  |
| 21. | 374  | Unlawful compulsory labour.                                                                   | Fine not exceeding Rs 1000 |
| 22. | 379* | Theft                                                                                         | Fine not exceeding Rs 1000 |
| 23. | 403* | Dishonest misappropriation of property                                                        | Fine not exceeding Rs 500  |
| 24. | 411* | Dishonestly receiving stolen property                                                         | Fine not exceeding Rs 500  |
| 25. | 417* | Cheating                                                                                      | Fine not exceeding Rs 500  |
| 26. | 426  | Mischief                                                                                      | Fine not exceeding Rs 200  |
| 27. | 427  | Mischief causing damage to the amount of fifty rupees.                                        | Fine not exceeding Rs 200  |
| 28. | 428  | Mischief by killing or maiming animal of the value of ten rupees.                             | Fine not exceeding Rs 100  |
| 29. | 429  | Mischief by killing or maiming a cattle etc. of any value or any animal of the value of Rs 50 | Fine not exceeding Rs 500  |
| 30. | 447  | Criminal trespass                                                                             | Fine not exceeding Rs 500  |

|     |     |                                                                |                            |
|-----|-----|----------------------------------------------------------------|----------------------------|
| 31. | 448 | House-trespass                                                 | Fine not exceeding Rs 1000 |
| 32. | 500 | Defamation                                                     | Fine not exceeding Rs 500  |
| 33. | 504 | Intentional insult with intent to provoke breach of the peace  | Fine not exceeding Rs 200  |
| 34. | 506 | Criminal intimidation                                          | Fine not exceeding Rs 1000 |
| 35. | 509 | Word, gesture or act intended to insult the modesty of a woman | Fine not exceeding Rs 1000 |
| 36. | 510 | Misconduct in public by a drunken person                       | Fine not exceeding Rs 10   |

**\*Provided that the amount of property does not exceed Rs 250.**