



**TRAINING FOR ALL (TFA)
INTENSIVE TRAINING PROGRAM (ITP)
TRIBAL WELFARE DEPARTMENT (TWD)
GOVERNMENT OF TELANGANA**

TRAINEE MATERIAL

**TRAINING COURSE ON
PANCHAYAT EXTENSION TO SCHEDULED AREAS (PESA) ACT
TO
STAKEHOLDERS OF SCHEDULED AREAS**

COMPILED BY

**TRIBAL CULTURAL RESEARCH AND TRAINING INSTITUTE
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INTRODUCTION & CONTEXT:

“When the panchayat raj is established, public opinion will do what violence can never do”

Mahatma Gandhi

“Panchayats are effective ways to fulfil aspirations of people in rural India. They are playing a vital role in India's transformation”.

Narendra Modi

Indian independence must begin at the bottom ensuring that every village has to be self-sustained and capable of managing its affairs. Consequently it has resulted in the formulation of Article 40 in the Directive Principles of State Policy of the Constitution - “The state shall take steps to organize village Panchayats and endow them with such powers and authority as may be necessary to enable them to function as units of self-government.”

The Constitution (Seventy third Amendment) Act, 1992 purports to devolve on Panchayats the authority to function institutions of self-government.

The Article 243 M exempts application of its provision to the Scheduled Areas notified in Fifth Schedule to the Constitution.

Consequently Ministry of Rural Development, Government of India constituted a Committee of select Members of Parliament and experts under the Chairmanship of Shri Dileep Singh Bhuria, M.P. to make recommendations on the salient features of the law for extending provisions of Part IX of the Constitution to Scheduled Areas.

PESA Act:

Basing on the recommendations of the Parliamentary Committee headed by Shri Dileep Singh Bhuria, M.P., Govt. of India enacted Panchayats (Extension to the Scheduled Areas) Act, 1996 – (Act No. 40 of 1996). In consonance with the Govt. of India Act, Govt. of Andhra Pradesh enacted the Andhra Pradesh Panchayat Raj (Amendment) Act 1998 (Act. No.7 of 1998) duly amending the Andhra Pradesh

Panchayat Raj Act, 1994 (Act No. 13 of 1994). Important core principles of the PESA Act are – Self rule, decentralization of powers. The same have been adapted by the State of Telangana incorporating under Part VII in Telangana State Panchayat Raj Act, 2018.

PESA Rules:

PESA Rules have also been issued vide G.O.Ms.No.66 PR & RD Dept., dated 24.03.2011.

The Act and Rules are historical step towards recognizing customary authority of local tribal communities over their community affairs, including natural resources and a wide range of development programmes that take place locally. The Gram Sabhas are empowered to consider and pass resolutions on various matters under PESA Rules.

Since there are large number of habitations in each Gram Panchayat in Scheduled Areas, operationalising one Gram Sabha for all habitations is not only impractical, but also may not happen. A provision is made in the Act and Rules to constitute villages for a smaller group of habitations or even for a single habitation based on principles like homogeneity, distance, etc. For villages so proposed and declared, a separate Gram Sabha comes into existence. It would effectively mean that there can be more than one Gram Sabha within a Gram Panchayat which exercises all powers as envisaged in PESA Act and Rules.

Under Rule 3 of PESA Rules, 2011 the Commissioner of Tribal Welfare has notified 1738 Gram Sabha villages covering 3765 habitations and 1229 Gram Panchayats in the Scheduled Areas of Telangana State. The ITDA officials have been creating awareness of the provisions of PESA Act and Rules and assisting to conduct Gram Sabhas and creating awareness on conduct of Gram Sabhas.

PESA Act is the most powerful legislation which plays an instrumental role in recognizing the rights of the tribal population in Scheduled Areas over natural

resources thus transforming their quality of life and paving way for their speedy development and assimilation into mainstream, which is the ultimate goal of various constitutional provisions for Scheduled Tribes and dream of framers of the Constitution. It lays a framework of self-governance and people's control over local resources through the Gram Sabhas, consisting of all the adult members of the hamlet/habitation/village whose names are registered in the electoral roll of the hamlet/habitation/village. The powers given to Gram Sabhas include mandatory executive functions to approve plans of the Gram Panchayats in relation to the concerned Gram Sabha area, identification of beneficiaries for various schemes and issuing utilization certification of funds, among others. PESA also entrusts the Gram Sabha with the right to mandatory consultation in matters of land acquisition, resettlement and rehabilitation plans and prosecuting licenses/ mining leases for minor minerals. The Gram Sabha also has powers to prevent alienation of tribal land as well as restoration of the alienated land to the tribals. In addition, PESA confers to every Gram Sabha in Scheduled Areas to regulate and restrict sale/consumption of liquor as well as power to manage village markets, control money lending to Scheduled Tribes. Gram Sabha has the right to ownership and mode of disposal of minor forest produce subject to monopoly rights of Girijan Cooperative Corporation Ltd. for procurement. It can also control local institutions and functionaries in social sectors like schools, hostels, health institutions, Anganwadi centres, etc.

The Panchayat Elections were held in the month of January, 2019. The Project Officers, ITDAs have deputed Officers not below the rank of a Deputy Tahsildar for convening the first Gram Sabha and to elect Vice President and Secretary from among the members of the village by show of hands. The Gram Sabha members were guided how to conduct the Gram Sabha and preparation of agenda and passing of resolutions, etc.

The training mainly focuses on equipping the District and Mandal level line departments officials viz., Revenue, Panchayat Raj, Women and Child Welfare,

Intensive Training Programme

Education, Engineering, Rural Water supply, Medical and Health, Agriculture & Marketing, Forest and Excise etc. with the provisions of PESA act and rules to safeguard the rights and resources of Scheduled Tribes in the Scheduled Areas.

IMPORTANCE OF PESA ACT, RULES & CONSTITUTION OF GRAM SABHA

At the end of the training the participants will be able to :

- 1 Describe the importance and definitions of the PESA Act.
- 2 Define the procedure of constitution of Gram Sabha.
- 3 Procedure of election of Vice President and Secretary.

1. IMPORTANCE OF PESA ACT:

PESA Act marks a departure from colonial laws of governance that pervades the administration of the people and the natural resources promoting people-centric governance. PESA is a unique legislation, often described as a Constitution within the Constitution, which attempts to bring together in a single frame totally two different worlds.

- The simple system of tribal communities governed by their respective customs and traditions, and
- The formal system of the State governed exclusively by laws.

It provides a central role to the village recognizing a habitation to be a natural unit of the community and its Gram Sabha to be pre-eminent. The Gram Sabha was recognized as being competent to act on a range of powers.

The Gram Sabha plays a pivotal role and is competent to safeguard and preserve the traditions and customs of the people, their cultural identity, community resources and the customary mode of dispute resolution.

DEFINITIONS:

In these PESA Rules, unless the context otherwise requires;

- (i) 'Act' means the Andhra Pradesh Panchayat Raj Act, 1994 as amended by the Andhra Pradesh Panchayat Raj (Amendment) Act, 1998 (Act No.7 of 1998).
- (ii) 'Gram Sabha' means a Gram Sabha which comes into existence under Rule 4.
- (iii) 'Minor water bodies' means natural water bodies used for fetching drinking water, construction of check dams and irrigating an extent of land up to 40 hectares.
- (iv) 'Scheduled Areas' means the Scheduled Areas notified under paragraph 6 of the Fifth Schedule to the Constitution of India.
- (v) For the purpose of these rules, "Commissioner" means Commissioner of Tribal Welfare.

The words and expressions used but not defined in these Rules shall have the meaning assigned to them in the following Acts, Regulations or any other such Legislation time being.

- 1) The Mines and Minerals (Regulation and Development) Act, 1957;
- 2) The Andhra Pradesh Scheduled Areas Land Transfer Regulation, 1959;
- 3) Andhra Pradesh Scheduled Areas Money Lenders Regulation, 1960;
- 4) The Andhra Pradesh Scheduled Tribes Debt Relief Regulation, 1960;
- 5) The Andhra Pradesh (Agricultural Produce & Live Stock) Act, 1966;
- 6) The Andhra Pradesh Forest Act, 1967; the Andhra Pradesh Excise Act, 1968;
- 7) The Andhra Pradesh Scheduled Tribes Debt Relief Regulation, 1970;
- 8) The Andhra Pradesh Scheduled Areas Minor Forest Produce (Regulation of Trade) Regulation, 1979;
- 9) The Forest (Conservation) Act, 1980;
- 10) The Andhra Pradesh Education Act, 1982;

- 11) The Andhra Pradesh Panchayat Raj Act, 1994 as amended by the Andhra Pradesh Panchayat Raj (Amendment) Act, 1998 & Telangana State Panchayat Raj Act, 2018;
- 12) The Andhra Pradesh Farmers Management of Irrigation Systems Act, 1997.
- 13) The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.

2. SPECIAL PROVISIONS RELATING TO THE PANCHAYATS, MANDAL PRAJA PARISHADS AND ZILLA PRAJA PARISHADS LOCATED IN THE SCHEDULED AREAS{PART VII – TELANGANA PANCHAYAT RAJ ACT 2018 (ACT-5 OF 2018)}

The Government of India has enacted an act No.40 of 1996 extending the provisions of part IX of the Constitution of India relating to the Panchayats in Scheduled Areas effective from 24.12.1996. This Act is called as Panchayats Extension to Scheduled Areas Act, 1996 (PESA). In consonance with the Govt. of India Act, Govt. of Andhra Pradesh enacted the Andhra Pradesh Panchayat Raj (Amendment) Act 1998 (Act. No.7 of 1998) duly amending the Andhra Pradesh Panchayat Raj Act, 1994 (Act No. 13 of 1994). The same provisions were incorporated in Telangana State Panchayat Raj Act, 2018.

The details of special provisions relating to the Panchayats, Mandal Praja Parishads and Zilla Praja Parishads located in the Scheduled Areas (Part-VII) are as follows:

252. (1) The provisions of this Part shall apply to the Gram Panchayats, Mandal Praja Parishads and Zilla Praja Parishads constituted in the Scheduled Areas in the State.

(2) The provisions of this Part shall prevail over anything inconsistent therewith elsewhere in this Act.

253. For the purposes of section 3, a village shall ordinarily consist of a habitation or a group of habitations or a hamlet or a group of hamlets thereof comprising a community or communities and managing the affairs in accordance with traditions and customs.

254. (1) Every Gram Sabha shall be competent to safeguard and preserve the traditions and customs of the people, their cultural identity, community resources and without detriment to any law for the time being in force, the customary mode of dispute resolution.

(2) Every Gram Sabha shall –

(i) approve plans, programmes and projects for social and economic development before such plans, programmes and projects are taken up for implementation by the Gram Panchayat at the village level;

(ii) be responsible for the identification of selection of persons as beneficiaries under poverty alleviation and other programmes.

(3) Every Gram Panchayat shall obtain from the Gram Sabha a certification of utilization of funds by that Gram Panchayat for the plans, programmes and projects referred to in sub-section (2).

255. The reservation of seats in the Scheduled Areas to every Gram Panchayat and Mandal Praja Parishad shall be in proportion to the population of the communities in that Gram Panchayat or the Mandal Praja Parishad as the case may be:

Provided that the reservation for the Scheduled Tribes shall not be less than one half of the total number of seats:

Provided further that all seats of Sarpanches of Gram Panchayats and Presidents of Mandal Praja Parishads shall be reserved for the Scheduled Tribes.

256. The Government may nominate persons belonging to such Scheduled Tribes who have no representation in Mandal Praja Parishads:

Provided that such nomination shall not exceed one tenth of the total members to be elected in that Mandal Praja Parishad.

257. The Gram Sabha of Gram Panchayat concerned where land is to be acquired, shall be consulted before making the acquisition of land in the Scheduled Areas for development projects under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and before resettling or rehabilitating persons evicted by such project in the Scheduled Areas, the actual planning and implementation of the projects in the Scheduled Areas shall be coordinated at the State level.

258. Planning and management of minor water bodies in the Scheduled Areas shall be entrusted to Gram Panchayats, Mandal Praja Parishads or the Zilla Praja Parishads, as the case may be, in such manner as may be prescribed.

259. (1) The recommendations of the Gram Sabha, made in such manner as may be prescribed, shall be taken into consideration prior to grant of prospecting license or mining lease, for minor minerals in the Scheduled Areas.

(2) The prior recommendation of the Gram Sabha, made in such manner as may be prescribed, shall be taken into consideration for grant of concession for the exploitation of minor minerals by auction.

260. (1) The Gram Panchayat or as the case may be, the Gram Sabha shall exercise such powers and perform such functions in such manner and to such extent as may be prescribed in respect of the following matters, namely:-

- (a) enforcement of prohibition or regulation or restriction of the sale and consumption of any intoxicant;
 - (b) the ownership of minor forest produce;
 - (c) prevention of alienation of land in the Scheduled Areas and restoration of any unlawfully alienated land of Scheduled Tribes;
 - (d) Management of village markets by whatever name called; and
 - (e) Exercising control over money-lending to the Scheduled Tribes.
- (2) The Mandal Praja Parishad shall exercise such powers and perform such functions in such manner and to such extent as may be prescribed, in respect of the following matters, namely:-
- (a) exercising control over institutions and functionaries in all social sectors;
 - (b) control over local plans and resources for such plans including tribal sub-plans.

3. CONSTITUTION OF GRAM SABHA :

For the purpose of Section 3 of the PESA Act

- (i) Commissioner may request the concerned District Collector to draw up a list of villages in the Scheduled Areas in the districts.
 - (ii) A village may consist of a habitation/hamlet or groups thereof comprising of a community or communities managing their affairs in accordance with their traditions and customs.
 - (iii) On receipt of such requisition, the District Collector in consultation with PO, ITDA may prepare a proposal consisting of villages comprised of a habitation / hamlet or groups thereof.
 - (iv) The proposal / proposals so prepared shall be submitted to the Commissioner. The Commissioner on review of the proposal will declare the villages in Scheduled Areas in the districts.
- .

4. ELECTION OF VICE PRESIDENT & SECRETARY:

(i) Every village declared in the aforesaid manner shall have a Gram Sabha comprising of adult members, whose names are included in the electoral rolls at the village level.

(ii) The Sarpanch of the Gram Panchayat shall be the President of the Gram Sabha. The Gram Sabha shall elect a Vice President and Secretary as per the procedure prescribed below.

(iii) Project Officer of the concerned Integrated Tribal Development Authority shall depute an officer not below the rank of a Deputy Tahsildar for convening the first Gram Sabha under these rules. The meeting so convened shall be presided over by the Sarpanch of the concerned Panchayat. In the absence of Sarpanch, Traditional village elder/ Self-Help Group of the habitation may preside over the Gram Sabha.

(iv) The quorum for the Gram Sabha meeting shall be as follows:

- | | |
|---------------------------|----------------|
| (i) Upto 500 voters | .. 50 Members |
| (ii) 501 to 1000 voters | ..75 Members |
| (iii) 1001 to 3000 voters | .. 150 Members |
| (iv) 3001 to 5000 voters | .. 200 Members |
| (v) 5001 to 10000 voters | ..300 Members |
| (vi) Above 10000 voters | .. 400 Members |

Provided that when the meeting of a Gram Sabha is not held within one hour of the scheduled time for want of quorum, it shall be adjourned. The adjourned meeting shall be held at any time after two hours and the business at such adjourned meeting may be transacted without the requirement of the requisite quorum.

(v) The Gram Sabha shall elect a Vice President and Secretary from among the members of the village by show of hands. The Vice President and the Secretary shall be from the Scheduled Tribe and the tenure shall be 5 years.

(vi) There shall be at least two statutory meetings of Gram Sabha in a year. However, in addition to statutory meetings, Gram Sabha may meet as and when necessary at a place and time as decided by the Gram Sabha.

(vii) An attendance register shall be maintained in which the presiding Member shall obtain the signatures or thumb impressions, as the case may be, of all the Members present at the meeting of Gram Sabha.

(viii) At the end of each meeting of Gram Sabha, the presiding Member shall read the proceedings of the Gram Sabha and get the approval of the Members. Each item of resolution should be recorded separately and approval or otherwise of the Gram Sabha shall be obtained. The Members shall raise their hands in token of their approval.

(ix) Resolutions passed during the meeting of the Gram Sabha shall be recorded in a register and signatures / thumb impressions as the case may be of members shall be taken by the Secretary / Vice President of Gram Sabha.

(x) The Resolutions shall be communicated to the concerned department of the Government / Agency / Organization by the Secretary of Gram Sabha within (4) weeks.

FUNCTIONS OF GRAM SABHA

At the end of the training the participants will be able to:

1. Describe the functions of Gram Sabha
2. Describe the rules and procedures of acquisition of land in Schedule Areas.
3. Describe the rules and procedures of management of minor water bodies in Schedule areas.
4. Describe the procedure of granting mining lease for minor minerals in Schedule areas.

1. Functions of Gram Sabha:

The following matters shall be placed before the Gram Sabha for its consideration.

- (a) Village agricultural production plans;
- (b) List of the location of the common lands in the villages i.e.Poramboles, etc. vesting in Panchayat and other relevant particulars;
- (c) List of transfers of ownership of houses and other immovable properties;
- (d) A copy of the approved budget estimates of the Gram Panchayat;
- (e) A copy of the audit report on the accounts of the Panchayat;
- (f) A list of defaulters, who are in arrears of payment of taxes and fees due to Gram Panchayat;
- (g) Functioning of fair price shop / D.R. Depot;
- (h) Functioning of Anganwadis;
- (i) Functioning of sub centers;
- (j) Functioning of schools.
- (k) Functioning of welfare hostels
- (l) Provision of drinking water
- (m) Provision of electricity; and
- (n) Any other development programmes

The Gram Sabha shall prepare and approve socio economic profile of each family which shall include human and natural resources of the village, literacy levels, landless families, woman headed families, benefits so far secured with the details of their present status, village problems, prioritization etc., by employing Participatory Rural Appraisal tools.

The Gram Sabha shall be involved in the identification and implementation of individual/community development programmes in the area of habitation.

The Mandal Praja Parishad may seek the advice of/assistance from the Multi-Disciplinary Teams constituted by the Project Officer, Integrated Tribal Development Agency concerned or any other Government Agency in preparation of village development plans and prioritizing the benefits and schemes.

The Gram Sabha shall furnish certificate of utilization of funds to the concerned agency/Government department for the funds released to it.

2. Rules and procedures of acquisition of land in schedule areas:

(1) When the Government considers land acquisition under any Act, the Government or the concerned authority will submit to the Mandal Praja Parishad 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 Mandal Praja Parishad 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 Mandal Praja Parishad 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 Mandal Praja Parishad shall be considered by the Land Acquisition Officer.

(5) In case the Land Acquisition Officer is not in agreement with the recommendations of the Mandal Praja Parishad, he will send the case again to the Mandal Praja Parishad for consideration.

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

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

(8) The progress of rehabilitation plan should be placed before the Mandal Praja Parishad after every 3 months from the date of notification for land acquisition.

(9) If in the opinion of the Mandal Praja Parishad, suggested measures are not followed, the Mandal Praja Parishad may inform the State Government in writing regarding the same, and it will be mandatory for the State Government to take appropriate action.

(10) RR Package shall have necessary features as shown below:

(a) Each project affected family of ST category shall be given preference in allotment of land in the ayacut.

(b) Each tribal PAF shall get additional financial assistance equivalent to 500 days of minimum agriculture wage for loss of customary rights/usages of forest produce.

(c) Tribal PAFs will be re-settled close to their natural habitat of their choice, to the extent possible, in a compact block so that they can retain their ethnic, linguistic and cultural identity.

(d) The tribal families residing in the Project Affected Areas having fishing rights in the river/pond/dam shall be given fishing rights in the reservoir area.

(e) The tribal PAFs shall be resettled and rehabilitated within the Scheduled Areas.

3. Rules on minor water bodies in schedule areas:

(i) The Gram Sabha shall be responsible for planning and management of minor water bodies for the common benefit of village population where such water bodies fall within the village.

(ii) Gram Panchayat shall be responsible for planning and management of minor water bodies for the common benefit of the people of Gram Panchayats concerned, if such bodies benefit people for one or more villages within the Panchayat.

(iii) The Mandal Parishad shall be responsible for planning and management of minor water bodies for the common benefit of the people of the Gram Panchayats concerned.

(iv) The Zilla Parishad shall be responsible for planning and management of minor water bodies for the common benefit of the people living in the Mandal Parishads concerned where such water bodies fall within the limits of 2 or more Mandals.

(v) The appropriate body shall be responsible for planning and management of water bodies for the common benefit of the people living under its limits where such water bodies fall under the jurisdiction of two or more Zilla Parishads.

(vi) Planning of minor water body shall also include planning and construction of a new water body.

(vii) Management of minor water body shall include all works of repair, restoration for maintenance, fixing of ayacut season by season, levy of water rate, its collection and utilization.

(viii) The Gram Panchayat, Mandal Parishad, Zilla Parishad, Appropriate Government, as the case may be, shall collect appropriate water rate and share it with the Water Users Associations concerned wherever they exist, in the ratio as mutually decided for taking up developmental activities there under.

(ix) The Government shall provide requisite amount every year for the maintenance of minor water bodies. This grant shall be on prorata basis and be transferred to the appropriate Panchayat account.

4. Procedure of granting mining lease for minor minerals in Scheduled areas

(i) Only individual local members of ST or societies comprising of exclusively local ST members shall be entitled for grant of prospecting license or mining lease for minor minerals and grant of concession for exploitation of minor minerals by auction.

(ii) The Mining Department shall refer all applications received for grant of prospecting license or mining lease for minor minerals in the Scheduled Areas to the concerned Gram Panchayat for their consideration.

(iii) The Gram Panchayat shall forward its approval or reject individual or tribal societies or Tribal Mining Corporation by passing an appropriate resolution within 4 weeks.

(iv) The decision of the Gram Panchayat shall be binding and final.

POWERS AND FUNCTIONS OF GRAM PANCHAYATS AND MANDAL PARISHADS

At the end of the training the participants will be able to

1. List out the powers and functions of GPs and MPs in respect of excise, Minor Forest Produce (MFP) and land alienation
2. List out the powers and functions of GPs and MPs in respect of village markets, control over institutions and local plans.
3. Explain the rules on power of appeal, revision and review

Powers and functions of GPs and MPs:

(I) Excise:

(a) The Department concerned shall inform its intention to establish a unit for manufacturing liquor in a village to the Gram Sabha concerned for its opinion on the production or manufacture of liquor in the said village. Gram Sabha will convey its opinion in the form of a resolution within four weeks. Based on the resolution of the Gram Sabha the department concerned shall act upon about the production /manufacture of liquor in the village under intimation to Gram Sabha concerned.

(b) The Gram Sabha shall be consulted before the grant of any license to open liquor shop in the village. Gram Sabha will convey its opinion in the form of resolution within four weeks. The license shall be granted to local scheduled tribe only.

“Explanation”:- “The Local Scheduled Tribe Candidate” is as defined in para 2 of G.O.Ms.No.24, Tribal Welfare (LTR.1) Department, dated 12.06.2018.

(c) The Department concerned shall issue a speaking order for granting or not granting any license to open liquor shop/bar in the village under intimation to the Gram Sabha concerned. The Gram Sabha resolution shall be binding and final.

(d) The Gram Sabha shall determine the quantity of traditional liquor that may be brewed/ produced by the Scheduled Tribes living in a village for their consumption but not for sale having regard to the traditions, customs relating to consumption of local liquor during marriage and other social and religious ceremonies and their cultural identity.

(II) Ownership and disposal of Minor Forest Produce:

(a) Ownership and mode of disposal of minor forest produce shall vest with the individual members of Gram Sabha subject to monopoly rights of GCC by Trade Regulation 1979 issued in G.O.Ms.No.20, SW (F2) Dept., dated 14.2.1983 for procurement of MFP except Bamboo and Beedi leaf. In respect of Bamboo and Beedi leaf, management, harvesting and disposal shall be done by the Forest Department who shall undertake harvesting duly following scientific silvicultural practices as prescribed in the working plans/management plans for the respective divisions. Forest Department shall pass on the net revenue from such disposal of the Bamboo and Beedi leaf harvesting from the area allotted to the Gram Sabha, to the respective Gram Sabha who may in turn pass it on to individual members of Gram Sabha.

(b) Any individual collector of minor forest produce in the habitation, in case of dispute over jurisdiction relating to ownership, access to collection, use and disposal of such produce traditionally collected by him / her shall inform the Gram Sabha for settlement.

(c) After verification of such claims on the right of ownership of minor forest produce of individual collector, the Gram Sabha shall pass a resolution settling such dispute.

(d) The Gram Sabha shall maintain a register containing the names of each collector of minor forest produce in the habitation.

(e) The Project Officer of Integrated Tribal Development Authorities (ITDA) concerned shall review compliance to these rules.

(f) The Project Officer, ITDA shall be made the Chairman of the committee constituted for the management of Bamboo and Tendu products in the respective jurisdiction.

(III) Prevention of alienation of lands in the scheduled areas and restoration of alienated lands of scheduled tribe:

(1) The Gram Sabha shall

(a) Prepare a list of landholders containing the details of extent of land held and names of the Pattadars along with enjoyers.

(b) Verify the veracity of social status claims of all the Pattadars as to whether Pattadar is a genuine scheduled tribe.

(c) Verify as to whether the lands are purchased in the name of a tribal woman and enjoyed by a non-tribal.

(d) Visit the field if desired and physically verify as to whether the lands are cultivated by the tribal or by the non-tribal taken on lease, mortgage, etc.; and

(e) Approve the list of beneficiaries for assignment of Government lands.

(f) In all cases mentioned at (a) – (e) above, if Gram Sabha, after thorough investigation is satisfied that certain occupations are in violation of the Andhra Pradesh Land Transfer Regulation, 1959 as amended from time to time, Gram Sabha shall pass a resolution mentioning the details of violation and forward the same to the competent authority. Competent authority under the Andhra Pradesh Land Transfer Regulation 1959 as amended from time to time shall initiate consequential action.

(2) If there are conflicting claims in respect of the possession of lands, the Gram Sabha shall convene a meeting and call for evidence in support of such claims from the concerned to pass appropriate resolutions and request to the competent authority under the Andhra Pradesh Scheduled Areas Land Transfer Regulation, 1959 to initiate consequential action.

(3) The Gram Sabha shall also convene a meeting on receipt of any complaint on alienation of land in favour of a non-tribal or suo motu pass appropriate resolution and shall forward the same to the competent authority to take necessary action to restore the land to the scheduled tribe transferor.

- (4) Any person aggrieved by the resolution of Gram Sabha may within a period of sixty days from the date of resolution, file a petition to the competent authority under the A.P. Scheduled Areas Land Transfer Regulation, 1959.
- (5) The competent authority under the A.P. Scheduled Areas Land Transfer Regulation, 1959 may either allow or reject or refer the petition to the Gram Sabha concerned for reconsideration.
- (6) After receipt of such reference, the Gram Sabha shall meet within a period of thirty days, hear the petition, pass resolution on that reference and forward the same to the competent authority under the A.P. Scheduled Areas Land Transfer Regulation, 1959.
- (7) The competent authority under the A.P. Scheduled Areas Land Transfer Regulation, 1959 shall consider the resolution of Gram Sabha and pass appropriate order, either accepting or rejecting the petition.
- (8) The competent authority under the A.P. Scheduled Areas Land Transfer Regulation, 1959 shall invariably implead the Gram Sabha concerned for their considered opinion in every case of land alienation involved tribal and non-tribal. The Gram Sabha concerned shall be impleaded and the opinion of the Gram Sabha shall be duly examined.
- (9) The competent authority under the A.P. Scheduled Areas Land Transfer Regulation, 1959 shall furnish the copies of judgments to the Gram Sabhas concerned in every case.
- (10) While restoring possession of land to tribal, the competent authority shall obtain the signature of a member of Gram Sabha to that extent.

POWERS AND FUNCTIONS OF GPS AND MPS ON MARKETS, INSTITUTIONS AND PLANS

A). Management of Village Markets/Shandies/Santhas/Angadis or by whatever name called

(1) The Gram Panchayat concerned shall be the Market Committee to manage village markets (by whatever name called) in Scheduled Areas.

(2) The Gram Panchayats of the villages situated in Scheduled Areas where weekly markets (by whatever name called) shall discharge the following functions as market committees in Scheduled Areas.

(a) Licenses should be given only to local Scheduled Tribes.

(b) Maintain and manage the market yards;

(c) Regulate the opening, closing and suspending of transactions in a market yard;

(d) Supervise the conduct of market functionaries;

(e) Enforce the conditions of license;

(f) regulate the making, execution and enforcement or cancellation of agreements of sales, the weighment, delivery, payment and all other matters relating to the marketing of agricultural produce, NTFP Produce, live stock or products of live stock and all matters ancillary thereto. Disposal of minor forest produce include local level processing value addition, transportation in forest area through head load, bicycle and hand carts for use of such produce for sale by the gatherers or the communities for livelihood.

(g) Provide necessary facilities for the marketing of agricultural produce, NTFP Produce, livestock or products of livestock in the market area;

(h) provide for the settlement of all disputes between the seller and the buyer and others arising out of any kind of transaction connected with the marketing of a notified agricultural produce, NTFP Produce, live stock or products of live stock and other products and all matters ancillary thereto;

- (i) Collect, maintain and disseminate information in respect of :-
 - (i .) sale prices and movement of notified agricultural produce, livestock or products of livestock; and any other product and
 - (ii) production, processing and storage of notified commodities;
- (j) Take all possible steps to prevent adulteration and to promote grading standardization.
- (k) Levy, recover and receive fees, subscriptions and other sums of money to which the Panchayat is entitled;
- (l) Employ necessary number of officers and servants for efficient implementation of above rules in Scheduled Areas.
- (m) Conduct the auction of notified agricultural produce, livestock or products of livestock in accordance with the rules.
- (n) Ensure correct weightment of notified commodities;
- (o) Regulate the entry of persons and the vehicular traffic into the market yard;
- (p) Prosecute persons violating the rules as per the rules of the concerned Department.
- (q) Institute or defend any suit, action, proceeding, application or arbitration and compromise such suit, action, proceeding, application or arbitration; and
- (r) Provide facilities, such as provision of adequate space for direct sales by a producer and assist a producer by preparing invoices and bills on his behalf when he sell his produce to a trader without employing a commission agent.
- (s) Implement the directions given by the Government from time to time in the establishment and development of markets.

B). Exercising control over money lending to the Scheduled Tribes

No Money Lending License shall be granted to Private Money Lending Agencies in Scheduled Areas.

C). Exercising control over institutions and functionaries in all social sectors

(i) Education

(a) The Mandal Parishad shall be the authority to call for the administrative reports of all the Educational Institutions through the respective Gram Panchayat.

(b) The Mandal Parishad shall approve the budget for all the Educational Institutions in its jurisdiction by 31st May i.e. before commencement of the academic year.

(c) The Mandal Parishad shall monitor attendance and regularity of all the teachers working in all the Educational Institutions in its jurisdiction and shall report to the competent authority for disciplinary action whenever they are found to be absent or indulging in irregular practices. The competent authority shall take action under intimation to the Mandal Parishad or Gram Panchayat, as the case may be.

(ii) Management of Welfare Hostels

(a) The Mandal Parishad shall monitor the matters pertaining to diet, repairs and over all day to day management of the welfare hostels in its jurisdiction.

(b) The Mandal Parishad shall call for the administrative reports from all the hostel welfare officers in its jurisdiction twice in an academic year.

(c) The Mandal Parishad shall be the recommendatory authority as far as admission of the students into the welfare hostels are concerned.

(d) The Mandal Parishad shall recommend suitable action against the hostel welfare officers and the other staff whenever they are found to be absent or indulging in irregular practices to disciplinary authority concerned. The disciplinary authority concerned shall take action under intimation to the Mandal Parishad or Gram Panchayat, as the case maybe.

(iii) Health

The Panchayat Raj Institution shall support, guide and review the hospitals where institute in their respective jurisdiction with Special focus on:

(a) Review and monitor the National Health Programme under Rural Health mission and all other programmes.

- (b) Review the supply of medicines and its utilization.
- (c) Review and monitor the health extension activities in rural areas.
- (d) Review and monitor the steps taken to prevent outbreak of epidemics.
- (e) Review and monitor maintenance, up keep of surroundings and construction of Medical and Health Institutions.
- (f) Right from Village level to District level the Panchayat Raj Institutions will own the functioning of Primary Health Centers in their Jurisdiction i.e. Gram Panchayat at Village level, Mandal Praja Parishad at Mandal level and Zilla Parishad at District level.
- (g) Panchayat Raj Institutions will take ownership of activities such as safe water, Hygiene and sanitation of the villages.
- (h) Whenever Panchayat Raj Institutions make suggestions for improvement, the Hospital authorities concerned will be responsible to send an Action taken report to the Panchayat Raj Institutions concerned. ANMs, Primary Health Centre Doctors and District Medical and health Officer at Gram Panchayat, Mandal and District level respectively will attend the general body meetings of Panchayat Raj Institutions concerned.
- (i) Whenever Primary Health Centre Medical Officer or ANM or District Medical and Health Officer make suggestions for improvement in Hygiene, sanitation and safe water or any matter pertaining to health, the Officers of Panchayat Raj Institutions concern will immediately respond and send an action taken report to the Medical Officer or District Medical and Health Officer concerned.
- (j) The Mandal Parishad shall approve the budget of all Primary Health Centers and sub centers in its jurisdiction.
- (k) The Mandal Parishad shall call for the administrative reports of all Primary Health Centers and sub centers within a month from the commencement of the financial year.

(iv) Women and Child Welfare

- (a) The Gram Sabha shall approve the budget for Anganwadi centers.
- (b) The Mandal Parishad shall call for the administrative reports from the Project Officer, ICDS in its jurisdiction within a month from the commencement of the financial year.
- (c) The Gram Panchayat shall be the appointing and disciplinary authority for all the Anganwadi workers i.e. helpers and workers.

D). Control over local plans and resources for such plans including tribal sub plans:

- (a) The State Government shall communicate district wise TSP allocations to the District Collectors and in turn the District Collector will communicate the Mandal-wise allocations to the Mandal Parishad both in physical and financial terms within a month from the commencement of the financial year.
- (b) The Mandal Parishad Development Officer shall communicate TSP allocations to the Gram Panchayats both in physical and financial terms within a month from the commencement of the financial year.
- (c) The Mandal Parishad and Gram Panchayat shall review the progress of implementation of TSP across all the Departments in their jurisdiction once in a month.
- (d) The Mandal Parishad and Gram Panchayat shall submit the administrative report on the implementation of TSP through the District Collector concerned.

E). RULES ON POWER OF APPEAL, REVISION AND REVIEW :

- (i) Any person/body aggrieved by the resolution passed by the Gram Sabha may file an appeal before the Commissioner within sixty days from the passing of such resolution by the Gram Sabha. The Commissioner may then call for and examine the decision as to its correctness or legality and may pass such order/direction to the concerned as deemed fit and proper in the best interest of the tribals.

(ii) Any person/body aggrieved by the direction/order of the Commissioner, may file a revision petition before the Government within 90 days from the date of passing of such order /direction.

(iii) Government shall be the competent authority to review and to issue suitable directions to the concerned as deemed fit and proper in the best interest of tribals.

CASE STUDIES /SUCCESS STORIES

Village governance has always been a vital part of Indian socio-political scenario. From the Vedic era till date the journey of village governance had been facing many challenges, numerous changes were made in its form time to time but the core of the power decentralization has always been prominent. Attempts were made both formally and informally to materialize the concept of participation of grass-root level people. This system holds the administrative and financial power at the village level. The decisions made by the Panchayat are considered and respectfully observed by others.

The Telangana government has empowered tribal villages in the districts through PESA to encourage tribals to take their own decisions regarding development of their villages. Elections were held under PESA and village committees were formed. Empowered by PESA, village committees enforce prohibition in tribal areas through implementation of the Panchayat (Extension to Scheduled Areas) Act.

Tribals in Adilabad, Mancherial and Kumaram Bheem Asifabad Districts have enforced prohibition in their villages after receiving training at Integrated Tribal Development Agency by understanding PESA. Tribals in Adilabad, Mancherial and Kumaram Bheem Asifabad districts have been passing resolutions in Gram Sabhas not to allow the Government to open liquor shops in their villages. Posters and banners have come up with the slogan 'Kalnisa pani lago' (say no to

liquor). At least 50 shops in six Mandals of Kumaram Bheem Asifabad and Adilabad districts have been closed.

“Rampant alcoholism and addiction to liquor has destroyed the lives of Tribals. Addiction has resulted in their economic ruin. They cannot afford medical treatment and many die prematurely. As much of the family income is spent on liquor, parents are not sending children to schools. We want to put an end to this cycle of self-destruction of tribals,” said Sidam Arju, a senior tribal leader and head of Girijana Aikya Vedika, who is leading the campaign to enforce prohibition in tribal areas. When Excise Department Officials told them that it may give rise to illicit liquor, Adivasi leaders gave an undertaking that they would ensure no illicit liquor is brewed in the agency areas.

Atram Bhimrao, State Secretary of Telangana Girijana Vedika said that after passing resolutions in Gram Sabhas, the Adivasi leaders have closed all 15 liquor outlets in Jainoor, Lingapur and Sirpur Mandals of Kumaram Bheem Asifabad District. He also said that “Now, we want to close all liquor shops in Narnoor, Indravelli and Utnoor in Adilabad district, and Kasipet and Mandamarri in Macherial district, which have sizeable Adivasi populations. Our aim is to ensure total prohibition in all Adivasi areas. A lot of credit for this campaign goes to students who are explaining parents how liquor addiction is ruining families,”

TRS MLA from Asifabad Atram Sakku said that people from all tribes and political affiliations have united to ban liquor. “All village gram Panchayats are passing the resolutions and sending copies to District Collectors and local Excise Officials. Then they are closing liquor shops,”

J Rajyalakshmi, Excise Superintendent, Kumaram Bheem Asifabad district, said, “We are receiving lots of pleas and resolutions from Gram Sabhas and the

Government is respecting their wishes. New shops may be opened in non-Adivasi areas in nearby towns.”

Adivasi leader Veer Atram said that the villagers of Harkapur passed a unanimous resolution to ban liquor in Indravelli Mandal. The resolution empowered the village committee to close liquor shops, the provision store owners were warned to stop selling liquor,”

Krishna Aditya, Project Officer of Integrated Tribal Development Agency, Utnoor (Adilabad), said that training workshops held for the village committees to understand PESA was one of the reasons why villagers were taking a pledge to abstain from liquor. “Adivasis above 40-45 years want to know more about the PESA provision to regulate liquor sale and consumption. They have realised how alcoholism has affected them”.