

Panchayats (Extension to the Scheduled Areas) Act, 1996

Panchayat, Rural Housing
and Rural Development
Department

Tribal
Development
Department

Government of Gujarat

Panchayats (Extension to the Scheduled Areas) Act, 1996

- Panchayats (Extension to the Scheduled Areas) Act, 1996 w.e.f. 24.12.1996
- Implementation of this Act in the Scheduled Areas declared under Article 244(1) of the Constitution of India.
- Gujarat Panchayats(Amendment) Act, 1998 being implemented in the State w.e.f. 20.12.1997.
- Gujarat Village Panchayats (Gram Sabha Meetings and Functions) Rules, 2009 Dt.27.10.2009
- The Gujarat Provisions of The Panchayats (Extension to Scheduled Areas) Rules, 2017

Gujarat

Total Population of State(census-2011) : 6,04,39,692

Total Rural Population (census-2011) : 3,46,94,609

Total Tribal Population(census-2011) : 89.17 lacs

Sr. No.	Details	District Panchayats	Taluka Panchayats
1	Total	33	248
2	Fully converted in PESA	4	24
3	Partially converted in PESA	9	27

No. of Districts included in PESA : 13

No. of Talukas included in PESA : 51

No. of Village Panchayats covered in PESA : 2678

No. of Villages covered in PESA : 4503

Status of Compliance of section 4 of PESA Act

- The State Government has framed State PESA Rules, 2017 by notification No. KP/1 of 2017/PRCH/102010/GOI/43/G dated 17/1/2017 and few amendments on 18th February, 2017 by notification No. KP/6 of 2017/PRCH/102010/GOI-43/G

Sr. No.	Provisions of the PESA Act in Gujarat Panchayats (Amendment) Act, 1998 under section – 278(A)	Relevant Rule/Act.
1	4(d) : The Gram Sabha shall endeavor to safeguard and preserve the traditions and customs of the inhabitants of the village, their cultural identity, community resources and the customary mode of dispute resolution.	PESA Rule – 7
2	4(e) : The Gram Sabha shall -(i) approve the plans, programmes and projects for social and economic development before such plans, programmes and projects are taken up for implementation by the village panchayat; (ii) be responsible for the identification or selection of persons as beneficiaries under the poverty alleviation and other programmes in the village.	PESA Rule – 10
3	4(f) : The Village Panchayat shall obtain from the Gram Sabha a certificate of utilization of funds by that panchayat for the plans, programmes and projects referred to in sub-clause (i) of clause (b) of sub section (3) of section 4.	PESA Rule – 13
4	4(h) : Nomination by State Government of persons belonging to ST as have representation in inter-mediate & district Panchayat level	GPA – Sec-11A

Sr. No.	Provisions of the PESA Act	Relevant Rule/Act.
5	4(i) : Consultation with the Gram Sabha or PRIs before land acquisition & resettlement & rehabilitation.	PESA Rule – 23, 24
6	4(j) : Planning & management of water bodies by Gram Sabha or PRIs.	PESA Rule – 25 & 27
7	4(k) : Recommendation by Gram Sabha or PRIs prior to grant of prospecting license or mining lease.	PESA Rule - 35
8	4(l) : Recommendation by GS or PRI for grant of concession for the exploitation of minor minerals by auction.	PESA Rule – 37
9	4(m)(i) : PRI and Gram Sabha to endow with tower to restrict sale/consumption of any intoxicant	PESA Rule – 41
10	4(m)(ii) : Ownership of Minor Forest Produce to PRI and Gram Sabha	PESA Rule – 39
11	4(m)(iii) : Power to prevent land alienation to PRI and Gram Sabha.	PESA Rule –20, 21, 22
12	4(m)(iv) : Power to manage village markets to PRI and Gram Sabha.	PESA Rule – 32
13	4(m)(v) : Power to control over money lending to PRI and Gram Sabha.	PESA Rule – 40
14	4(m)(vi) : Power to control over institutions & functionaries in social sector to PRI and Gram Sabha.	PESA Rule – 15

Constitution of

3 New

Committees under

PESA Gramsabha Rules

1. Peace Committee :

- There are 10 members and Chairperson in this committee
- The election of the committee members by the Gram Sasbha
- The terms of the committee two and half years
- To establish peace in village and solve various types of disputes among people

2. Resource Planning and Management Committee (RPMC) :

- There are 10 members and Chairperson in this committee
- The election of the committee members by the Gram Sasbha
- The terms of the committee two and half years

- To do planning and organization of all assets of village
- There will be a Standing Resource Planning and Management Committee (RPMC) of the Gram Sabha. Representatives of all departments will function as a advisors to the RPMC and attend its meetings.
- The RPMC will chalk out a plan for the best possible use of all the resources within the territory of the village and will advice and cooperate with Gram Sabha members to make use of them accordingly.
- 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 shall be final.

3. Vigilance and Monitoring Committee:

- There are 10 members and Chairperson in this committee
- The election of the committee members by the Gramsashba
- The terms of the committee two and half years
- Information about the work has been displayed at the work site and also at any public place in local language
- Progress and quality of work are consistent ; and
- Payments to the workers, made digitally or by cheques, are read out and done in public places

PESA

&

Concerned Departments

Minor Mineral (Industries & Mines Department)

- Prior recommendation of the Gram Sabha shall be required for the excavation and use of all the minor minerals in Scheduled Area. (Guj.Minor Mineral concession rules 2010 & 2017)
- The Gram Sabha shall act up on the advice of Resource Planning and Management Committee (RPMC). The Geology and Mining Division shall be represented in RPMC by an officer not below the rank of Royalty Inspector or Mines Supervisor.

Money Lending

(Agriculture, Farmer Welfare & Co-operation Department)

- Subject to the provision of the Guj.Money Lenders Act 2011 and rules made there under and according to the provision of PESA act, Peace Committee of the Gram Sabha shall be competent to control money lending transactions in the village.
- The Gram Sabha shall be competent to suggest the rate of maximum interest and repayment terms in the matters of loan given by a money lender.
- For dispute resolutions, the Peace Committee may ask for any information regarding the loan extended by any Money Lender.

Land & Land Acquisition (Revenue Department)

- Reading of 7/12 Promulgation in Gram Sabha
- Notice under section 135-D of Land Revenue Code, 1879 to be put compulsory in Gram Sabha
- Compulsory discussion on cases of 73-AA of Land Revenue Code, 1879 matters with Gram Sabha
- Consultation before Land Acquisition

Forest and Environment Department

- The Collectors of Minor Forest Produces shall be free to sell the minor forest produces collected by them. Nevertheless, in order to ensure that they get adequate prices and are not exploited by the intermediaries or agents, subsequent to the resolution of the Gram Sabha to this effect, the Gujarat State Forest Development Corporation may be authorized to purchase at the Government determined price, the minor forest produces collected by the collectors for sale in instances where the price has been determined by the Government;
- The Gujarat State Forest Development Corporation shall ensure that after deducting the expensed the net profit shall be deposited into the accounts of the collectors directly.

Protection to Labourforce and Women (Labour Department)

- It shall be mandatory for all persons taking workers outside the village for jobs to provide complete information to the Gram Sabha about the written or oral agreement specifying nature and conditions of work, and inform the Gram Sabha.
- Apart from the establishments of the Government or organized sector, it shall 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 womenfolk

Progress so far...

Awareness regarding PESA ACT by Tribal Research and Training Society

- Hon'ble Chief Minister announced Rules of PESA Act.
- State level Workshop on PESA ACT for Sarpanches organized at Mahatma Mandir on 19.03.2018.
- Street Plays had been organized in all 5884 villages of tribal blocks.
- In order to create awareness regarding PESA Act, more than 500 trainings programmes were organized for Officials and Gram Panchayat members.
- Training for ERs of PESA districts conducted by SIRD under RGPSA and RGSA.

Progress so far...

- Total 90855 Gram Sabh held in PESA districts.
- Tribal Advisory Council Meeting is held under Chairmanship of Hon'ble CM at State level

- Tribal Standing committee is held under at the level of Hon. Tribal dev.Minister
- Along with successful implementation of Tribal Sub Plan, New Gujarat pattern scheme was launched by GOG in 1997 with the earmarking of Rs.200 crore out of TASP as discretionary fund was placed at the disposal of TDD. During the year 2021-22, the provision of the scheme is Rs. 432.40 crores.
- Border Village Scheme has been implemented to provide basic amenities like roads, housing, health, drinking water, electricity connection, education in 482 border villages of remote border areas of the state. The scheme started from the year 2010-11 with a provision of Rs. 31.00 crore and has gradually increased to Rs. 75.00 crores in the year 2021-22.

Progress so far...

- Gujarat Landless Laborers and Halpati Housing Board has been established under Society Registration act 1860. The Board provides assistance under the scheme for housing construction in the districts of South Gujarat to raise the standard of living of Halapati, Talaviya and Nayaka caste, who are living in very poor and extremely miserable conditions. From the year 1984 to 2021, a total of 39,310 Halapati beneficiaries have been given housing benefits.
- PVTGs constitute the most vulnerable section among the Scheduled Tribes, and largely reside in isolated, remote and difficult areas in small and scattered hamlets. The scheme to provide Basic amenities to PVTGs includes six basic facilities such as education, housing, drinking water, roads, electricity, and employment program for livelihood. The scheme has been implemented from the year 2013-14 with a provision of Rs. 10.00 crore and has gradually increased to Rs. 20.00 crores in the year 2021-22.
- This scheme for Basic amenities to Halpati community provides six basics facilities such as education, housing, drinking water, roads, electricity, and employment program for livelihood. The scheme has been implemented from the year 2013-14 with a provision of Rs. 9.50 crores and has gradually increased to Rs. 45.71 crores in the year 2021-22.

Progress so far...

- Under the scheme of Minimum Support Price to Minor Forest Produce, more than 21,500 tribal brothers and sisters of Gujarat state have got supplementary employment in minor forest produce aggregation. Of which approximately 11,558 tribal gatherers have been provided employment benefit in the year 2020-21 by Gujarat State Forest Development Corporation Ltd.
- The Ministry of Tribal Affairs and Tribal Cooperative Marketing Development Federation of India (TRIFED) launched the Van Dhan Scheme as an extension of MSP-MFP scheme intending to improve the tribal income through the value addition of tribal products.
- In the first phase, 210 Van Dhan Vikas Kendras (VDVK) in the tribal areas of the Gujarat state to be established. The location of 116 VDVK has been identified and approved and the survey of these 116 VDVK's beneficiaries has been completed. A total amount of Rs. 1721.00 lacs has been approved from TRIFED New delhi for the approved 116 VDVKc, out of which Rs. 554.00 lacs has been allotted to related VDVKc for the purpose of training under the scheme.

Way Forward...

- Capacity Building -
 - Gram Sabha
 - Gram Panchayat
 - Stakeholders
- Strengthen the role of Tribal Women in various Committees
- Display of PESA provisions at public places
- Awareness for " Consultative Role " of Gram Sabha

Birsa Munda Tribal University at

Rajpipla, District Narmada

- In 39 acres of land, Birsa Munda Tribal University to be established
- BMTU will act as a bridging agent to nurture the skilled children to make them competent in this modern world.....

National Museum of Tribal Freedom Fighters

- A National Museum of Tribal Freedom Fighters work is in progress at Garudheshwar, of Narmada District.



Thank You