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Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

PART I-A

CENTRAL SECTION

Orders and Notifications (Other than those published in Part IV-B)
under the Gujarat Local Boards, Village Panchayats, Municipal
Boroughs, District Municipal, Primary Education and Local
Fund Audit Acts.

PANCHAYATS, RURAL HOUSING AND RURAL DEVELOPMENT DEPARTMENT

NOTIFICATION

Sachivalaya, Gandhinagar, 17th January, 2017.

Gujarat Panchayats Act, 1993.

No. KP 1 of 2017/PRCH/102010/GOI/43/G.- WHEREAS the Parliament has, by enacting the provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996 (Act No.40 of 1996) extended the provisions of the Part IX of the Constitution of India, as inserted by the Constitution (Seventy Third Amendment), to the Scheduled areas;

AND WHEREAS, for bringing the Gujarat Panchayats Act, 1993 in conformity to the said Central Act, the Gujarat State Legislature has amended the Gujarat Panchayats Act, 1993 by enacting the Gujarat Panchayats (Amendment) Act, 1998 (Guj. 5 of 1998) and has inserted therein sections 278 A and 278 AA for making special provisions for Gram Sabha and Panchayat in the Scheduled Areas;

AND WHEREAS, the Gujarat Panchayats Act, 1993 as amended by the Gujarat Panchayats (Amendment) Act, 1998 empowers the Gram Sabha and Panchayats in the scheduled Areas to safeguard and preserve the traditions and customs of the people, their cultural identity, community resources and customary modes of dispute resolution and ownership of minor forest produce etc;

AND WHEREAS, the implementation of the Gujarat Panchayats (Amendment) Act, 1998 which promotes self governance, giving a central role to the Gram Sabha is vital to safeguard the interests of the people living in the Scheduled Areas;

AND WHEREAS the Government of Gujarat is satisfied, having regard to the circumstances and for the welfare of tribal communities, that it is necessary to take immediate action to make rules and to dispense with the requirement of previous publication thereof under the first proviso to sub-section (5) of section 274 of the Gujarat Panchayats Act, 1993 (Guj. 18 of 1993);

NOW, THEREFORE, in exercise of the powers conferred by sub section (1) of section 274 read with sections 93 and 94 of Gujarat Panchayats Act (Guj. 18 of 1993) and of all other powers enabling it in this behalf, the Government of Gujarat hereby makes the following rules, namely :-

PRELIMINARY

1. Short Title, extent and commencement:--

- (1) These Rules may be called the Gujarat Provisions of the Panchayats (Extension to the Scheduled Areas) Rules, 2017.
- (2) They shall extend to all the Scheduled Areas in the State where the Act is in force.
- (3) They shall come into force from the date of their publication in the *official Gazette*.

2. Definitions:-

(1) In these Rules, unless the context otherwise requires,-

- (a) "Act" means the Gujarat Panchayats Act, 1993;
 - (b) "District Development Officer" means such officer as the State Government may appoint to be a District Development Officer for the purpose of the Act;
 - (c) "Group Gram Panchayat" means a village panchayat having jurisdiction over more than one revenue villages;
 - (d) "Mamlatdar" means an officer as the State Government may appoint to be a Mamlatdar under the Gujarat Land Revenue Code, 1879;
 - (e) "Meeting" means a meeting of a Gram Sabha;
 - (f) "Member" means a member of a Gram Sabha;
 - (g) "Minor forest produce" shall have the same meaning as assigned to it in clause (9) of Section 2 of the Gujarat Minor Forest Produce Trade Nationalisation Act 1979;
 - (h) "Money Lender" means money lender as defined under the Gujarat Money Lenders Act, 2011;
 - (i) "Motion" means a proposal made to evoke action for passing a resolution on the part of the Gram Sabha and includes an amendment of a motion;
 - (j) "Panchayat" means a village panchayat
 - (k) "Presiding Officer" means Sarpanch or Up-Sarpanch or member of the panchayat who is elected by the Gram Sabha to preside over the meeting as per sub-section (3) of section 93 of the Act;
 - (l) "Sarpanch" means the Sarpanch of a village panchayat and in his absence, the Up-Sarpanch of the village panchayat;
 - (m) "Secretary" means the secretary of a panchayat;
 - (n) "Section" means a section of the Act;
 - (o) "State" means the state of Gujarat;
 - (p) "village Chavdi" means and includes such a place as is deemed to be a Chavdi under the Gujarat Land Revenue Code, 1879;
 - (q) "Taluka Development Officer" means such officer as the State Government may appoint to be a Taluka Development Officer for the purpose of the Act;
- (2) The words and expressions used in the rules but not defined but defined in the Act shall have the same meanings as assigned to them in the Act.

COMPOSITION AND FUNCTIONS OF GRAM SABHA**3. Composition of Gram Sabha:-**

All the people included in the electoral rolls for the Panchayat at the village level shall be the members of the Gram Sabha of that village.

4. Panchayat to be the Executive Committee of Gram Sabha:-

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

5. Secretary, Office, Etc. of Gram Sabha:-

- (1) In a situation where there are more than one Gram Sabha in a Panchayat, the Secretary of the Panchayat shall be the Secretary of the all the Gram Sabha and he shall be responsible to call the meetings in accordance with the provisions of the Act and the rules made thereunder.
- (2) The office of the Panchayat shall be the office of the Gram Sabha. If there are more than one Gram Sabha in a Panchayat, each Gram Sabha shall have its own office in village, such as public building, community hall, school or any place where public have easy access, and in case no such place is available, in the house of an ordinary person;

Provided that no rent shall be paid in any form for such office.

- (3) The Secretary of the Panchayat shall be responsible for the safe custody of records which may be kept at the Panchayat office.

6. Functions of Gram Sabha:-

In addition to the duties and functions specified in section 94 of the Act, the Gram Sabha shall, subject to the directions if any, given by the Government, perform the following functions, namely:-

- (1) discuss and make recommendations to the Panchayat and the Taluka or the District Panchayat authorities and the Government in respect of any of the powers and functions of the Panchayat under the Act or any other law for the time being in force and especially matters specified in Schedule- I of the Act;
- (2) consider and make recommendations for any change in the budget as deemed fit before it is passed by the panchayat;
- (3) suggest re-appropriations in the current year's budget, if necessary;
- (4) consider, suggest, and approve the development works and schemes for the next year from the budget of the panchayat as well as from various other sources such as government department, district rural development agency, taluka or district panchayat own funds etc. to take maximum advantage for the welfare for the people;
- (5) decide priority of works and schemes and locations thereof;
- (6) identify the beneficiaries under the various poverty alleviation and other programmes in order of priority, out of the persons identified by the Panchayat or local officials;
- (7) consider and give opinion about the sites for permission of excavation of minor minerals;
- (8) consider and make recommendation for rehabilitation problems and programmes in case of big projects in the village;

- (9) consider and make recommendation in respect of difficulties experienced by the people;
- (10) inform the public regarding various community and beneficiary schemes;
- (11) review the working of the various village level functionaries such as secretary of the panchayat, gram sevak, principal of school, health worker, fair price shop operator, secretary of co-operative society, anganwadi or balwadi worker, employee of irrigation, public works and electricity companies and make suitable recommendations therefor;
- (12) review and revise every year disaster mitigation plan in respect of any natural calamity like fire, floods, earthquake, etc. and take all protective measures in advance to minimize the effects of such calamities and to provide immediate relief to persons affected;
- (13) propagate and advise people about life, property, health and crop insurance schemes to help them in adverse circumstances;
- (14) get reports from the Panchayat and review and make recommendation in respect of social audit for :
 - (i) works and schemes sanctioned, in progress, and funds received and spent;
 - (ii) poverty alleviation programmes such as :
 - (a) public distribution of food grains etc. from fair price shops at concessional rates;
 - (b) mid-day meals;
 - (c) *antyodaya* scheme;
 - (d) old age pension scheme;
 - (e) integrated child development scheme;
 - (f) pregnancy benefit scheme;
 - (g) free legal aid scheme;
 - (h) plots allotment and housing for weaker sections.
 - (iii) relief schemes during natural calamities like scarcity, flood and earthquake;
 - (iv) various schemes of the rural development department for poverty alleviation;
 - (v) other schemes of various departments for the benefit of weaker sections of society such as widow pension, school uniform, books and scholarships, etc;
 - (vi) work and progress by various programme implementing committees such as smart village, primary school, civil supplies (fair price shop), social justice, water and sanitation, midday meals;
- (15) plan and manage minor water bodies such as wells, tanks, streams and take all steps to augment water resources by various methods such as check dam, watershed and water conservation schemes;
- (16) supervise all local institutions and functionaries in all social sectors;
- (17) promote unity and harmony among all sections of the society;
- (18) mobilize voluntary contributions in cash, kind or labour for the community welfare programmes and public works;

- (19) review cases of recoveries of taxes, fees and revenue dues of the Panchayat, co-operative societies and make public the names of defaulters in the meeting;
- (20) review the law and order position, take steps to organize village volunteer force or home guards, if necessary;
- (21) review relief measures, if necessary, in respect of food, fodder, drinking water, cash doles, relief works etc;
- (22) review position of encroachment on the Government or the Panchayat land (Gamtal- Gauchar) etc. and of unauthorized constructions and assist the government authorities in taking measures to remove and control them by taking community efforts with time bound programme or legal actions;
- (23) preserve, protect and develop natural resources and environment;
- (24) any other functions which may promote the well-being of the residents of the village;
- (25) propose amendment to laws, provisions of which are inconsistent with the customary law, social and religious practices traditional management, practices or community resources, and preserve and maintain tribal culture;
- (26) any other function which may be delegated by the Government or the Taluka or District Panchayat.

PEACE, SECURITY AND DISPUTE RESOLUTION

7. Role of Gram Sabha in maintaining peace and security and dispute resolution :-

- (1) In keeping with the community traditions and the spirit of the relevant laws and rules made thereunder, it shall be the primary duty of the Gram Sabha to maintain peace, security and order in its area.
- (2) The Gram Sabha shall be competent to take the following actions and works in its region :-
 - (i) to maintain a peaceful atmosphere;
 - (ii) to safeguard self-respect and maintain freedom of expression of every citizen;
 - (iii) to counter the vices of anti-social elements including indecent behavior with women, fighting or quarrelling in public place, etc. by assisting government authorities;
 - (iv) to resolve disputes amicably.

8. Peace and security corps:-

- (1) Gram Sabha may constitute a Peace and Security Corps in order to protect life and property. This team shall function under the guidance of the Peace Committee.
- (2) Youth of the village from the age-group between 18 years to 30 years may voluntarily join the Peace and Security Corps.
- (3) The leader of the Peace and Security team shall be an *ex-officio* member of the Peace Committee.
- (4) The Peace and Security Corps shall form small groups to discharge their responsibilities that may be allotted including night patrolling.
- (5) When the members of the team come to know about any untoward incident or the possibility of its occurrence, whether directly or through any other medium, they shall immediately 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 self-defense.

9. Process of dispute resolution:-

- (1) While resolving a dispute, the Peace Committee shall take action as per the custom prevailing in the area but keeping in mind the principles of natural justice.
- (2) The hearing of any dispute shall take place in public. Before arriving at the final decision, persons from both the parties and other people, if any, actively involved in the proceedings, shall be given opportunity to express their views.
- (3) After listening to the views of all the people, the bench constituted by the Peace 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 present shall have an opportunity to express their views on the conclusion and proposal of the Peace Committee.
- (5) If the conclusion or proposal of the Peace Committee does not get a majority vote in the Gram Sabha, the matter shall be sent back to the Peace Committee. After deliberating with the parties, the Peace Committee shall again present the matter in the next meeting of the Gram Sabha.
- (6) In case the proposal of the Committee fails to get the approval of the majority in the Gram Sabha, the Committee shall take a decision as per its discretion and its decision shall be considered to be the decision of the Gram Sabha and shall have to be accepted by the parties to the dispute.
- (7) The main objective of resolving any dispute shall be to eliminate the cause of the dispute and create an atmosphere of harmony in the village.

10. Gram Sabha to identify beneficiaries:-

- (1) The Gram Sabha shall be competent to finalize the guidelines and criteria for identification of beneficiaries on the basis of the socio-economic condition of the family for social and economic development programmes from amongst the people of the village, in consonance with the Government scheme, instructions or directions.
- (2) The Department concerned shall give to the Gram Sabha all information necessary for identification of the beneficiaries. After deliberation, the Gram Sabha shall finalize the list of beneficiaries.

11. Approval of programmes by Gram Sabha:-

Any Plan, program or project in the village shall be executed by the Panchayat after obtaining the views of the Gram Sabha thereon.

12. Compliance of decision of Gram Sabha:-

While discharging its functions under rule 10 or 11, if the Gram Sabha takes a decision which causes hindrance or there is a possibility of hindrance in the official work of any department or officer, then action shall be taken as follows, namely:-

- (a) The department or officer concerned shall postpone the action on the disputed matter and present his views to the Gram Sabha, with a request to reconsider its decision. The Gram Sabha shall take decision in the matter having regard to the views of the department or officer within a period of fifteen days of the receipt thereof;
- (b) If the department concerned is not satisfied with the decision of the Gram Sabha, the matter shall, within fifteen days from the date of decision, be referred to the District Development Officer of the District Panchayat, who shall decide it in accordance with the provisions of the Act.

13. Certificate of expenses:-

The Panchayat shall obtain a certification of utilization of all funds from the Gram Sabha for works undertaken by it.

14. Details regarding works to be given to Gram Sabha:-

- (1) The complete details of every work in progress in the village shall be laid by all the departments working in that area, in the meetings of the Gram Sabha.
- (2) If there is any objection pertaining to the quality of the work and the expenditure incurred, then the matter shall be placed before the Gram Sabha. The Gram Sabha shall examine the issue and give suggestions for its improvement.
- (3) On completion of any programme, the complete details thereof shall be placed before the next meeting of the Gram Sabha.

15. Review of social sector:-

- (1) The Gram Sabha shall be competent to review all social sector schemes of the Government and the local institutions such as Anaganvadi centres, schools, hospitals, etc., from time to time and make suggestions for their improvement.
- (2) The Gram Sabha may constitute special committees to assist it in its reviews.
- (3) The instructions given by the Gram Sabha for improving the implementation of social sector schemes of the local institutions shall be considered appropriately by the functionaries of the Departments concerned.

16. Social audit and monitoring of developmental activities:-

The Gram Sabha may constitute a Vigilance and Monitoring Committee. The committee shall ensure that, -

- (a) information about the work has been displayed at the work site and also at any public place in local language;
- (b) progress and quality of work are consistent; and
- (c) payments to the workers, made digitally or by cheques, are read out and done in public places.

17. State laws to be in keeping with custom, social, religious and traditional management practices :-

- (1) The Gram Sabha may, by passing a resolution in the meeting, may make recommendations when it is of the opinion that any provisions of the existing state law, extended to the Scheduled Areas are not in consonance with their custom, social and religious practices and traditional management practices of the community-resources or any subject matter which comes within the purview of the Scheduled Areas.
- (2) Such resolution so passed shall be forwarded to the District Development Officer by the Gram Sabha, who shall forward it to the Government with a copy to the Governor, in consonance with the requirement of the Fifth Schedule of the Constitution of India.
- (3) The Government shall take necessary action on such Resolution and communicate it to the Gram Sabha.

18. Gram Sabha to safeguard natural resources in the Scheduled Area:-

- (1) The Gram Sabha shall be 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 minerals as per local tradition and the spirit of the laws of the Union and the State Governments. To fulfill this role, the Gram Sabha may play an advisory role in their management.

(2) The Gram Sabha shall endeavour to see that the resources are utilized in such a way that,-

- (i) livelihood means are sustained;
- (ii) inequality amongst the peoples is reduced;
- (iii) there is full utilization of local resources, in keeping with sustainability; and
- (iv) resources are not confined to a few people.

(3) Though as per the prevalent rules, individual rights over natural and other resources shall be suitably honoured, their management shall be done keeping in view the inherent spirit of the community legacy.

19. Gram Sabha to plan for farming:-

(1) The Gram Sabha shall be competent to plan and take action about the farming of its village in such a way as to make farming economically viable for the farmer.

(2) The Gram Sabha may suggest appropriate measures:

- (a) to prevent 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) to ensure provision of seeds, manure, etc. as well as knowledge sharing;
- (e) to promote organic manures, fertilizers and insecticides.

20. Land management:-

(1) Decennial promulgation of Village Form No. 7 and 12 of the village shall be placed and read in meetings of Gram Sabha to ensure that the farmers' names are correctly recorded and records are properly maintained.

(2) Every notice under section 135D of the Gujarat Land Revenue Code shall also be sent to the Gram Sabha and placed for its information.

21. Prevention of land alienation:-

The extant practice of consulting the Gram Sabha in all cases under Section 73AA of Gujarat Land Revenue Code shall be followed.

22. Restoration of alienated land:-

If the Gram Sabha finds that any unauthorized person is in possession of lands of restricted tenure under section 73AA, it shall immediately bring this to the notice of the Mamlatdar having jurisdiction of the area.

23. Consultation before land acquisition:-

In all matters pertaining to Land Acquisition, the Gram Sabha shall exercise all functions assigned to it under the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

24. Rehabilitation of project affected persons in the Scheduled Area:-

(1) The land acquiring agency concerned shall put all the details of rehabilitation before the Gram Sabha. All queries and replies given by the authority shall be recorded in the minutes of the Gram Sabha.

(2) The Gram Sabha may opine by majority which of the works like providing amenities may be done through the Panchayat. Works which require technical skills may be done by the Department concerned or by the Panchayat at the appropriate level.

25. Planning and management of water resources:-

- (1) Planning and Management of water resources shall be such that these resources are kept intact for future generations, and all the members have equal rights over these resources.
- (2) Water bodies within a Gram Panchayat shall be maintained and preserved by the Gram Panchayat, those extending to more than one Gram Panchayats, by the Taluka Panchayat and those extending to more than one Taluka Panchayats, by the District Panchayat.
- (3) All notified water bodies within a Gram Panchayat shall not be alienated or transferred or put to any use other than as water bodies and shall be maintained and monitored for quality of water. Adequate provision for recharging them shall be made and the Gram Panchayat will take measures against pollution in and encroachment over such water bodies.
- (4) The Gram Panchayat or the Taluka Panchayat or, as the case may be, the District Panchayat may, after consulting the Gram Sabha and keeping in view its traditions and the spirit of prevalent laws, shall regulate the use of available water in the village for various purposes and shall also decide on the priority of use.
- (5) The Panchayats at all levels shall consult the Resource Planning and Management Committee of the Gram Sabha before taking any decision regarding water body.

26. Management of irrigation:-

- (1) The Gram Panchayat or Taluka Panchayat or, as the case may be, the District Panchayat shall regulate the use of water for irrigation after taking the advice of the Resource Planning and Management Committee.
- (2) The use of water for irrigation shall be such that equitable access is allowed to all.
- (3) The Gram Panchayat shall co-operate with the officials of the Department of Irrigation in maintenance and protection of the canal system and water courses and shall help in distribution of irrigation water and formation for water users' association within a Gram Panchayat.
- (4) Any dispute that may arise in management of irrigation shall be put up before the Resource Planning and Management Committee of the Gram Sabha. The decision of the Gram Sabha shall be final and binding to all.

27. Management of minor water bodies:-

- (1) The Panchayat, or the Taluka Panchayat or, as the case may be, the District Panchayat shall make arrangements for irrigation and other purposes, in consultation with the Resource Planning and Management Committee and Departments concerned.
- (2) Keeping in view the local traditions, the Panchayat shall impose necessary conditions regarding any aspect of fishing to ensure that no individual or a group of persons increase their jurisdiction in an unjust manner and also to ensure sustained availability of the fish.

28. Management of other community assets:-

- (1) The management of the assets which are used commonly by the community traditionally shall be done by the Gram Sabha.
- (2) Community assets shall be recorded in a register and verified annually so that their ownership, use and purpose are not changed and they are not encroached upon.
- (3) Any new community assets created through donation, shramadan, aid etc. shall be immediately recorded in the register.
- (4) Use of community assets shall be done as per the decision of the community through the Gram Sabha.

29. Seed and Granary:-

- (1) The Gram Sabha shall be competent to store seeds in the granary of 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 requirement of the villagers, including 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 farmers from the compulsion of selling at low price.
- (2) The Gram Sabha may make rules for the contribution to the storage by its members and the purchase of the grains by the granary.
- (3) The Gram Sabha is competent to determine conditions for providing grains etc. to its members from the storage in the form of loan, as per conventions and in accordance with the principles of natural justice.

MANPOWER**30. Gram Sabha to plan for labour force:-**

- (1) The Gram Sabha shall be competent to undertake activities to ensure full utilization of the village labour force by preparing a work plans under various schemes of the Union and the State Government and executing them.
- (2) The Gram Sabha may take any action which encourages co-operation among the people.

31. Workers taken outside the village:-

- (1) 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.
- (2) It shall be mandatory for managers of private or unorganized sector other than the establishments of the Government or organized sector to keep the Gram Sabha concerned informed, from time to time, about the well-being of the womenfolk.

MANAGEMENT OF VILLAGE HAATS**32. Control over village haats:-**

The Gram Sabha, subject to the extant rules and regulations shall endeavour to:

- (a) supervise the village *haats* within its territory;
- (b) make available water, sheds and other physical facilities with shopkeepers and consumers in the village *haat*;
- (c) advise the Panchayat to impose tax on shopkeepers.
- (d) obtain and share information about the prices;
- (e) check the inflow and sale of harmful objects in the village *haat* and notify any violation to authorities;
- (f) check that the weight, measurement and payment in the transactions are genuine and no exploitation is done in any form and notify any violation to authorities;
- (g) check all unfair practices, including cheating and misinformation regarding prices and notify any violation to authorities;

- (h) discourage, gambling, betting, testing luck, cock-fighting etc. in the village *haat* and its surrounding area and notify any violation to authorities;
- (i) the authorities thus notified in Sub Rules 32 (e), (f), (g), and (h) shall take prompt necessary actions.

MINES AND MINERALS

33. Power of Gram Sabha to plan for minor minerals:-

- (1) Prior recommendation of the Gram Sabha shall be required for the excavation and use of all the minor minerals in Scheduled Area.
- (2) All the requisite information for the purpose of taking recommendations shall be sent to the Gram Sabha. The Gram Sabha, after receiving such information, shall convey its decision within three months.
- (3) The Gram Sabha shall act up on the advice of Resource Planning and Management Committee (RPMC). The Geology and Mining Department shall be represented in RPMC by an officer not below the rank of Royalty Inspector or Mines Supervisor.

34. Use by Individual Members

- (1) The members may use minor minerals, for their individual requirements as per the traditional practice in the Scheduled Area, after obtaining a quarry *parawana* as per the Gujarat Minor Mineral Concession Rules, 2010 as amended from time to time.
- (2) Gram Sabha may decide the quantity of the local material such as stone, sand etc. to be used for making *Pukka* houses different from the traditional dwellings under the quarry *parawana*.
- (3) The concession holder shall have a Mining Plan, duly approved by the authorized officers in accordance with the provisions of Mines and Minerals (Development and Regulation) Act, 1957 and Rules made thereunder.
- (4) The Gram Sabha may suggest omission or insertion of conditions in such Mining Plan, which may be considered by the Geology and Mining Department while processing the application for approval of Mining Plan.

35. Quarry Lease for Minor Minerals

- (1) The Competent Authorities, under the Gujarat Minor Mineral Concession Rules, 2010, as amended from time to time, shall award quarry lease for minor mineral falling under the Scheduled Area, after taking prior recommendations with the Gram Sabha.
- (2) The applicant shall obtain environmental clearance in accordance with the provisions of the Environmental (Protection) Act, 1986 and the rules and notifications issued thereunder, including the Environment Impact assessment Notification, 2006, as amended for time to time.
- (3) The Gram Sabha may suggest omission or insertion of any conditions in such Environment Clearance, which may be considered by the concerned authorities while considering the application for grant for Environmental Clearance.
- (4) The contribution collected under the District Mineral Foundation (DMF), in the Scheduled Area, shall be used for the purposes enumerated under the Gujarat District Mineral Foundation Rules, 2016 in the Scheduled Area only.
- (5) The District Mineral Foundation (DMF) shall furnish the Annual Report of the work undertaken in each village in Schedule Area to the Gram Sabha.

- (6) In case of any report of illegal mining activities in the schedule area, the Gram Sabha shall communicate the same to the Competent Authority.
- (7) The Competent Authority may inquire in to the said report and intimate the actions taken to the Gram Sabha.
- (8) In case of conflict between the provision of the present rules and the provisions of the Environment (Protection) Act, 1986 and Rules and Notifications issued there under, including the Environment Impact Assessment Notification, 2006, as amended from time to time, the later shall prevail.

36. Protection of Environment

- (1) In village having commercial feasibility of minor mineral production, before permitting the minor mineral to be used commercially, the prior recommendations of the Gram Sabha such grant of concessions shall have to be obtained.
- (2) If any condition has been imposed by the Government for the protection of the environment etc., the concerned authority shall provide complete information to the Gram Sabha in this regard.
- (3) The Gram Sabha may suggest imposition of any other condition for environmental protection, which the concerned authority may take into consideration at the time of granting Environmental Clearance, and such condition if added, can only be relaxed by the Government.
- (4) The Mining Plan shall be prepared in accordance with the Gujarat Minor Mineral Concession Rules, 2010. The plan shall include:
 - (a) Annual programme for excavation for next five years.
 - (b) Mine Closure Plan.
 - (c) Environmental Impact Mitigation measure, which shall include, removal and utilization of top soil, storage over burden waste rock, reclamation and rehabilitation of land, precaution against air pollution, discharge of effluents, precaution against noise Restoration of Fauna and flora and water management, etc.
- (5) In case of conflict between the provision of the present rule and the provisions of the Mines and Minerals (Development and Regulation) Act, 1957, as amended from time to time and the rules made there under, enacted by the Central or the State Government, the later shall prevail.

37. Grant of permission for exploitation of minor minerals by auction:—

- (1) The quarry lease for minor mineral shall be granted by way of electronic auction only, to ensure a proper and transparent process of lease allotment.
- (2) Quarry lease in Schedule Area shall only be granted to the members of the Scheduled Tribes and local individuals residing in that area.
- (3) The quarry lease shall be granted after the auction process, only after obtaining recommendations from the Gram Sabha.
- (4) Notwithstanding anything contented in sub-rule (2), if after reasonable attempts for auctioning of the resource, if the auction process remains unsuccessful, the said area may be open for participation for others as may be prescribed under the prevailing Minor Minerals Concession Rules.

MANAGEMENT OF MINOR FOREST PRODUCE**38. Minor forest produce:-**

Minor forest produce will include all those forest produce which are notified under the Gujarat Minor forest Produce Trade Nationalization Act 1979.

39. Rights of Gram Sabha:-

- (1) To achieve the objectives of the PESA Act the minor forest produce found in the forest area falling within the jurisdiction of a village (other than falling within the area of a National Park or a Sanctuary) shall be vest in the Gram Panchayat as per Section 108 of the Gujarat Panchayats Act, 1993;.

Provided that this Sub-rule shall not be interpreted to mean that the forest land mentioned herein shall vest in the Gram Panchayat.

- (2) The collectors of Minor Forest Produces shall be free to sell the minor forest produces collected by them, in the manner they like. 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 sell the minor forest produces collected by the collectors, at the prices determined by the Government;

Provided that in doing so, the Gujarat State Forest Development Corporation shall ensure that after deducting the expenses the net profit shall be deposited into the accounts of the collectors directly.

40. Money lending:-

- (1) Subject to the provisions of the Gujarat Money lenders Act, 2011 and rules made there under, and according to the provisions of clause (m) of section 4 (m) of the PESA Act, the Peace Committee of the Gram Sabha shall be competent to control money lending transactions in the village.

Explanation:-Money lending transactions means loans extended by a money lender.

- (2) 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.
- (3) For dispute resolution, the Peace Committee may ask for any information regarding the loan extended by any Money Lender. In these matters, on being asked for the information, the money lender shall provide complete information to the Gram Sabha within the time prescribed by the Gram Sabha.
- (4) A member may put up his case in writing or orally before the Gram Sabha or the Peace Committee regarding any kind of irregularity, corruption in transaction, the recovery proceeding, inability to repay the loan in respect of the loan extended by any money lender. If there is an oral complaint, it shall be the duty of the Secretary of the Gram Sabha or, as the case may be, the Peace Committee to prepare a memo in this regard and to keep the same on records.
- (5) After considering the application mentioned above, if the Gram Sabha itself, or on the basis of the conclusions of the Peace Committee, finds that there has been injustice to the applicant, it may instruct the money lender concerned to redress the injustice and notify the competent authority controlling the money lender who shall take necessary action.

41. De-addiction measures:-

- (1) The Gram Sabha shall bear the responsibility for spreading awareness about the health hazard and ill-effects of consumption of intoxicants prohibited in the State and of all other addictive substances like tobacco.
- (2) The Gram Sabha shall encourage charity organizations to undertake awareness and de-addiction campaigns and to run rehabilitation centres for persons addicted to harmful substances.
- (3) It should be the duty of the Gram Sabha to refer individuals suffering from addiction to counseling and health centers.
- (4) The Gram Sabha shall be responsible for notifying the police any incident of production, distribution, storage or consumption of prohibited intoxicants which come to their notice.

42. Matters relating to superstition, sorcery etc.:-

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

GRAM SABHA ACCOUNTS**43. Gram Sabha Accounts:-**

- (1) Accounts of income and expenditure of the Gram Sabha shall be maintained by the Secretary of a Panchayat as a part of the Panchayat accounts under the relevant heads.
- (2) Accounts of income and expenditure shall be noted in a classified register of income and expenditure in Form 36 A (rule 164) of the Gujarat Panchayats Financial Accounts and Budget Rules, 2014 on separate pages Gram Sabha-wise and maintained as per rule 165 to 169 of the said rules.
- (3) Any member of the Gram Sabha shall be permitted to inspect the accounts in the presence of the Secretary during the office hours.

COMPLAINTS AGAINST GRAM SABHA**44. Complaints against Gram Sabha:-**

- (1) All the records of the Panchayat and the Gram Sabha shall be open to all members. They shall be made available for inspection, scrutiny of the authority designated by the Taluka Panchayat, District Panchayat and State Government.
- (2) Any objection made about any decision taken by the Gram Sabha, may be raised by the objector in a general meeting of the Gram Sabha for reconsideration.
- (3) If the objector or any other person is of the opinion that an observer is necessary to assist the Gram Sabha for resolving the objection, he may make a request to the Taluka Development Officer to depute an observer to attend the Gram Sabha meeting.

- (4) If the Taluka Development Officer is satisfied about the need for an observer, he may depute an official not below the rank of extension officer as observer for the meeting of the Gram Sabha under intimation to the objector.
- (5) The observer so appointed shall facilitate the redressal of the grievance of the objector.
- (6) If the issue is not resolved, the objector or observer may refer the issue to the Taluka Development Officer who shall enquire into the matter and issue necessary instruction.

MEETING PROCEDURE OF GRAM SABHA

45. Ordinary meetings of Gram Sabha:-

- (1) Ordinary meetings of the Gram Sabha may be held at least once in a quarter, with an intervening period of not more than four months.
- (2) The first ordinary meeting in every financial year shall be held within two months of the commencement of the year as required by Sub-section (1) of section 94 of the Act for the business mentioned therein and the rules made there under.

46. Extraordinary meeting of Gram Sabha:-

- (1) Apart from its ordinary meeting, in the following circumstances extraordinary meetings of the Gram Sabha shall 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 so directed by the Taluka Panchayat or the District Panchayat;
 - (iv) on the basis of the written information given to the Secretary by at least 5 per cent. of the total members of the Gram Sabha or 25 members, whichever is more.
- (2) Except in situation (i) where no date is fixed, the Secretary will call for a meeting within seven days after consulting the Sarpanch, and a notice thereof will be given to all concerned at least 3 days prior to the fixed date:

Provided that in the absence or the failure of the Secretary to convene the extraordinary meeting, the Sarpanch or Up Sarpanch shall hold a meeting within a week:

provided further that if the Secretary and the Sarpanch both fail, the Taluka Development Officer shall issue a notice of such meeting *suo-moto* or on receipt of any complaint and depute an officer to ensure the holding of such meeting.

47. Notice of meeting:-

- (1) The notice of an ordinary meeting shall be given at least seven days prior to the date of such meeting and in case of an extraordinary meeting at least three days prior to the date of such meeting.
- (2) The notice under Sub-rule (1) shall clearly specify the date, time, place and items of the agenda.

48. Time, place and agenda of meeting:-

- (1) Subject to the provisions of sub-section (1) of section 93 and sub-section (1) of section 94 of the Act, the meeting shall ordinarily be held, at the office of the panchayat or *village chavdi* or *chora* or at any convenient place in the village on such date and at such time as may be determined by the Sarpanch:

Provided that where the Panchayat is constituted for more than one villages, the place of the meeting shall be fixed in such villages by rotation as per the population of the villages in descending order.

- (2) The agenda of the meetings shall be prepared by the Secretary in consultation with the Sarpanch.

49. Mode of publication of notice:-

- (1) Notice in respect of every meeting shall be published:-
 - (a) by affixing it at :
 - (i) a conspicuous place in each ward;
 - (ii) the office of the Panchayat;
 - (iii) the village *Chavdi or Chora* or at other conspicuous places in the village; and
 - (b) by making an announcement by beat of drum or by loud speaker on the day immediately preceding the date of the meeting in all the residential areas of the village.
- (2) Notice published at the office of the Panchayat, shall also be annexed with the details of the items of the agenda of such meeting for public information.

50. Sending of copies of notice of meeting to officials:-

- (1) A copy of every notice issued under rule 47, shall also be sent with a request to attend such meeting to :-
 - (i) the President of the Taluka Panchayat,
 - (ii) the Taluka Development Officer and the officer authorized under rule 70,
 - (iii) the members of the taluka and the district panchayats representing the constituencies within which the village is situated,
 - (iv) the local government and panchayat officials such as gram sevak, Secretary, co-operative society, head master of the primary or secondary schools, health worker, female health worker or multipurpose health worker,
 - (v) the chairmen or secretaries of local institutions such as co-operative societies, youth clubs, mahila mandals, educational institutions
- (2) the persons specified in sub-rule (1) may address the meeting with the permission of the Presiding Officer, but shall not have a right to vote.

51. Order of business at a meeting:-

- (1) The items of business at a meeting shall generally be shown in the following order namely:-
 - (i) reading of the proceedings of the previous meeting;
 - (ii) report of action taken on the decisions at previous meeting;
 - (iii) any matter which the Taluka Panchayat or the District Panchayat require to be placed in the meeting;
 - (iv) approval of proceedings and recommendations of the committees of the Gram Sabha.
 - (v) approval of development and other programmes of works and schemes proposed for the current year (for the first meeting of the year);
 - (vi) business which the Panchayat has decided to put up in the meeting;
 - (vii) motion, if any, sent by members;
 - (viii) reading of names of members whose motions and questions are disallowed;
 - (ix) questions (in order of priority decided by the Panchayat by ballot) limited to 45 minutes and questions invited orally at the meeting from the members present with priority given to women, limited to thirty minutes;

- (x) reading by the Secretary about any changes made or authenticated in the record of Rights and Property Register in respect of lands and buildings after the previous meeting;
 - (xi) reading by the Secretary about important decisions taken by the Panchayat after the previous meeting especially in the following matters namely:-
 - (a) distribution of village site plots;
 - (b) distribution of cultivable waste land,
 - (c) site selected for construction of public facilities,
 - (d) details of the beneficiary schemes of Government Departments, Boards, Corporations, District Planning Committee, taluka and district panchayats;
 - (e) review of recoveries and arrears of taxes and fees, and land revenue and the reading of names of defaulters;
 - (f) encroachment of the village site land, grazing lands and agricultural land, and unauthorized constructions,
 - (g) purchase and sale of movable and immovable properties of the Panchayat,
 - (xii) annual administrative report of the preceding year, (in case of first meeting of the year);
 - (xiii) the annual statement of accounts (in case of first meeting of the year) or the statement of receipt and expenditure during the current year (in case of other meetings);
 - (xiv) the last audit report and replies thereto, if any;
 - (xv) progress report of works, schemes and programmes;
 - (xvi) reading and review of cases pending with the Panchayat pertaining to transfer of land and house properties; of titles, permission for construction etc.;
 - (xvii) address by officials invited at the meeting;
 - (xviii) any other business which may be brought up at the meeting with the permission of the Presiding Officer.
- (2) As regards the reading of the list of the minutes of the previous meeting, the Presiding Officer may declare it to be deemed to have been read, if the copy of the same has been put up on the notice board of the Panchayat office and the majority of the members present in the meeting agree, or else it shall be read.
- (3) If any member objects to the minutes on the ground of improper or incomplete reporting, the Presiding Officer, after ascertaining the views of the members present in the meeting, takes a decision about the amendment, if any, to be made in such proceedings and the minutes of the previous meeting shall be corrected under the signature of the Presiding Officer.
- (4) Resolutions duly passed and recorded in the minutes book signed by the Presiding Officer can be implemented without waiting for the confirmation or reading of the minutes at the next meeting. \

52. No postponement or cancellation of meeting after issue of notice:-

The meeting shall not be postponed or cancelled after the issue of the notice of the meeting by the Secretary or the Sarpanch.

53. Meeting of Panchayat:-

A meeting of the Panchayat shall be held on the day immediately preceding the date fixed for the meeting of the Gram Sabha to consider the motions and questions received from the members and other items of the agenda for the meeting of the Gram Sabha.

54. Procedure for questions of members:-

- (1) Any question relating to the administration and affairs of the Panchayat, or development of the village, which a member desires to ask at the meeting, shall be sent by him to the Sarpanch or the Secretary, at least five days before the date of the meeting or he may ask a question at the time of the meeting with the permission of the Presiding Officer.
- (2) The Panchayat in its meeting to be held as prescribed in rule 53 may allow any question at a shorter notice and shall decide whether any written question whether received before or after the publication of the notice, may be placed before the Gram Sabha or not. The Panchayat may disallow any question which is not in accordance with sub-rule (3) after recording the reasons therefor. A list of questions so disallowed shall be serially numbered by drawing lots and displayed on the notice board of the Panchayat office. In case of questions which are defamatory in character only the serial number of the question and the name of the member asking the same shall be given without giving the details thereof.
- (3) In order that question or a supplementary question may be admissible:-
 - (a) it shall not bring in any name or statement not strictly necessary to make the question intelligible,
 - (b) if a question contains a statement, the member asking it shall himself be responsible for the accuracy of the statement;
 - (c) it shall not contain any arguments, inferences, imputations, ironical expressions, epithets or defamatory statements,
 - (d) it shall not ask for an expression of opinion or the solution of abstract, legal question or hypothetical proposition;
 - (e) it shall not refer to the character or conduct of any person except in his official or public capacity;
 - (f) it shall not ordinary be of excessive length;
 - (g) it shall not be a question which was once already answered or to which an answer has been declined;
 - (h) it may be asked with a view to getting information on any matter pertaining to the administration of the Panchayat or the development of the village.
- (4) In the absence of a member whose question is admitted, it shall be treated as dropped, unless another member, who has been authorized in writing to ask such question, by the absent member on his behalf, rises in his seat to ask the same:

Provided that an authority letter to that effect has been delivered to the Secretary before the commencement of the meeting.
- (5) When a question is answered at the meeting, the member asking it, to elicit further information, may ask a supplementary question. The Presiding Officer may disallow it on the grounds that it violates the provisions of sub-rule (3) otherwise it may be answered and discussed.

- (6) If sufficient information is not available to answer the question admitted for the meeting, the Presiding Officer, may postpone it to the next meeting and it shall be answered at such meeting on a priority basis and the answer in writing shall be put up on the notice board of the Panchayat within seven days of the meeting under the signature of the Sarpanch and the Secretary.
- (7) A copy of all the questions allowed with the names of the questioners and replies thereto shall be put on the notice board of the Panchayat office along with the copy of the proceedings of the meeting and any member shall be entitled to get a copy thereof on payment of usual charges.

55. Procedure for motions:-

- (1) Subject to the provisions of this Rule, any member may move a motion relating to a matter concerning the administration of the Panchayat or the development of the village.
- (2) (a) A member who wishes to move a motion shall give a five day notice of his intention to do so and shall, together with the notice, submit a copy of the motion signed by him and by at least ten members as seconders to the Sarpanch or to the Secretary. The Panchayat, in the meeting held under Rule 53, shall decide on the admissibility of a motion and shall disallow any motion which, in its opinion, is not according to the requirements of Sub-rule (3) to (5) or contravenes the provisions of the Act or the Rules made thereunder, and its decision shall be final. Priority numbers of motions admitted shall be decided by drawing of lots in the Panchayat meeting and a list of such admitted motions with the name of its proposer shall be put up on the notice board of the Panchayat.
(b) The Panchayat may, for reasons to be recorded, allow a motion to be entered in the items of the agenda at a shorter notice.
- (3) Every motion shall be clearly and precisely expressed and shall raise one definite issue.
- (4) A motion shall not contain arguments, inferences, ironical expressions or defamatory statements, nor shall it refer to the conduct or character of any person except in his official or public capacity.
- (5) A motion shall be of an affirmative character.
- (6) The order of the motion of which notice is given shall be determined by ballot in the meeting of the Panchayat held under Rule 53.
- (7) No member shall be entitled to a ballot for more than one motion at a time.
- (8) The motion balloted but not reached or disposed of at a meeting shall lapse, but a member shall be at liberty to give a fresh notice in respect of a motion, which has lapsed.
- (9) Not more than ten motions according to the order of priority determined by ballot shall be included in the agenda for every meeting.
- (10) A member in whose name a motion appears on the agenda shall, when called upon, either-
 - (a) move the motion which shall be duly seconded by any member, who has signed the motion;
 - (b) withdraw the motion in which case he shall confine himself to a mere statement to that effect; but after the motion has been moved and seconded, it shall not be withdrawn except with the consent of the member who seconded it at the meeting.

- (11) If the member, when called upon, is absent, the motion standing in his name shall be deemed to have been withdrawn, unless any one of the members, who have signed as seconders, moves the said motion standing in the name of the absent member.
- (12) Every motion which has been moved shall be required to be seconded. A motion not seconded shall not be discussed nor shall any question be put on it and shall not be noted in the minutes book of the meeting of the Gram Sabha.
- (13) After a motion has been moved and seconded, it shall be placed before the meeting for consideration. The mover may speak in support of the motion and the seconder may either follow or reserve his speech for a later stage of the debate thereon.
- (14) The mover, or if the mover waives his right, the seconder of a substantive motion, may reply at the conclusion of the debate thereon but no other member shall, without the express permission of the Presiding Officer, speak more than once on the same motion except for the purpose of making a personal explanation, but in such case, no debatable matter shall be brought forward.
- (15) The discussion on a motion shall be limited to the subject of the motion.
- (16) Where any motion involving several points has been discussed, it shall be to the discretion of the Presiding Officer to divide the motion or amendments and put any point to vote separately as he thinks fit.
- (17) The routine motions of the Panchayat business may be put to the meeting by the Presiding Officer without their having been moved or seconded.
- (18) The Presiding Officer has the same right of moving or seconding or speaking on a motion as any other member:

Provided that the provisions of sub-rules (6), (7) and (12) shall not apply in the case of a motion moved by the Presiding Officer.
- (19) No member shall be entitled to propose a motion other than the one directly arising out of the subject under discussion in the meeting and relevant thereto, except in the case of an emergency and with the consent of the Presiding Officer.
- (20) The Presiding Officer may fix a reasonable time limit within which the mover, the seconder and any other member shall end his speech.

56. Presiding officer of the meeting:-

- (1) The meeting shall be presided over by the Sarpanch or Up-Sarpanch or a member of the Panchayat elected by the members of the Gram Sabha as provided in sub-section (3) of section 93.
- (2) When the person authorised to preside over, attends at any time during the course of the meeting, the person so presiding over the meeting shall vacate the chair and the meeting shall continue under the president-ship of the person entitled to preside over as per Sub-rule (1).
- (3) When the Presiding Officer is required to go out during the course of the meeting, the meeting shall continue under the president-ship of the person entitled to preside over in accordance with Sub-rule (1).

57. Powers of Presiding Officer:-

- (1) The Presiding Officer shall preserve order at the meeting and shall have all the powers necessary for the purpose of enforcing his decision.

- (2) He may disallow the discussion of any motion or proposition which he considers to be beyond the competence of the Gram Sabha and in doing so he shall record his reasons in writing.
- (3) He may, at his discretion, allow any question or motion during the meeting.
- (4) He may divide a motion or an amendment into two or more distinct motions or amendments, as the case may be, as he may deem necessary.
- (5) He may address the meeting at any stage of a debate or at any time during the meeting.
- (6) He shall be entitled to take help of the Secretary or other panchayat officials to take notes of the proceedings and for smooth conduct of the meeting as per the Act and these Rules.

58. Quorum and adjournment for want of quorum:-

- (1) Ten per cent. of the total number of persons included in the list of voters of the village or fifty such persons whichever is less, out of which at least one third shall be women voters, shall form a quorum for transaction of business in the meeting.

Explanation: For the purpose of this sub-rule, in calculating the number for the purpose of quorum, fractions shall be counted as one.

- (2) If, within thirty minutes from the time appointed for the meeting, there is no quorum or, at any time during the meeting it is brought to the notice of the Presiding Officer or, he himself realizes, that the members present inclusive of the Presiding Officer fall short of the number required for quorum, the Presiding Officer shall adjourn the meeting.
- (3) If a meeting is adjourned for want of quorum, quorum shall be necessary for the adjourned meeting and a fresh notice of such adjourned meeting shall be given in the manner provided in rules 47 and 48. The date of such meeting shall not be earlier than three days and not later than seven days of the adjourned meeting.
- (4) New business shown in the notice shall be transacted at any adjourned meeting in addition to the remainder business of the previous meeting.

59. Meeting to be open to public:-

All meetings of the Gram Sabha shall be open to the public.

60. Ordinarily business to be transacted according to agenda:-

- (1) Except with the permission of the Presiding Officer, no business, which is not entered in the agenda shall be transacted at any meeting.
- (2) The business to be transacted at any meeting shall be taken up in the order of the meeting in which it is entered in the agenda except otherwise with the permission of the members of the meeting.

61. Adjournment of meeting and postponement of any item of the meeting:-

- (1) A meeting may, with the consent of the majority of the members present, be adjourned.
- (2) The Presiding Officer may adjourn any meeting that has refused to abide by his decision on a point of order or in the case of grave disorder arising in the meeting.
- (3) Quorum shall be required at any adjourned meeting also and, if possible, time and place of the adjourned meeting may be announced at the meeting before it is adjourned and a fresh notice of such adjourned meeting shall also be given as specified in Rules 47 and 48. The date of such meeting shall not be earlier than three days and not later than seven days of the adjourned meeting.

- (4) A motion to adjourn a meeting or to postpone consideration of any item of agenda or motion or question, shall take precedence over any other business before the meeting.

62. Points of Order:-

- (1) The Presiding Officer shall decide on all points of order and his decision thereon shall be final.
- (2) A member may at any time raise a point of order for the decision of the Presiding Officer but in doing so, he shall confine himself to stating the point.
- (3) No discussion on any point of order shall be allowed except with the consent of the Presiding Officer.

63. Amendment to motion:-

- (1) After a motion has been moved and seconded, a member may move an amendment thereto.
- (2) Every amendment must be relevant to, and within the scope of, the motion to which it relates.
- (3) No amendment shall be moved which has merely the effect of a negative vote.
- (4) An amendment in the alternative shall not be moved.
- (5) Any number of amendments may be moved to the same motion but no member shall move more than one amendment to the same motion.
- (6) The Presiding Officer may disallow any amendment which is, in his opinion, irrelevant or frivolous.

64. Motion to be voted on conclusion of debate:-

- (1) The Presiding Officer may, on the conclusion of a debate on a motion or at any time, when satisfied that the motion has been sufficiently discussed, put the motion to the vote of the meeting.
- (2) (i) When there are one or more amendments to a motion, the presiding officer shall first put to vote the amendment or amendments one by one.
(ii) If all amendments are lost, the Presiding Officer shall put the motion to vote.
(iii) If any amendment or amendments are carried, the Presiding Officer shall put to vote the motion incorporating the amendment or amendments which have been carried.
(iv) The Presiding Officer may group together amendments which are substantially the same:

Provided that in a group of amendments, the Presiding Officer may give precedence to any amendment which is most comprehensive and when such an amendment is either carried or lost, it shall not be necessary to put to vote the other amendments in a group.

- (3) The motion with or without an amendment or amendments as finally carried under Sub-rule (2) shall be considered to be the resolution and the decision of the Gram Sabha.

65. Manner of taking votes:-

The votes may ordinarily be taken by a show of hands, and a member who desires to give his vote shall raise his hand in favour of that motion.

66. Conduct of members:-

- (1) A member desiring to speak on any matter before the meeting, shall rise in his seat and, if called upon by the Presiding Officer, address his remarks to the Presiding Officer. If he is not called upon by the Presiding Officer, he shall resume his seat:

Provided that the Presiding Officer may permit any member to address the meeting while sitting.

- (2) A member shall confine his speech strictly to the question before the meeting and shall cease to make remarks which are held by the Presiding Officer to be irrelevant or offensive.
- (3) The member shall not talk amongst themselves in the meeting so as to disturb the proceedings or a member who is speaking.
- (4) If, while a member is speaking, the Presiding Officer rises or another member raises a point of order, the member speaking shall resume his seat.
- (5) When any member disregards the authority of the Presiding Officer or is guilty of obstructive or offensive conduct at any meeting, the Presiding Officer may, if he deems it necessary, forthwith put the question that such member be suspended from the meeting for the remainder of the sitting and if the majority of the members present are in favour thereof, the member named shall withdraw, failing which the Presiding Officer may call such aid as he deems expedient to secure such suspension or withdrawal.

Explanation: For the purpose of this sub-rule "obstructive conduct" means a conduct willfully and persistently adopted with a view to preventing business being done at the meeting.

67. Records of proceedings of meeting:-

- (1) The minutes of each meeting of the Gram Sabha shall be recorded in a bound book in Gujarati by the Secretary. In this book, he shall enter the number of the members present at each meeting the decision arrived at, the number of members voting for or against and the number of members remaining neutral for each resolution. The minutes of the meeting shall be prepared on the day following the day of the meeting or as soon thereafter, as practicable, shall be signed by the Presiding Officer and the Secretary and shall be read out at the next meeting for confirmation.
- (2) A copy of the minutes shall be sent to the Taluka Panchayat within seven days from the closure of the meeting. The minutes shall be open to inspection at all reasonable time. Any member of the Gram Sabha shall be entitled to get a copy thereof or of any part thereof, on payment of usual charges.
- (3) A copy of the minutes shall be displayed on the notice board of the Panchayat office for information of general public and may be put on the Panchayat web portal.
- (4) The minutes shall be placed before the meeting of the Panchayat for discussion and actions on the decisions of the Gram Sabha.

68. Joint meetings of Gram Sabha:-

- (1) Every Gram Sabha shall be 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 concerned can be conducted.
- (2) The joint meeting of Gram Sabhas shall be conducted as per the rules of the Gram Sabha as if all the Gram Sabhas were a single entity.
- (3) The joint meeting shall be chaired by the Sarpanch or in his absence the Up- Sarpanch of the Village Panchayat that calls the meeting.

- (4) In the joint meeting, attendance of a minimum of 5 % members or 10 members from each Gram Sabha, whichever is less, shall be mandatory. In case there is no quorum, the date of the next meeting shall be finalized on the same day and fresh notice shall be issued.
- (5) The decision making process shall be the same as in the case of a single Gram Sabha.
- (6) The area-wise allocation for Government programmes in the Gram Panchayat shall be made in the joint meetings for which the proposal shall be made by the Gram Panchayat. The decision of the joint Gram Sabha shall be final.

69. Duties of Secretary:-

- (1) The Secretary shall take all actions to call the meetings of the Gram Sabha and its proper conduct according to the Act and the rules made there under.
- (2) He shall prepare the reports and statements necessary for the items of the agenda and submit the same to the Sarpanch and in the meeting of the Panchayat for approval and the copies of such reports and statements shall be sent to the Taluka Panchayat along with the copies of the proceedings of the meeting of the Gram Sabha.
- (3) He shall take all follow up actions for the implementation of resolutions passed at the meeting of the Gram Sabha and review the progress with the Sarpanch in the meetings of the Panchayat and submit the progress at the next meeting of the Gram Sabha for information.
- (4) He shall prepare and submit the Annual Report of the Gram Sabha to the Panchayat, to the Gram Sabhas and to the Taluka Development Officer giving full details of the Gram Sabhas held.

70. Duties of officer authorized by the taluka panchayat or district panchayat:-

- (1) In pursuance of sub-section (2) of section 93 of the Act, the Taluka Panchayat or as the case may be, the District Panchayat may, by general or special order, authorize any officer, not below the rank of the deputy chitins or the extension officer, to participate in the proceedings of the meetings of a Gram Sabha.
- (2) Such officer of the Taluka Panchayat shall:-
 - (a) guide the Sarpanch and the Secretary to hold all the meetings on time and in accordance with the provisions of the Act and these Rules and verify the number of members present, and the minutes of the Gram Sabha;
 - (b) attend the meeting of the Panchayat held under Rule 53 to ensure proper preparations of the meeting of the Gram Sabha;
 - (c) attend all the meetings of the Gram Sabha on time and take part in the proceedings as and when necessary;
 - (d) verify that the proceedings of the meetings are properly recorded by the Secretary or the person authorized by the Presiding Officer. The proceedings shall be signed by the Secretary and the Presiding Officer and shall also be counter signed by such officer,
 - (e) be responsible to make a detailed report with copies of the proceedings to the Taluka Development Officer with such details as may be directed to him.

71. Reports of the Gram Sabha:-

- (1) The Taluka Development Officer shall collect village wise Gram Sabha annual reports by the end of April every year and prepare a consolidated annual report of the taluka giving village wise details, his observations and comments of performance and

suggestions for improvement and submit it to the Taluka Panchayat and the District Development Officer latest by the end of June.

- (2) The District Development Officer, on receiving taluka wise reports under Sub-rule (1), shall consolidate the same and add his observations and suggestions and submit the report to the District Panchayat and to the Development Commissioner and to the Secretary, Department of Panchayats, Government of Gujarat by the end of August.

COMMITTEES OF GRAM SABHA COMPOSITION AND FUNCTIONS

72. Committees of Gram Sabha:-

- (1) The Gram Sabha may constitute the following committees from amongst its members to discharge its functions under the Act and these rules effectively and efficiently.

(A) Peace Committee:

- (1) The Gram Sabha may constitute a Peace Committee. The Peace committee shall have at least thirty three percent women, and a minimum of fifty percent members of the Schedule Tribes.
- (2) The Peace Committee shall maintain a healthy relationship with the neighboring villages, and ensure that in matters of common interest and interdependence with neighboring villages, any action taken will be based on consultation with the neighboring villages.
- (3) The Gram Sabha may empower the Peace Committee to:-
- (i) inquire into incidents that disturb peace of the village and report to the Gram Sabha for a decision;
 - (ii) counsel those breaking peace and arbitrate;
 - (iii) take immediate action where necessary, and subsequently report to the Gram Sabha;
 - (iv) make a report or request with the approval of the Gram Sabha to the Government authority and Police for suitable action

(B) Resource Planning and Management Committee:

- (1) There will be a Standing Resource Planning and Management Committee (RPMC) of the Gram Sabha. Representatives of all departments will function as advisors to the RPMC and attend its meetings.
- (2) The RPMC will chalk out a plan for the best possible use of all the resources within the territory of the village 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 shall be final.
- (4) The RPMC may constitute sub-committees on specific issues such as farming, minor minerals, to assist it in its functions.

(C) Vigilance and Monitoring Committee

The Vigilance and Monitoring committee shall ensure the function as per Rule 16 and other similar function.

- (2) The term of the committee shall be two and half years and the Chairman and the members shall be eligible for re-election if they are qualified to be members of the Panchayat and have not come under any disqualification specified in section 30 of the Act.
- (3) The Committee shall consist of eleven members including the Chairman from amongst the members or Sarpanch of the Gram Sabha.
 - (i) Chairman of each committee shall be elected by the Gram Sabha from amongst the elected members of the Panchayat.
 - (ii) He shall cease to be the Chairman, if he ceases to be a member or the Sarpanch of the Panchayat as the case may be.
- (4) No person shall be ordinarily Chairman of more than one committees.

73. Election of members of Committee: -

- (1) The election of ten members shall be held in an open meeting of the Gram Sabha and the agenda should include the number of vacancies to be filled by election at the meeting.
- (2) A notice inviting nominations shall be issued in Form – A and published along with, and in the same manner, as the notice of the meeting. The notice should mention that the nomination form will be available with the Sarpanch and the Secretary and be returned to either of them duly filled at least two hours before the scheduled time of the meeting.
- (3) The election of each committee shall be held separately, one by one, in the meeting in the Gram Sabha.
- (4) The Secretary shall provide all the nominations papers, received in time and prepare a list of valid nominations and invalid nominations verifying the names in the voters' list.
- (5) At the time of the meeting, if there is quorum, the election work will be taken on hand first as follows:-
 - (i) The number of seats to be filled in for women reserved category and others and the valid nominations received for them shall be read out by the Secretary in the meeting. Any withdrawal of nominations shall be on a simple paper signed by the candidate, stating that he withdraws his candidature from the election to the Gram Sabha committee and the application for withdrawal shall be delivered to the Sarpanch or to the Secretary.
 - (ii) After the opportunity of withdrawal, if there are valid nominations equal or less than the number of seats to be filled-in in each category, the nominated candidates shall be declared elected by the Presiding Officer.
 - (iii) If the nominated candidates exceed the number of vacancies then an election shall commence by announcing the name of the candidate, one by one, and votes taken by the show of hands and recorded by the Secretary and the results will be declared on the basis of majority votes by the Presiding Officer and shall be recorded in the minutes of the meeting and published on the notice board of the Panchayat office and conveyed to the Taluka Development Officer.
 - (iv) The term of the committee shall be two and half years and the chairman and the member shall be eligible for re-election if he qualifies to be members of the Panchayat and has not attracted any disqualification specified in the sub-section (1) of section 30 of the Act.

74. Dispute regarding election of committee members and Chairman:-

- (1) Any dispute regarding the election of a chairman or a member of any committee shall be referred to the Taluka Development Officer within 15 days of the date of result, by any aggrieved person and the decision of the Taluka Development Officer will be final.
- (2) If the election of a chairman or a member is set aside by the Taluka Development Officer, the vacant seat will be filled at the next Gram Sabha meeting.

75. Procedure of the Committees of Gram Sabha:-

The procedure of the committees of the Gram Sabha shall be as follows, namely:-

- (1) Meetings of all committees shall be in the open.
- (2) The Notice of every meeting of the every committee, specifying the date, time and place thereof and business to be transacted shall be given by the Secretary of the Committee at least three days in advance.
- (3) In the absence of the Chairman the meeting will be presided by a member chosen by the members present.
- (4) The quorum for meeting of the committee shall be one-half, including the Chairman.
- (5) All decisions of the committees and other records shall be placed before the next immediate Gram Sabha of the village for approval and approved decision shall be taken as decisions of the Gram Sabha.

76. Secretaries of the Committees:-

- (1) The Secretary of the Panchayat shall be the Secretary of all committees of Gram Sabha and shall be responsible to call monthly meetings of each committee, issue notice of the meeting, be present and maintain proceedings of the meeting and put them before the Panchayat and the Gram Sabha meetings.
- (2) The Secretary shall have a right to speak and explain matters in the committee and any decision not in consonance with the Act and the rules or government orders shall be brought to the notice of the Gram Sabha before they are approved and post approval also he shall report the matter to the Panchayat and the Taluka Development Officer in writing.
- (3) If the Secretary is in-charge of more than one Panchayat or Gram Sabha and is unable to attend all committees' meetings than with the approval of the committees and by the written order of the Taluka Development Officer, any serving or retired Panchayat official such as teacher, gram sevak or health worker may be appointed as honorary joint secretary of the committees of the Gram Sabha. The Secretary shall, however, be responsible for overall duties and functions of the Secretary of the committees.

77. Sub-Committees of a Committee:-

The Committee performing its duties and functions may decide to refer any inquiry or inspection to a sub-committee consisting of three of its members who will perform specified duties and report in the next meeting of the committee for its consideration.

FORM - A
[See Rule 73 (2)]

**NOMINATION FROM FOR ELECTION OF A MEMBER OF THE COMMITTEE OF
GRAM SABHA**

Name of Committee :

Name of Gram Sabha :

Taluka : District :

I, the undersigned,(Full Name as per Voters list) hereby
nominate myself as a candidate of the membership of the above mentioned committee.

I am enlisted as voter in the voters list of (name of Panchayat) Panchayat at
Serial No. Ward No.

I am supported by at least five members of Gram Sabha whose details are given below.

I solemnly declare that I do not possess any disqualification mentioned in Section 30(1) of the Act .

Sd.....

Signature of Candidate

DETAILS OF SUPPORTERS

Sr. No.	Full name as per Voters list	Ward No. & Sr. No. in voters list	Signature of Supporter
1	2	3	4
1			
2			
3			
4			
5			

[To be filled by Sarpanch or Secretary receiving the Form]

Received this nomination form on _____(Date) at _____(Time).

Signature :

Designation :

By order and in the name of the Governor of Gujarat,

VANRAJSINH PADHARIYA

Deputy Secretary to
Government.



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PART I-A

CENTRAL SECTION

Orders and Notifications (Other than those published in Part IV-B)
under the Gujarat Local Boards, Village Panchayats, Municipal
Boroughs, District Municipal, Primary Education and Local Fund Audit Acts.

PANCHAYATS, RURAL HOUSING AND RURAL DEVELOPMENT DEPARTMENT

Notification

Sachivalaya, Gandhinagar, 8th February, 2017

GUJARAT PANCHAYATS, ACT, 1993.

No. KP-6 of 2017/PRCH/102010/GOI-43/G:- WHEREAS the Government of Gujarat is satisfied having regard to the circumstances and for the welfare of tribal communities, that it is necessary to take immediate action to amend the Gujarat Provisions of the Panchayats (Extension to the Scheduled Areas) Rules, 2017 and to dispense with the requirement of previous publication thereof under the first proviso to sub-section (5) of section 274 of the Gujarat Panchayats Act, 1993 (Guj. 18 of 1993);

NOW, THEREFORE, in exercise of the powers conferred by sub-sections (1) and (5) of section 274 of the said Act, the Government of Gujarat hereby makes the following rules further to amend the Gujarat Provisions of the Panchayats (Extension to the Scheduled Areas) Rules, 2017, namely:-

1. These rules may be called the Gujarat Provisions of the Panchayats (Extension to the Scheduled Areas) (Amendment) Rules, 2017.
2. In the Gujarat Provisions of the Panchayats (Extension to the Scheduled Areas) Rules, 2017 (hereinafter referred to as "the said rules") before rule 10, the heading "POWERS OF IDENTIFICATION OF BENEFICIARIES, APPROVAL OF PLANS SUPERVISION ETC." shall be inserted.
3. In the said rules, before rule 18, the heading "MANAGEMENT OF NATURAL RESOURCES, AGRICULTURE, LAND AND COMMUNITY ASSETS" shall be inserted.

4. In the said rules, in rule 39, for sub-rule (2) the following sub-rule shall be substituted, namely:-

“(2) The collectors of Minor Forest Produces shall be free to sell the minor forest produces collected by them, in the manner they like. 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;

Provided that in doing so, the Gujarat State Forest Development Corporation shall ensure that after deducting the expenses the net profit shall be deposited into the accounts of the collectors directly.”

5. In the said rules, before rule 40, the heading “MONEY LENDING” shall be inserted.
6. In the said rules, in rule 40, for the word occurring in the title “landing”, the word “Lending” shall be substituted.
7. In the said rules, before rule 41, the heading the “DE-ADDICTION MEASURES” shall be inserted.
8. In the said rules, before rule 42, the heading “MATTERS RELATING TO SUPERSTITION, SORCERY ETC.” shall be inserted.
9. In the said rules, in rule 72, in sub-rule (1), --
- (1) in para (A), for clause (1), the following clause shall be substituted namely:-
“(1) The Gram Sabha may constitute the Peace Committee”.
- (2) after the sub-rule (4), the following sub-rule shall be added, namely:-
“(5) The Committees as referred to in sub-rule (1) shall have at least thirty three percent women, and a minimum of fifty percent members of the Schedule Tribes”.

By order and in the name of the Governor of Gujarat,

VANRAJSINH PADHARIYA,
Deputy Secretary to Government.
