

Assessment of Implementation of PESA Act in Andhra Pradesh

Sponsored by

Department of Tribal Welfare, Government of Andhra Pradesh

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Contents

Contents	i
List of Tables	ii
List of Figures	iii
Acknowledgements	i
Executive Summary	i
1 Introduction	1
1.1 Fifth Scheduled Areas	3
1.2: Panchayats Extension to Scheduled Area (PESA) Act 1996.....	4
1.3: PESA in Andhra Pradesh.....	4
1.4: Need of the study	6
1.5: Objectives.....	7
1.6: Methodology	7
2. Awareness of PESA in Andhra Pradesh	10
3. Awareness of Features of the PESA Act	15
4. Problems in Implementing PESA Act	28
5. Impact of PESA Act on the Empowerment of Gram Sabha/Gram Panchayat	32
6. Policy Suggestions and Legal measures for effective Enforcement of Gram Sabha	36
7. Role of Gram Sabha in Implementation of Various Development Programs	38
8. Conclusion	40
References	44
Appendix – I: Guidelines for Implementation of PESA Act	49

List of Tables

Table 1. 1: Details of Sample	8
Table 2. 1: Respondents Awareness about the PESA Act	10
Table 2. 2: Perception of the Respondents about the Source of Knowing about PESA	11
Table 2. 3: Perception of the Respondents of being aware that Gram Sabha is the bottom level enquiry level unit	12
Table 2. 4: Perception of the Respondents about the President of the Gram Sabha	12
Table 2. 5: Perception of Respondents as to whether details of common lands or community lands provided to the Gram Sabha	13
Table 3. 1: Perception of respondents regarding who is competent to safeguard the traditions	15
Table 3. 2: Perception of Respondents of being aware of the non- interference of police or revenue authorities in traditional matters	16
Table 3. 3: Perception of Respondents regarding who is empowered for approving plans, programmes and projects for social and economic development of the village	17
Table 3. 4: Perception of Respondents whether Gram Sabha is responsible for the identification and selection of beneficiaries under the poverty alleviation and other programs	18
Table 3. 5: Perception of Respondents of being aware of approved budget to placed before Gram Sabha for discussion on last year’s budget/ expenditure, schemes implementation	18
Table 3. 6: Perception of Respondents regarding planning and management of minor water bodies	19
Table 3. 7: Perception of Respondents of being aware of Gram Sabha to be consulted before acquisition and registration of any immovable property between tribal parties	20
Table 3. 8: Perception of Respondents of being aware of Gram sabha to be consulted before land acquisition for development projects and before rehabilitating persons affected by such project 20	
Table 3. 9: Perception of Respondents as to who regulates and restricts the sale and consumption of any intoxicants	21
Table 3. 10: Perception of Respondents as to who has the power to constitute a committee to manage, protect and conserve the community forest resources	22
Table 3. 11: Perception of Respondents of being aware of Gram Sabha to maintain a register with MFP collectors and to settle any disputes between them	23
Table 3. 12: Perception of Respondents of being aware of who has the power to prevent alienation of land in the scheduled areas and to take appropriate action to restore any unlawfully alienated land of the ST	23
Table 3. 13: Perception of the respondents as to no license to be granted to private money lending agencies	24
Table 3. 14: Perception of Respondents regarding Gram Sabha to exercise control over institutions and functionaries in all social sectors – schools, health sub centres and Anganwadi centres	25

Table 3. 15: Perception of Respondents regarding Gram Panchayat being empowered to grant prospecting license or mining lease only to local ST members	26
Table 4. 1: Perception of Respondents of the number of meetings conducted in a year	28
Table 4. 2: Perception of Respondents regarding their frequency of participation in Gram sabha meetings	28
Table 4. 3: Perception of the respondent regarding the reasons for not attending Gram Sabha meetings	29
Table 4. 4: Perception of the respondent regarding the Issues and plans discussed in Gram Sabha meetings	30
Table 4. 5: Respondents Perception regarding the Problems in implementing the Plans.....	30
Table 5. 1: Perception of Respondents regarding Gram Panchayat and Mandal Parishad being empowered to review the allocation for tribal development programs, under Tribal Sub Plans....	32
Table 5. 2: Perception of Respondents regarding Members of Gram Sabha sending proposal for separate village to Project Officer, ITDA	33
Table 5. 3: Perception of Respondents regarding Village level institutional functionaries of government institutions attending the Gram Sabha meetings	34
Table 5. 4: Perception of Respondents regarding Resolutions of Gram Sabha/Gram Panchayat to be respected and followed up for implementation	35
Table 6. 1: Respondents Suggestions for the effective implementation of Gram Sabha Activities..	36
Table 7. 1: Perception of the Respondents of the Type of Development Programmes taken up by the Gram Sabha	38

List of Figures

Figure 1: Village Panchayat	45
Figure 2: Tribal Welfare Primary School.....	46
Figure 3: Water Tank	47
Figure 4: Anganwadi Centre	48

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Executive Summary

The Tribal Welfare Department, Government of Andhra Pradesh, has given operational guidelines for implementation of PESA 1998 and 2011 operational rules. The Government of Andhra Pradesh has also officially notified 1612 Gram Sabhas in 584 Gram Panchayat in five districts in 2013. Thereafter, the Tribal Welfare Department has also given second operational rules in 2017 for the effective implementation of the Act.

The Department of Tribal Welfare, Government of Andhra Pradesh and Tribal Cultural Research and Training Institute, (TCR&TI), Visakhapatnam has entrusted CESS to conduct the study with the following objectives.

The objectives are as follows:

To assess the level of awareness among both elected representatives and members of the Gram Sabha about the PESA Act.

1. To know the features of PESA Act and the problems associated with the implementation of this Act.
2. To understand the nature and extent of problems in implementing the PESA Act.
3. To evaluate the impact of PESA Act on empowerment of Gram Sabha/ Gram Panchayats
4. To identify the gaps in implementation and suggest policy and legal measures for its effective enforcement.
5. To analyse the role of Gram Sabha in implementation of various development programmes meant for tribal development.

The research study is based on both qualitative and quantitative in nature. The secondary source data was from already published works and government records. The data was collected using schedules and the qualitative data was collected through group discussions in the field villages.

The study was conducted in East Godavari and Srikakulam districts of Andhra Pradesh.

The household data was collected from purposively selected villages from East Godavari and Srikakulam districts. Schedule for data collection, contained some open-ended questions

framed for the collection of data. A software application was developed containing the questions according to the schedule. The software (smart phone application) for data collection was uploaded on to the smart phones of the investigators to enable them to collect data digitally using their smart phones.

The field data shows that the gram Sabha members are not aware of the Act. Majority of the tribals, 81.6 percent and 77 percent from Seethampeta and Maredumilli mandals, respectively, are not aware of the Act. Similarly, most of them are not aware that Gram Sabha is made the grass root level enquiry point for all levels of developmental works in the village. Nearly 39 percent of the respondents do not know the Sarpanch of the Gram Panchayat has to be the President of the Gram Sabha. The details of the community lands have to be provided to the Gram Sabha so that their utilization for the benefit of the community can be discussed and planned. But in reality, this is not happening. The situation is, thus, grim.

The operational guidelines for the implementation of PESA Act, 1998 was given in 2011. However, many respondents revealed that, PESA Act is still not implemented in their village. According to the Act, it is mandatory to conduct Gram Sabha meetings twice a year. However, Gram Sabha meetings are not conducted regularly. In fact, in Goidhi, a village in Seethampeta Mandal, Gram Sabha meeting was conducted only once when it was constituted in 2013 after the declaration of official Gram Sabhas. In cases where meetings are conducted, the members are not attending the same. The reasons they gave for not attending are that they are not informed about the meetings and village problems are not solved in the meetings. And since they don't attend, they are not aware of the issues discussed there. Those who attend feel that the plans discussed are not properly implemented because all the members are not aware of the plans and also due to insufficient budget. The respondents also suggested that the Gram Sabha has to be more active in solving problems for the effective implementation of PESA Act.

The enthusiasm among the tribals in Kutrawada, a village of Maredumilli Mandal, is however, is appreciable. Most of the respondents attend the meetings having discussions on issues like development activities, sanitation issues, MGNREGA (Mahatma Gandhi National Rural Employment Guarantee Act, DWACRA (Development of women and children in rural areas), social audit, various diseases, old age pension, BPL cards, electing PESA Vice President and Secretary, issues of MFP (Minor Forest Products), giving prizes to children, celebration of

festivals, raising funds for marriage, death, natural calamities, holding Gram Sabha special meetings, land registration, etc.

Based on group discussions during field work, there are number of issues in the villages which easily be solved at village level in the light of PESA Act. Still drinking water is a problem in some villages (Irapadu, Dubbaguda and Megadiraguda). Still there are no drinking water tanks/taps (Jamparikota) and in some places though water well is there and there is no pumpset (Kegumanu guda). Small works such as drainage cleaning may not require much funds. But this is the problem in some villages (Dubbaguda and Solipi). In some villages, they require flood water walls which protect the villages during heavy rains (Megadiraguda, Jamparikota, Kegumanuguda and Nowgada). Still there is requirement of YSR houses (Irapadu, Solipi and Peddamamidi).

Relating to basic infrastructure facilities some villages need Anganwadi centre, community halls, school buildings in place of old dilapated buildings. Similarly raods are required particularly internal roads. If Grama Sabha are active these kind of problems can be solved easily. If these issues are repeatedly discussed in Grama Sabhas and nothing happens, people loose interest in these institutions.

There are number of land related issues are reported. Some lands are in the name of deceased and ownership is not changed still. Even land pattas are not properly written. In number of cases names are not properly entered. As a result, they could not get Rythu Barosa Pathakam” money into their accounts.

Recommendations: Among majority of the respondents in all the mandals, however, the level of understanding of the PESA Act was very poor and may not be helpful in the implementation of the PESA Act for the benefits of the tribals. Hence, it is necessary to properly make the members understand about the PESA Act and its importance in tribal affairs. Enough efforts have not been made to mobilise about the importance of PESA Act. Awareness programs by both government and NGOs can play an important role in educating the tribals.

Participation of the people in Gram Sabhas must be encouraged and the best-performing Gram Sabhas and Gram Panchayats should be further motivated. One of the reasons for the non-implementation of the plans and programmes discussed in the Gram Sabha meetings, according to the respondents, is the provision of insufficient budget. It is necessary for the ITDA to

allocate some funds directly to individual Gram Sabhas through concerned Gram Panchayats for the mobilisation and implementation of PESA Act. Camps for the mobilisation of the Act have to be done from time to time, by tribal organizations and NGOs as well as government organizations.

Assessment of Implementation of PESA Act in Andhra Pradesh

1 Introduction

A conspicuous trait of Indian culture is the survival of tribal society and culture in the midst of a rapidly changing society. The tribal population in the State and in the country as a whole is the most deprived and vulnerable community that faces severe economic exclusion. Although certain constitutional safeguards are provided, there has been no economic, social and political mobility across these communities. The Scheduled Tribes remain abysmally backward and socially excluded, still living in harsh environments.

Social exclusion and immense deprivation of tribes is closely associated with the denial of property rights, civil rights and lack of access to education. Due to their physical and social isolation from the rest of the mainstream society, the extent of deprivation became more intense. It is this institutionalized exclusion of the tribes from access to economic rights, civil rights and human development, which has caused severe poverty and deprivation among them. The scheduled tribes are a product of marginalization based on ethnicity. There are around 10.43 crore scheduled tribe populations in India as per the 2011 Census which accounts for 8.6% of the total population of country. Considered socially and economically disadvantaged, they are mainly landless with little control over resources, such as land, forest and water. They constitute a large proportion of agricultural labourers, casual labourers, plantation and industrial workers, etc.

The Central and State Governments, during the past seven decades, have enacted several legislations and programmes and established special institutions for the socio-economic and political advancement of STs and achieving equity and inclusive growth in the society. 'Positive interventions' 'affirmative measures' and accompanying policy processes were initiated for an encompassing empowerment of these social groups over half a century ago. All the Five Year Plans have recognized the problems of these communities and accorded priority to their development. The draft National Tribal Policy, 2006 seeks to bring Scheduled Tribes into the mainstream of society through a multi-pronged approach for their all-round

development under the paradigm of 'continuity in change' which meant bringing changes without disturbing their distinct culture.

The development programmes are for solving persisting problems by providing basic services. These include- enforcement of protective measures to prevent tribe indebtedness, bonded labour, and other exploitations; involving tribes gainfully in joint forest management, social forestry, agro-forestry, etc, and facilitate collection and disposal of minor forest products and other produce, to strengthen grass root democratic institutions through PRIs (Panchayati Raj Institution), and Gram Sabhas as per the PESA Act, 1996.

The 73rd Constitutional Amendment Act, 1992 ushered in a national framework for local self-governance by creation of Panchayati Raj Institutions (PRIs). This national framework was more or less uniformly applicable in all the states except Scheduled Areas prescribed in the Constitution of India.

The Panchayats (Extension to Scheduled Area) Act 1996, was enacted to provide self-autonomy to tribals in Vth Scheduled Areas of the country in conformity with the traditional tribal practice of local governance. The Central Government enacted the PESA Act 1996, on the recommendations of the Bhuria Committee Report in 1996. The community suggested that the state should not intervene in tribal traditions, ethos and autonomy. All states with Scheduled Areas were to enact a suitable legislation within a year that are consistent and not in contradiction to PESA, the central Act. The rationale behind the Act is to bring at par the tribal population to the general population of Rural Community. The Act ensures that tribal people will be empowered to manage their affairs according to their own culture within the purview of the Act. Singh points out that the Acts like The Panchayats (Extension to the Scheduled Areas) Act, and the Scheduled Tribes and Other Traditional Forest Dwellers Act of 2006 offer a great opportunity to provide equitable governance in tribal dominated backward areas. These laws are, however, skeletons and need the flesh and sinews of operational rules and guidelines for the removal of legal incongruence to ensure a dignified tribal life and awareness campaigns on self-governance and community control over natural resources (Singh, 2006).

According to Ajit Menon, 2007, both PESA and FRA Acts are two major legislations which give the tribals the power to exercise control over natural resources and self-governance. With the enactment of laws to uphold tribal rights, there is also the state's concern for developments which deny these rights to the tribals. For example, the Wildlife Protection Act of 1972 has empowered the state to exercise control over forest lands. Since land and decentralization are

state subjects, protective legislation such as PESA remain largely unimplemented (Menon, 2007).

1.1 Fifth Scheduled Areas

During the British period, a large number of areas predominantly inhabited by adivasis were declared as excluded/ partially excluded areas. These areas came under the purview of the Scheduled Districts Act of 1874 and the Government of India (Excluded and Partially Excluded Areas) Order 1936. These areas, after independence, and also other areas with a significant concentration of scheduled tribes (or ‘Tribals’) were brought under the fifth schedule of the constitution. The purpose of Scheduled Areas is to preserve tribal autonomy, ensure social, economic and political justice and empowerment and preservation of peace and good governance in the Scheduled Areas. For the Fifth Schedule areas, the major institutional bodies are the Tribal Advisory Councils (TACs) operating at the state level. The Fifth Schedule recognizes the central role of the Governor in governance and administration of the Scheduled Areas, with the President of India holding the final responsibility of ensuring the integrity of the Scheduled Areas. Further, the Governor promulgates the laws for this scheduled areas and he or she can modify and reject both the central and state government laws regarding the Fifth Schedule for the wellbeing of scheduled tribes.

B.D Sharma, 1995, points out that the Fifth Schedule did not cover tribal people in certain areas, because of administrative problems and policy confusion. The focus is on the issue of self-governance in tribal areas. He opines that it is necessary to cover all the tribal areas for the overall development and protection of tribes. It does not have a place for institutional and legal framework. As such, the general laws and administrative rules, which were extended to tribal areas, have led to the emergence of conflict between tribal traditional institutions and formal institutions. Further Sharma points out that the traditional institutions should be the foundation for the modern formal institutions. Almost all tribal institutions are functioning as democratic bodies with an egalitarian spirit (Sharma, 1995).

Scheduled Areas are found in ten states of India which have predominant population of tribal communities. In Andhra Pradesh, the 34 categories of Scheduled Tribes form a sizeable component of STs in South India. Among them Chenchu, Kondareddy, Kondh, Porja, Gadaba, and Savara are specially categorized as Particularly Vulnerable Tribals Groups (PVTG). The total tribal population of Andhra Pradesh, according to Census, 2011, is 27.39 lakh, which constitutes 5.53 per cent of the total State population. The Fifth Scheduled Area, in Andhra

Pradesh, is spread over five districts of Srikakulam, Vizianagaram, Visakhapatnam, East Godavari and West Godavari. The tribal communities are traditionally self-governed. These communities have unique social, cultural, economic and political systems which they have sustained over centuries. They also have their own customary laws and mechanisms of local dispute resolution.

1.2: Panchayats Extension to Scheduled Area (PESA) Act 1996

On the recommendations of the Bhuria Committee Report in 1995, the Central Government enacted Panchayats Extension to Scheduled Area (PESA) Act 1996. The Bhuria Committee favoured democratic decentralization in scheduled areas. The rationale behind the Act is to bring at par the tribal population to the general population of Rural Community. The Act ensures that tribal people will be empowered to manage their affairs according to their own culture within the purview of the Act. All states with Scheduled Areas were to enact a suitable legislation within a year that are consistent and not in contradiction to the central Act of PESA.

The Act spelt out the role of PRIs in general and Gram Sabhas in particular for preparing Development Plans in the tribal areas, considering the magnitude of poverty, inequality and the nature and extent of underdevelopment in these areas, aiming to promote the development of the Scheduled Tribes through respecting their culture, traditions and custom. Every village shall have a Gram Sabha consisting of persons whose names are included in the electoral rolls for the Panchayat at the village level. The Act has granted powers to the Gram Sabhas to approve of plans, programs and projects for social and economic development. The Gram Sabhas and Gram Panchayats were also given the responsibility of identification of beneficiaries under the poverty alleviation and other programs, providing certificates to the Gram Panchayats for utilisation of funds, ownership over natural resources-especially the minor forest produces and the power to control local plans and the resources for such plans including the Tribal Sub-Plans (TSP).

1.3: PESA in Andhra Pradesh

AP State brought PESA legislation in the year 1998. The Government of Andhra Pradesh brought PESA Rules 2011, giving an effect to the State PESA Act and also notified the Gram Sabhas under the Rules in 2013 (Appendix-I). Gram Sabha is the nucleus for all development activities in the Scheduled Areas under PESA Act. It is competent to safeguard and preserve the traditions and customs of the people and their cultural identity. As per the PESA Act, Gram Sabhas or Panchayats at the appropriate level shall be consulted before making the acquisition

of land in the scheduled areas for development projects and before settling or rehabilitating persons affected by such projects. PESA stipulates that Gram Sabha is the approval authority for the socio-economic plans, programs and projects. It is also expected that the rules will help the Gram Sabhas to function in effective manner (Trinadha Rao). States are indulging in the exploitation of mineral resources, and are taking up several projects in the resource rich tribal areas. The decision of Gram Sabha shall have a bearing on the policy of States in relation to exploitation of mineral wealth and other resources in Schedule V Areas. However, if key powers are given to Gram Sabha it would be difficult for the Governments to manage the decisions of the Gram Sabha. The States are, therefore, unwilling to assign powers to Gram Sabha in key subjects under PESA Act (Dash, 2011).

Although Andhra Pradesh has given power to this body, there is a condition that disputes could be settled according to customary mode of dispute resolution "without detriment to any law for the time being in force. Disputes on community resources, particularly forest, etc, would be settled by existing forest Acts and not according to the customary mode of dispute resolution. The Extension Act prescribes that prior consultation with the Gram Sabha or the panchayat at appropriate level before acquiring of land for development of projects and before resettling or rehabilitating persons affected by such projects, is mandatory. The Extension Act has been an important legislative framework to be enacted by the state legislatures for the tribals to have their control and rights over natural resources and conserve and preserve their identity and culture and that too in a participatory manner through the institution of Gram Sabha. The Andhra Pradesh Acts have devolved this function to mandal panchayat and taluka panchayat respectively, and not to the Gram Sabha (Mahi Pal, 2000).

Saroj Kumar Dash, 2011, studied the operational issues of PESA Act in Odisha. The State of Odisha had complied, partially, with the provisions of the Central PESA Act while modifying its PRI Acts - Orissa Gram Panchayat Act, 1964, Orissa Panchayat Samiti Act, 1959 and Orissa Zilla Parishad Act, 1991. The detailed analysis of PESA in Odisha is limited to little change in the Panchayat Act without much devolution of powers to the Panchayats in Scheduled Areas or to the tribals to live through life in their way with their traditional dignity (Dash, 2011).

Aruna Kumar conducted a field based study in the coastal district of Visakhapatnam district in Andhra Pradesh. His study came up with interesting findings on the governance in scheduled areas with special reference to three village panchayats- Laxmipuram and Kilagada from Munchingi Puttumandal and Vanjangi from Paderu mandal. The findings show that the

awareness is very low and bureaucracy is ignorant of the provisions of the PESA Act. The attempts to impose formal rules on tribals have created tension. Participation of tribals in self-governance is under threat because of denial of access to basic resources like land, water and forests. The emerging new political leadership controls the governance and is not accountable to the community. Since Gram Sabha meetings are not been conducted on a regular basis, participation has reduced over the past few years. People have little control over decision making and have little faith in the new mechanism. Women participation is significantly low than that of men. There is no cordial cooperation between locally working bodies. Traditional institutions have been performing better than PRIs (Aruna Kumar, 2008).

Sanjay Upadhyay argues that the enactment of the PESA Act is like ‘skeletons’ which require operational rules and guidelines. There is a need for awareness campaigns regarding self-governance and community control over natural resources. The author feels that PESA has not been implemented in the spirit in which it was conceived. Constitutional privileges have been created to manage the scheduled areas. The constitution makers, during the constitutional framework, discussed the issues related to tribals through three sub committees. It is imperative to remove the incongruence which obstructs tribal decent livelihood (Upadhyay, 2010).

1.4: Need of the study

The Government of AP issued rules under the Act on March 21, 2011. The Government of Andhra Pradesh also notified Gram Sabhas under the Rules in 2013. Few concerns relating to the implementation of the Act in Andhra Pradesh has come up from the above discussion. The State PESA Act and its rules are not as per the letter and spirit of the Central PESA Act. Therefore, there is a need to amend the State Act and bring it in conformity with the Central Act. There are some State and Central laws which are inconsistent with the provisions of PESA Act. These laws, rules and executive instructions related to mines, MFP, moneylending etc., need to be amended or repealed and harmonised with the provisions of the PESA Act. For example, the Girijan Cooperative Corporation is the sole agent of MFP collection and marketing in Scheduled Areas of the State as per AP Scheduled Areas Minor Forest Produce (Regulation of Trade) Regulation, 1979. This monopoly right continues despite the provisions of PESA Act which empowers the Gram Sabha with ownership of MFP.

Reservations of seats under PESA are in proportion to the population of tribal communities in panchayats. The State Act stipulates that the Sarpanches of the Gram Panchayats and the president of the Mandal Parishads are reserved for STs. It has completely left out the district

panchayat. Proportionate reservations need to be extended to tribal people in the district panchayat also.

Based on the above background, an attempt will be made to examine whether the PESA Act has been implemented effectively to facilitate local governance in the Scheduled Areas as per the provisions of the Act or not.

1.5: Objectives

The proposed study seeks to find out whether the well-intended legislation has created any impact in ensuring autonomy to Adivasis in Scheduled Areas.

The objectives are as follows:

1. To assess the level of awareness among both elected representatives and members of the Gram Sabha about the PESA Act.
2. To know the features of PESA Act and the problems associated with the implementation of this Act.
3. To understand the nature and extent of problems in implementing the PESA Act.
4. To evaluate the impact of PESA Act on empowerment of Gram Sabha/ Gram Panchayats
5. To identify the gaps in implementation and suggest policy and legal measures for its effective enforcement.
6. To analyse the role of Gram Sabha in implementation of various development programmes meant for tribal development.

1.6: Methodology

The research study is based on both qualitative and quantitative in nature. The secondary source data was from already published works and government records. The data was collected using schedules and the qualitative data was collected through group discussions in the field villages. The study was conducted in East Godavari and Srikakulam districts of Andhra Pradesh.

The household data was collected from purposively selected villages from East Godavari and Srikakulam districts. Schedule for data collection, contained some open-ended questions framed for the collection of data. A software application was developed containing the questions according to the schedule. The software (smart phone application) for data collection was uploaded on to the smart phones of the investigators to enable them to collect data digitally using their smart phones.

Table 1. 1: *Details of Sample*

Sl.	District	Mandal	Village	Respondents
1	Srikakulam	Seethampeta	Mogadaraguda	17
			Nowgada	32
			Pedarama	33
			Chinthamanuguda	8
			Devanapuram	28
			Chinarama	6
			Jammaduguda	21
			Kagumanuguda	20
			Goidi	80
		Total	9	245
		Palakonda	Venkatarayuni	2
			Valasa	1
			Jamparakota	2
		Total	3	5
Hiramandalam	Solpi	2		
Total	1	2		
Kotturu	Erapadu	2		
Total	1	2		
2	East Godavari	Maredumilli	Kutrawada	87
		Total	1	87
Grand Total	2	4	15	341

The schedule was divided into six sections. The first section was about awareness of PESA among the members of the Gram Sabha in villages in Andhra Pradesh. The second section dealt with the awareness of respondents about the features of the PESA Act. The third section looked into the problems in implementing PESA Act. Impact of PESA Act on the empowerment of Gram Sabha/Gram Panchayat was dealt in the fourth section. The fifth section gathered information regarding the gaps in implementation and suggest policy and legal measures for its effective enforcement. The role of Gram Sabha in implementation of various development programmes meant for tribal development was probed in the last section.

The data was collected with the help of a software application. A software application has been developed containing the questions according to the schedule. The software (smart phone application) for data collection was uploaded on to the smart phones of the investigators to enable them to collect data digitally using their smart phones. Log-in ids and passwords were generated for the investigators.

Training of the investigators including technical knowledge about the Act and the use of the mobile application for data collection was imparted. Fieldwork initiated much before start of Covid 19. There was a long gap due to series Covid 19 related lock downs. The data collection

for remaining work once again started from 21st of August and was completed by 13th of September, 2020. However, the data for Goidhi in Seethampet mandal of Srikakulam and Kutrawada in Maredumilli Mandal of East Godavari districts were collected before the lockdown for covid-19.

Limitations: Field work was completed in East Godavari before Covid 19 situation. Several limitations impeded the progress of this research. The advent of covid-19 and the subsequent lockdown delayed further data collection. Only Seethampeta ITDA could be visited. ITDA in Vijayanagaram was shut down because of few cases of covid-19 cases among the staff. It was, hence difficult to get the details of villages. It was not feasible to visit far off villages. Only nearby villages could be visited. Many of the villages and hamlets had very poor internet connectivity which made the data collection over the app difficult and took more time.

2. Awareness of PESA in Andhra Pradesh

The next sections are based on the data gathered from the members of the Gram Sabha.

Table 2. 1: Respondents Awareness about the PESA Act

Awareness of PESA	District					Grand Total
	Srikakulam				East Godavari	
	Hiramandalam	Kothuru	Palakonda	Seethampeta	Maredumilli	
No	0	2	3	200	67	272
	0.0	0.7	1.1	73.5	24.6	79.8
Yes	2	0	2	45	20	69
	2.9	0.0	2.9	65.2	29.0	20.2
Total	2	2	5	245	87	341
	0.6	0.6	1.5	71.8	25.5	100.0

The above table reveals that only 20.2 percent of the tribals are aware, while nearly 79.8 percent are not aware of the provisions under the PESA Act. Out of those who are aware, 65.2 percent are from Seethampeta mandal and 29 percent from Maredumilli mandal of Srikakulam and East Godavari district, respectively. In Hiramandalam mandal of Srikakulam, both the respondents are aware of the act. Among those who are not aware, 73.5 percent of the tribals are from Seethampeta, and 24.6 percent from Maredumilli mandal. Both the respondents from Kothuru and three respondents in Palakonda mandals are also not aware of the Act. Palakonda also has two respondents who are aware of the Act. Thus, the situation is grim as the PESA Act empowers the tribal people to have their own governance while safeguarding and preserving their traditions, customs and their cultural identity. Earlier study by Aruna kumar in Visakhapatnam district of Andhra Pradesh has also shown that awareness is very low and bureaucracy is ignorant of the provisions of the PESA Act (Table 2.1).

Nearly, 81.6 percent and 77 percent from Seethampeta and Maredumilli mandals, respectively, are not aware of the Act.

Table 2. 2: Perception of the Respondents about the Source of Knowing about PESA

Source	District					Grand Total
	Srikakulam				East Godavari	
	Hiramandalam	Kothuru	Palakonda	Seethampeta	Maredumilli	
Government Officials	2	0	1	0	0	3
	66.7	0.0	33.3	0.0	0.0	4.3
Gram Panchayat	0	0	1	1	0	2
	0.0	0.0	50.0	50.0	0.0	2.9
Gram Sabha	0	0	0	40	0	40
	0.0	0.0	0.0	100.0	0.0	58.0
Tribal Organisation	0	0	0	3	17	20
	0.0	0.0	0.0	15.0	85.0	29.0
Posters, Newspapers, NGOs, etc.	0	0	0	1	3	4
	0.0	0.0	0.0	25.0	75.0	5.8
Total	2	0	2	45	20	69
	2.9	0.0	2.9	65.2	29.0	100.0

Those who are aware, reveal about the sources from which they came to know about the PESA Act like posters, NGOs, newspapers, Gram Sabha, Gram Panchayat, Government officials and Tribal organisations. A little more than half (58 percent) of the respondents came to know about the Act at the Gram Sabha. For 29 percent of the respondents, tribal organizations are the source for the dissemination of PESA Act, out of which, 85 percent are from Maredumilli, East Godavari. Two respondents, one each from Palakonda and Seethampeta mandals came to know about the Act from Gram Panchayat. And one from Seethampeta said he came to know about the Act from NGO. Both the respondents in Hiramandalam and one from Palakonda have known about the Act from Governmental officials (Table 2.2).

Table 2. 3: Perception of the Respondents of being aware that Gram Sabha is the bottom level enquiry level unit

Bottom Level of Enquiry	District					Grand Total
	Srikakulam				East Godavari	
	Hiramandalam	Kothuru	Palakonda	Seethampeta	Maredumilli	
No	0	2	3	193	72	270
	0.0	0.7	1.1	71.5	26.7	79.2
Yes	2	0	2	52	15	71
	2.8	0.0	2.8	73.2	21.1	20.8
Total	2	2	5	245	87	341
	0.6	0.6	1.5	71.8	25.5	100.0

The Gram Sabha, according to the PESA Act, is made to be the enquiry unit at the grass root level for all types of developmental activities. The tribals need to be aware of this for the effective implementation of all activities and local governance in the Scheduled areas. However, the field data show a different picture. More than three fourth of the respondents (79.2 percent) are not aware of this provision while only 20.8 percent are aware of the provision in PESA Act. Among those who are aware, 73.2 percent are from Seethampeta, 21.1 percent from Maredumilli and 2.8 percent each from Hiramandalam and Palakonda Mandal. The difference between the mandals can be due to the fact that number of respondents in Seethampeta is much higher than the other mandals (Table 2.3).

Table 2. 4: Perception of the Respondents about the President of the Gram Sabha

President of Gram Sabha	District					Grand Total
	Srikakulam				East Godavari	
	Hiramandalam	Kothuru	Palakonda	Seethampeta	Maredumilli	
Secretary, GP	0	0	1	0	0	1
	0.0	0.0	100.0	0.0	0.0	0.3
Village Sarpanch	2	2	4	169	31	208
	1.0	1.0	1.9	81.2	14.9	61.0
Don't know	0	0	0	76	56	132
	0.0	0.0	0.0	57.6	42.4	38.7
Total	2	2	5	245	87	341
	0.6	0.6	1.5	71.8	25.5	100.0

According to PESA, the Sarpanch of the Gram Panchayat, shall be the President of the Gram Sabha. The data reveals that more than half of the respondents (61 percent) in both Srikakulam and East Godavari are aware that the Village Sarpanch shall be the President of the Gram Sabha. Only one respondent from Palakonda mandal said that the Secretary of the Gram Panchayat is to be the President of the Gram Sabha. Among those who said village Sarpanch,

two respondents each are from Hiramandalam and Kothuru mandal, and four respondents are from Palakonda mandal, while a majority of them (81.2 percent) are from Seethampeta mandal (Table 2.4).

Table 2. 5: Perception of Respondents as to whether details of common lands or community lands provided to the Gram Sabha

Details of common land	District					Grand Total
	Srikakulam				East Godavari	
	Hiramandalam	Kothuru	Palakonda	Seethampeta	Maredumilli	
Yes	2	0	4	157	14	177
	1.1	0.0	2.3	88.7	7.9	51.9
No	0	0	0	21	12	33
	0.0	0.0	0.0	63.6	36.4	9.7
Don't Know	0	2	1	67	61	131
	0.0	1.5	0.8	51.1	46.6	38.4
Total	2	2	5	245	87	341
	0.6	0.6	1.5	71.8	25.5	100.0

The PESA Act provides that Panchayat Extension Officer or Panchayat Secretary or Village Revenue Officer shall provide the Gram Sabha with the details of common lands or community lands, so that their utilization for the common benefit of the community may be planned and discussed. Gram Sabha with the help of Panchayat Secretary and Village Revenue Officer shall prepare a ‘Village Assets Register’ with details of community assets, present usage, change in usage, etc. Gram Sabha also has to take necessary steps for the protection of common lands from alienation. The field data reveals that little half of the respondents (51.9 percent) are aware of this provision. Nearly 38.4 percent are not aware of the provision and 9.7 percent of the respondents felt that this is not happening. Most of the respondents, who are aware, are from Seethampeta (88.7 percent). Nearly 7.9 percent, 2.3 percent and 1.1 percent are from Maredumilli, Palakonda and Hiramandalam Mandal, respectively, are also aware of the provision. Among those who are not aware, 51.1 percent are from Seethampeta and 46.6 percent from Maredumilli. Moreover, even though some are aware, feel that this is not happening (Table 2.5).

Summary

The PESA Act empowers the tribal people to have their own governance while safeguarding and preserving their traditions, customs and their cultural identity. However, the field data shows that the gram Sabha members are not aware of the Act. Majority of the tribals, 81.6

percent and 77 percent from Seethampeta and Maredumilli mandals, respectively, are not aware of the Act. Similarly, most of them are not aware that Gram Sabha is made the grass root level enquiry point for all levels of developmental works in the village. Nearly 39 percent of the respondents do not know the Sarpanch of the Gram Panchayat has to be the President of the Gram Sabha. The details of the community lands have to be provided to the Gram Sabha so that their utilization for the benefit of the community can be discussed and planned. But in reality, this is not happening. The situation is, thus, grim.

3. Awareness of Features of the PESA Act

Table 3. 1: Perception of respondents regarding who is competent to safeguard the traditions

Safeguard Traditions	District					Grand Total
	Srikakulam				East Godavari	
	Hiramandalam	Kothuru	Palakonda	Seethampeta	Maredumilli	
Gram Sabha	0	2	4	85	18	109
	0.0	1.8	3.7	78.0	16.5	32.0
Tribal Panchayat/ Tribal leaders	2	0	1	99	27	129
	1.6	0.0	0.8	76.7	20.9	37.8
Village Development Council	0	0	0	35	0	35
	0.0	0.0	0.0	100.0	0.0	10.3
Others (Gram Panchayat, politicians etc)	0	0	0	4	7	11
	0.0	0.0	0.0	36.4	63.6	3.2
Don't' know	0	0	0	22	35	57
	0.0	0.0	0.0	38.6	61.4	16.7
Total	2	2	5	245	87	341
	0.6	0.6	1.5	71.8	25.5	100.0

With respect to review power on safeguarding the tribal culture and traditions, as per the APPEA Act 1998, section 242 (c) (1) the Gram Sabha is responsible to review the tribal culture and traditional ethos. The Gram Sabha has to document the customary modes of resolutions and traditional management practices of community resources, and other traditions and customary norms. It is the duty of the Gram Sabha to resolve an issue once a complaint is received. The Gram Sabha shall, however, not take any decision which is against public policy or existing laws in force. The field data, however, reveals that only 32 percent of the respondents are aware of this power of the Gram Sabha. Nearly 37.8 percent of the respondents said that safeguarding traditions and customs is the responsibility of tribal leaders or tribal Panchayat, followed by Village Development Council (10.3 percent) and others like Gram Panchayat, politician, etc (3.2percent). Few (16.7 percent) are not aware of this provision. Among those who are aware of this power of Gram Sabha, 78 percent are from Seethampeta and 16.5 percent from Maredumilli mandals. Only 2 and 4 respondents are from Kothuru and Palakonda responded as Gram Sabha (Table 3.1).

Table 3. 2: Perception of Respondents of being aware of the non- interference of police or revenue authorities in traditional matters

Grievances referred to GS	District					
	Srikakulam				East Godavari	Grand Total
	Hiramandalam	Kothuru	Palakonda	Seethampeta	Maredumilli	
Yes	2	0	3	59	22	86
	2.3	0.0	3.5	68.6	25.6	25.2
No	0	2	2	186	65	255
	0.0	0.8	0.8	72.9	25.5	74.8
Total	2	2	5	245	87	341
	0.6	0.6	1.5	71.8	25.5	100.0

The PESA Act provides that the police or revenue authorities have to observe restraint and avoid entertaining the grievances in relation to traditional, customs and personal matters (traditional festivals, ceremonies, matrimonial matters, devolution of properties, crop destruction compensation matters, etc)., which are civil in nature arising from the village. The police have to refer it to the Gram Sabha which has jurisdiction for the customary mode of dispute resolution except in cases where immediate police action is needed to maintain the public peace and tranquillity. However, the above table reveals that only 25.2 percent of the respondents are familiar with this provision while almost three fourth of them (74.8 percent) said that they are not aware. Out of those who are aware, nearly 68.6 percent are from Seethampeta and 25.6 percent from Maredumilli. Both the respondents from Hiramandalam and three from Palakonda are also aware of this provision in the PESA Act (Table 3.2).

Table 3. 3: Perception of Respondents regarding who is empowered for approving plans, programmes and projects for social and economic development of the village

Review and Approval of Plans	District					Grand Total
	Srikakulam				East Godavari	
	Hiramandalam	Kothuru	Palakonda	Seethampeta	Maredumilli	
Gram Panchayat	2	0	1	3	19	25
	8.0	0.0	4.0	12.0	76.0	7.3
Gram Sabha	0	2	4	167	6	179
	0.0	1.1	2.2	93.3	3.4	52.5
Others (Mandal parishad, ITDA etc)	0	0	0	16	6	22
	0.0	0.0	0.0	72.7	27.3	6.5
Don't know	0	0	0	59	56	115
	0.0	0.0	0.0	51.3	48.7	33.7
Total	2	2	5	245	87	341
	0.6	0.6	1.5	71.8	25.5	100.0

According to PESA, the Gram Sabha shall approve plans, programmes and projects for social and economic development before they are taken up for implementation by the Gram Panchayat at the village level. The Gram Sabha has to be facilitated to assess and prioritize the needs of the village. The concerned institutions need to present the complete information related to the program or plan or project, including relevance, importance and also the financial details of the program, before the Gram Sabha. Moreover, this has to be presented in a commonly understandable, preferably vernacular language. The above table shows that almost half of the respondents (52.5 percent) have responded that the Gram Sabha has to approve plans for social and economic development. While 7.3 percent and 6.5 percent of them said that this is the duty of Gram Panchayat and others like Mandal Parishad, ITDA, etc, respectively. However, 33.7 percent didn't know about this duty of Gram Sabha (Table 3.3).

Table 3. 4: Perception of Respondents whether Gram Sabha is responsible for the identification and selection of beneficiaries under the poverty alleviation and other programs

Selection of Beneficiaries	District					Grand Total
	Srikakulam				East Godavari	
	Hiramandalam	Kothuru	Palakonda	Seethampeta	Maredumilli	
Yes	2	0	5	108	20	135
	1.5	0.0	3.7	80.0	14.8	39.6
No	0	2	0	137	67	206
	0.0	1.0	0.0	66.5	32.5	60.4
Total	2	2	5	245	87	341
	0.6	0.6	1.5	71.8	25.5	100.0

According to PESA, the Gram Sabha has to finalise the list of beneficiaries on the basis of economic condition of the family for development programs. The concerned departments has to obtain the list of beneficiaries identified and selected by the Gram Sabha for implementation of poverty alleviation programs before releasing the funds for the program. Suitable instructions are to be issued to all division and district level officials. However, the data shows that 39.6 percent of the respondents only are aware that Gram Sabha is responsible for the identification and selection of beneficiaries for poverty alleviation programs. However, 60.4 percent of them are not aware of this guideline as per the PESA Act. Thus, even though the villagers are being engaged in government sponsored schemes and programmes like MGNREGA they are not aware of as to who is finalizing the beneficiaries (Table 3.4).

Table 3. 5: Perception of Respondents of being aware of approved budget to placed before Gram Sabha for discussion on last year's budget/ expenditure, schemes implementation

Approved Budget before Gram Sabha	District					Grand Total
	Srikakulam				East Godavari	
	Hiramandalam	Kothuru	Palakonda	Seethampeta	Maredumilli	
Aware and discussed	0	0	3	52	22	77
	0.0	0.0	3.9	67.5	28.6	22.6
Aware and Not discussed	2	0	0	65	7	74
	2.7	0.0	0.0	87.8	9.5	21.7
Not Aware	0	2	2	128	58	190
	0.0	1.1	1.1	67.4	30.5	55.7
Total	2	2	5	245	87	341
	0.6	0.6	1.5	71.8	25.5	100.0

PESA Act provides that a copy of the approved budgets is to be placed before the Gram Sabha for discussion on the utilization of last year's budget/expenditure, schemes implemented, etc and on the requirements of the current year, to improve the situation. The Utilization Certificates (UCs) from the concerned Gram Sabha, detailing the procedures and processes of utilization of funds released and schemes completed should be taken which is required for further action. The data reveals that nearly 55.7 percent of the respondents are not aware of this provision in PESA Act. Nearly 21.7 percent said that though they are aware of the provision, but this is not been happening. Nearly 22.6 percent of the respondents, however, responded that last year budget is being discussed with village people in the Gram Sabha. However, there are no records as to how many UCs has been forwarded to which government department (Table 3.5).

Table 3. 6: Perception of Respondents regarding planning and management of minor water bodies

Planning and Management of Minor water bodies	District					Grand Total
	Srikakulam				East Godavari	
	Hiramandalam	Kothuru	Palakonda	Seethampeta	Maredumilli	
Yes	2	0	3	36	27	68
	2.9	0.0	4.4	52.9	39.7	19.9
Don't Know	0	2	2	209	60	273
	0.0	0.7	0.7	76.6	22.0	80.1
Total	2	2	5	245	87	341
	0.6	0.6	1.5	71.8	25.5	100.0

Minor water bodies include natural water bodies used for drinking water, construction of tanks, and check dams. The planning and management of minor water bodies is the responsibility of Gram Sabha, Gram Panchayat, Mandal Parishad and Zilla Parishad, as the case may be, that fall in their jurisdiction, for the common benefit of the people. The concerned irrigation department have to take approval of the concerned Gram Sabha or Panchayat at the appropriate level before regulating the supply of water from a minor water body and also provide technical advice in developing a management plan for the same. However, the above table reveals that a majority of respondents (80.1 percent) are not aware of this responsibility of Gram Sabha or Panchayat at the appropriate level. Only 19.9 percent are aware of the same. Among those who are aware, 52.9 percent are from Seethampeta, followed by 39.7 percent from Maredumilli, 4.4 percent from Palakonda and 2.9 percent from Hiramandalam (Table 3.6).

Table 3. 7: Perception of Respondents of being aware of Gram Sabha to be consulted before acquisition and registration of any immovable property between tribal parties

Acquisition and Registration of Immovable property	District					Grand Total
	Srikakulam				East Godavari	
	Hiramandalam	Kothuru	Palakonda	Seethampeta	Maredumilli	
Yes	2	0	5	17	21	45
	4.4	0.0	11.1	37.8	46.7	13.2
No	0	2	0	228	66	296
	0.0	0.7	0.0	77.0	22.3	86.8
Total	2	2	5	245	87	341
	0.6	0.6	1.5	71.8	25.5	100.0

The PESA Act provides that The Panchayat Secretary with the help of Village Revenue officer shall place the details of transfer of ownership of houses, lands and other immovable properties before the Gram Sabha. The Gram Sabha can decide whether the transactions are legal or not and take necessary action, accordingly. A consultation in the form of a resolution from the Gram Sabha has to be obtained before permitting any registration of any transaction in relation to the immovable property between tribal parties under AP Scheduled Area Land Transfer Regulations 1 to 5 and Rules 1969. A majority of 86.8 percent of the respondents are not aware of this feature of Gram Sabha. Only 13.2 percent of them said that they are aware of this provision. Out of this, 46.7 percent are from Maredumilli, 37.8 percent from Seethampeta, 11.1 percent and 4.4 percent from Palakonda and Hiramandalam, respectively.

Table 3. 8: Perception of Respondents of being aware of Gram Sabha to be consulted before land acquisition for development projects and before rehabilitating persons affected by such project

Land Acquisition for Development Projects	District					Grand Total
	Srikakulam				East Godavari	
	Hiramandalam	Kothuru	Palakonda	Seethampeta	Maredumilli	
Aware and Happening	0	2	3	46	18	69
	0.0	2.9	4.3	66.7	26.1	20.2
Aware but Not Happening	2	0	0	12	5	19
	10.5	0.0	0.0	63.2	26.3	5.6
Not aware	0	0	2	187	64	253
	0.0	0.0	0.8	73.9	25.3	74.2
Total	2	2	5	245	87	341
	0.6	0.6	1.5	71.8	25.5	100.0

Gram Sabha in Scheduled areas are empowered to get detailed information from the concerned authority or even from the government about the proposed land acquisition for any project under any Act. After considering all the issues and keeping in view the problems due to and effects of such acquisition and coming up of new projects on the scheduled tribe population, to suggest measures and action that will benefit the tribal population. Mandal Praja Parishad is also to be consulted for implementing the rehabilitation and resettlement plans by the project authorities. The Land acquisition officers or Rehabilitation and Resettlement officers have to attend Gram Sabha and Mandal Praja Parishad and furnish any information required. The field data shows that only 20.2 percent of the respondents are aware and feel that this happening in their village, while 5.6 percent, though aware, responded that this is not happening in the village. However, a majority of 74.2 percent are not aware of this rule in the PESA Act. Among those who said, it is happening, 66.7 percent are from Seethampeta, 26.1 percent from Maredumilli and very few from Palakonda (4.3 percent) and Kothuru (2.9 percent). Both the respondent from Hiramandalam, though aware responded that this is not happening in their village (Table 3.8).

Table 3. 9: Perception of Respondents as to who regulates and restricts the sale and consumption of any intoxicants

Regulate sale & Consumption of Intoxicants	District					Grand Total
	Srikakulam				East Godavari	
	Hiramandalam	Kothuru	Palakonda	Seethampeta	Maredumilli	
Gram Sabha	0	0	2	13	19	34
	0.0	0.0	5.9	38.2	55.9	10.0
Gram Panchayat	2	0	1	46	1	50
	4.0	0.0	2.0	92.0	2.0	14.7
Police system	0	0	0	18	0	18
	0.0	0.0	0.0	100.0	0.0	5.3
Don't know	0	2	2	168	67	239
	0.0	0.8	0.8	70.3	28.0	70.1
Total	2	2	5	245	87	341
	0.6	0.6	1.5	71.8	25.5	100.0

Consumption of alcohol and tobacco is very common in the tribal society. It is an integral part of their culture and daily life. Both male and female and even the children are addicted to intoxicants. PESA stipulates rules regarding this commonly practiced habit among the tribals. The decisions of the Gram Sabha, in relation to the grant of license for manufacture and sale of intoxicants, duration and renewals of licences, time of opening and closing of liquor shops, etc, are final, as specified in the PESA Rules. The Excise officials have to follow the decisions

of the Gram Sabha. It is important that the tribals need to be aware of this provision. However, around 70.1 percent of the total respondents are not aware of this provision. Among them 70.3 percent are from Seethampeta and 28 percent from Maredumilli, while 0.8 percent each from Palakonda and Kothuru. For 14.7 percent and 5.3 percent, it is the decision of Gram Panchayat and Police, respectively. Only 10 percent of them are aware, out of which, 55.9 percent are from Maredumilli, 38.2 percent from Seethampeta and only two respondents from Palakonda district (Table 3.9).

Table 3. 10: Perception of Respondents as to who has the power to constitute a committee to manage, protect and conserve the community forest resources

Power to manage Community Forest Resources	District					Grand Total
	Srikakulam				East Godavari	
	Hiraman..	Kothuru	Palakonda	Seethampeta	Maredumilli	
Forest Department/Officers	0	2	0	138	9	149
	0.0	1.3	0.0	92.6	6.0	43.7
Gram Panchayat or Gram Sabha	2	0	2	44	1	49
	4.1	0.0	4.1	89.8	2.0	14.4
Gram Sabha	0	0	3	24	21	48
	0.0	0.0	6.3	50.0	43.8	14.1
Police system	0	0	0	3	0	3
	0.0	0.0	0.0	100.0	0.0	0.9
Don't know	0	0	0	36	56	92
	0.0	0.0	0.0	39.1	60.9	26.9
Total	2	2	5	245	87	341
	0.6	0.6	1.5	71.8	25.5	100.0

According to the PESA rule, the Gram Sabha has the power to constitute committee to manage, protect and conserve the community forest resources with the technical guidance from the Forest Department. The powers of Gram Sabha are also recognised under Recognition of Forest Rights Act 2006 in determining the forest rights of individuals, community and community forest resources rights. The Forest rights Committee have to function at the Gram Sabha and not at the Gram Panchayat level. Only 14.1 percent of the respondents have responded that the Gram Sabha exclusively has the power to constitute committee to manage, protect and conserve community forest resources. Out of these 50 percent are from Seethampeta, 43.8 percent from Maredumilli and 6.3 from Palakonda. Few (14.4 percent) feel it to be the responsibility of either Gram Sabha or Gram Panchayat, of which 2 respondents each are from Hiramandalam and Palakonda and one from Maredumilli. A little less than half (43.7 percent) think it to be the

responsibility of Forest department. Only 3 respondents from Seethampeta responded that it is the responsibility of police system (Table 3.10).

Table 3. 11: Perception of Respondents of being aware of Gram Sabha to maintain a register with MFP collectors and to settle any disputes between them

Maintain Register with MFP Collectors	District					Grand Total
	Srikakulam				East Godavari	
	Hiramandalam	Kothuru	Palakonda	Seethampeta	Maredumilli	
Yes, it is happening	0	0	1	0	17	18
	0.0	0.0	5.6	0.0	94.4	5.3
Yes but not happening	0	0	0	0	8	8
	0.0	0.0	0.0	0.0	100	2.3
Don't know	2	2	4	245	62	315
	0.6	0.6	1.3	77.8	19.7	92.4
Total	2	2	5	245	87	341
	0.6	0.6	1.5	71.8	25.5	100.0

PESA Act provides that the Gram Sabha has to maintain a register with the names of Minor Forest Produce (MFP) collector and settle any disputes among them regarding jurisdiction ownership, access to collection, etc. All the respondents in Seethampeta, Kothuru and Hiramandalam are not aware of this provision. Only 5.3 percent responded that the Gram Sabha maintains register with the names of MFP collector and settle disputes among them. In Maredumilli, 8 respondents though aware said that it is not happening (Table 3.11).

Table 3. 12: Perception of Respondents of being aware of who has the power to prevent alienation of land in the scheduled areas and to take appropriate action to restore any unlawfully alienated land of the ST

Prevent alienation & action for restoration	District					Grand Total
	Srikakulam				East Godavari	
	Hiramandalam	Kothuru	Palakonda	Seethampeta	Maredumilli	
Yes	2	0	2	11	14	29
	6.9	0.0	6.9	37.9	48.3	8.5
No	0	2	3	234	73	312
	0.0	0.6	1.0	75.0	23.4	91.5
Total	2	2	5	245	87	341
	0.6	0.6	1.5	71.8	25.5	100.0

With regard to prevention of alienation of land and restoration of alienated land, the Gram Sabha play a pivotal role in identification of cases of alienation, record all ownership of land, verification of the genuineness of the ST status, whether any non-tribal has purchased in the

name of a tribal woman, physically verify the modes of alienation and approve the list of beneficiaries under land assignment. The Gram Sabha can report or complain about the facts and happenings in the field to the competent authorities to take necessary action as per the provisions of APSALTR (Andhra Pradesh Scheduled Areas Land Transfer Regulation, 1959). Almost 91.5 percent of the respondents are not aware that Gram Sabha has an important role to play in the prevention of alienation of land and restoration of alienated land. Only 8.5 percent are aware, out of which 48.3 percent are from Maredumilli and 37.9 percent from Seethampeta. Both the respondents from Hiramandalam and two from Palakonda are also aware of this responsibility of Gram Sabha (Table 3.12).

Table 3. 13: Perception of the respondents as to no license to be granted to private money lending agencies

No license to Private Money lending	District					Grand Total
	Srikakulam				East Godavari	
	Hiramandalam	Kothuru	Palakonda	Seethampeta	Maredumilli	
Yes, and Happening	0	0	1	0	3	4
	0.0	0.0	25.0	0.0	75.0	1.2
Yes, not happening	2	0	1	12	7	22
	9.1	0.0	4.5	54.5	31.8	6.4
Don't know	0	2	3	233	77	315
	0.0	0.6	1.0	74.0	24.4	92.4
Total	2	2	5	245	87	341
	0.6	0.6	1.5	71.8	25.5	100.0

Under PESA Act, no license of money lending is to be granted to private money lending agencies. The Gram Sabha or Gram Panchayat has to report or complain to the concerned Tahsildar on the cases of unauthorized private money lending activities, corruption in transaction, illegal recovery method etc, for taking necessary action. A majority of 92.4 percent respondents don't know about this. Only 4 respondents are aware and of the opinion that this is happening in their village. Among these, three are from Maredumilli and one respondent from Palakonda. According to some (6.4 percent), this is not happening though they are aware of this provision, of which 12 respondents from Seethampeta, 7 from Maredumilli, both from Hiramandalam and one from Palakonda (Table 3.13).

Table 3. 14: Perception of Respondents regarding Gram Sabha to exercise control over institutions and functionaries in all social sectors – schools, health sub centres and Anganwadi centres

Control over Social Sectors	District					Grand Total
	Srikakulam				East Godavari	
	Hiramandalam	Kothuru	Palakonda	Seethampeta	Maredumilli	
Yes	2	2	4	161	25	194
	1.0	1.0	2.1	83.0	12.9	56.9
No	0	0	1	84	62	147
	0.0	0.0	0.7	57.1	42.2	43.1
Total	2	2	5	245	87	341
	0.6	0.6	1.5	71.8	25.5	100.0

According to the PESA Act, the Gram Sabha, has to exercise control over institutions and functionaries in all social sector like schools, health sub centres and Anganwadi centres. It is the Gram Sabha which has to discuss about the functioning of the school in their village, like enrollment of children, attendance of teachers and student's admission of students to the next higher class, student's dropout, reasons of the dropout, solution for the same, supply of materials, accommodation, running the scheme of mid-day meals etc. The headmaster and teachers have to attend the Gram Sabha meetings as and when required by the Gram Sabha and appraise the functioning of the school. Issues related to health sub centre, like availability of staff, supply of medicines, and suggestion for the improvement of functioning of the health sub centre is also to be reviewed in the meetings of Gram Sabha. The health workers, Asha workers and any other medical officer working in its jurisdiction, have to attend the meetings of Gram Sabha on its notice and appraise the functioning of health sub centre. The gram Panchayat is the disciplinary authority for the Anganwadi workers. The list of prospective candidates prepared by the ICDS authorities for the post of Anganwadi workers has to be selected and approved by the Gram Sabha. The above table shows that more than half (56.9 percent) of the respondents are aware of the control of Gram Sabha over institutions and functionaries in all social sectors- schools, health sub centres and Anganwadi centres. Among these 83 percent are from Seethampeta followed by 12.9 percent from Maredumilli. All the respondents from Hiramandalam and Kothuru and 4 from Palakonda are also aware of this.

Table 3. 15: Perception of Respondents regarding Gram Panchayat being empowered to grant prospecting license or mining lease only to local ST members

License only to ST members	District					Grand Total
	Srikakulam				East Godavari	
	Hiramandalam	Kothuru	Palakonda	Seethampeta	Maredumilli	
Yes, and Happening	0	2	1	0	9	12
	0.0	16.7	8.3	0.0	75.0	3.5
Yes, not happening	0	0	1	9	12	22
	0.0	0.0	4.5	40.9	54.5	6.5
Don't know	2	0	3	236	66	307
	0.6	0.0	1.0	76.9	21.5	90.0
Total	2	2	5	245	87	341
	0.6	0.6	1.5	71.8	25.5	100.0

According to PESA Act, Gram Panchayat is empowered to grant prospecting license or mining lease only to individual local members of STs or societies comprising of local ST members for mining minerals in scheduled areas. The mining department has to refer all applications to the concerned Gram Panchayat whose decision to allow or reject would be final. The data from the above table, however, shows that, a majority of 90 percent from are not aware of the provision. Only 12 of the respondents responded that this is happening and they are aware of this, out of which 9, 2 and 1 respondents are from Maredumilli, Kothuru and Maredumilli, respectively. While 6.5 percent are aware but are of the opinion that this is not happening in the village, of which 12, 9 and 1 are from Maredumilli, Seethampeta and Palakonda, respectively (Table 3.15).

Summary

The above section examines the awareness of the respondents about the features of the PESA Act. The PESA Act provides the pivotal role to the village and its Gram Sabha. The Gram Sabha is made competent to act on a range of power. Every Gram Sabha has to be competent to safeguard and preserve the traditions and customs of the people, their cultural identity, community resources and the customary mode of dispute resolution. It has the power to approve of the plans, programmes and projects for social and economic development before they are taken up for implementation by the Panchayat at the village level. Selection of persons as beneficiaries under the poverty alleviation and other programmes is to be done by the Gram Sabha. The Gram Sabha or the Panchayats at the appropriate level shall be consulted before making the acquisition of land in the Scheduled Areas for development projects and before resettling or rehabilitating persons affected by such projects. It is necessary for proper

understanding of the feature of the PESA Act by the members of the Gram Sabha, for the effective implementation of the Act. However, the data from the field shows that most of the respondents do not have a basic understanding of the PESA provisions and its operational rules.

4. Problems in Implementing PESA Act

This section tries to find out the problems in the Implementation of PESA Act.

Table 4. 1: Perception of Respondents of the number of meetings conducted in a year

GS meetings in a year	District					Grand Total
	Srikakulam				East Godavari	
	Hiramandalam	Kothuru	Palakonda	Seethampeta	Maredumilli	
1 to 5 times	1	0	5	108	0	114
	0.9	0.0	4.4	94.7	0.0	50.2
6 to 10 times	1	0	0	43	0	44
	2.3	0.0	0.0	97.7	0.0	19.4
12 times	0	0	0	14	0	14
	0.0	0.0	0.0	100.0	0.0	6.2
Conducted	0	0	0	1	54	55
	0.0	0.0	0.0	1.8	98.2	24.2
Total	2	0	5	166	54	227
	0.9	0.0	2.2	73.1	23.8	100.0

The operational guidelines for the implementation of PESA Act, 1998 was given in 2011. The data reveals that only 66.6 percent of the respondents have said that Gram Sabha is being conducted in their village. Out of this, 73.1 percent are from Seethampeta and 23.8 percent from Maredumilli. Palakonda and Hiramandalam also have 5 and 2 respondents saying that Gram Sabha meetings are conducted in their village. Nearly half (50.2 percent) said that it is conducted between 1 to 5 times in a year, for 19.4 percent it is 6 to 10 times annually and for only 6.2 percent meetings are conducted almost 12 times a year (Table 4.1).

Table 4. 2: Perception of Respondents regarding their frequency of participation in Gram Sabha meetings

Frequency of attending GS meetings	District					Grand Total
	Srikakulam				East Godavari	
	Hiraman..	Kothuru	Palakonda	Seethampeta	Maredumilli	
Always	2	0	4	105	80	191
	1.0	0.0	2.1	55.0	41.9	56.0
Sometimes	0	0	1	57	0	58
	0.0	0.0	1.7	98.3	0.0	17.0
Rarely	0	0	0	8	3	11
	0.0	0.0	0.0	72.7	27.3	3.2
Don't Participate	0	2	0	75	4	81
	0.0	2.5	0.0	92.6	4.9	23.8
Total	2	2	5	245	87	341
	0.6	0.6	1.5	71.8	25.5	100.0

The above table shows that a little more than half (56 percent) attend the meetings always, followed by 17 percent attending sometimes and 3.2 percent rarely. Out of those who attended always, 55 percent are from Seethampeta and 41.9 percent from Maredumilli. Palakonda and Hiramandalam also have 4 and 2 respondents, respectively, who attend meetings always. Among those who sometimes attended the meetings, only one is from Palakonda and the rest from Seethampeta. Again, 8 from Seethampeta and 3 from Maredumilli rarely attend the Gram Sabha meetings. However, nearly 23.8 percent of the respondents don't attend the Gram Sabha meetings (Table 4.2).

Table 4. 3: Perception of the respondent regarding the reasons for not attending Gram Sabha meetings

Reasons for not attending GS meetings	District					Grand Total
	Srikakulam				East Godavari	
	Hiramandalam	Kothuru	Palakonda	Seethampeta	Maredumilli	
No Problem	2	0	1	59	0	62
	3.2	0.0	1.6	95.2	0.0	24.6
Village problems not solved in meetings	0	0	2	100	1	103
	0.0	0.0	1.9	97.1	1.0	40.9
Not aware of the meetings	0	0	1	81	2	84
	0.0	0.0	1.2	96.4	2.4	33.3
Not Applicable	0	2	1	0	0	3
	0.0	66.7	33.3	0.0	0.0	1.2
Total	2	2	5	240	3	252
	0.8	0.8	2.0	95.2	1.2	100.0

The respondents were asked about the reasons for not attending some of the Gram Sabha meetings. The reason for not attending Gram Sabha meetings for 40.9 percent of the respondents are that the village problems are not solved in the meetings, while 33.3 percent don't attend as they are not aware of the meetings (Table 4.3).

Table 4. 4: Perception of the respondent regarding the Issues and plans discussed in Gram Sabha meetings

Issues and Plans discussed in GS meetings	District					Grand Total
	Srikakulam				East Godavari	
	Hiramandalam	Kothuru	Palakonda	Seethampeta	Maredumilli	
Village and land problems	0	0	1	61	2	64
	0.0	0.0	1.6	95.3	3.1	32.0
Village Development works	2	0	4	23	19	48
	4.2	0.0	8.3	47.9	39.6	24.0
village problems	0	0	0	8	0	8
	0.0	0.0	0.0	100.0	0.0	4.0
Don't know	0	2	0	78	0	80
	0.0	2.5	0.0	97.5	0.0	40.0
Total	2	2	5	170	21	200
	1.0	1.0	2.5	85.0	10.5	100.0

Various issues are being discussed at the Gram Sabha meetings, like village and land problems, development works, schemes, land under forest, drinking water, etc. The field data shows that village and land problems are discussed according to 32 percent of the respondents, followed by 24 percent responding as village development works (Table 4.4).

Table 4. 5: Respondents Perception regarding the Problems in implementing the Plans

Problems in Implementing Plans	District					Grand Total
	Srikakulam				East Godavari	
	Hiramandalam	Kothuru	Palakonda	Seethampeta	Maredumilli	
No problems	0	0	0	5	0	5
	0.0	0.0	0.0	100.0	0.0	2.9
Not enough budget	0	0	2	1	0	3
	0.0	0.0	66.7	33.3	0.0	1.7
Village people not attending Gram Sabha meetings	2	0	0	0	0	2
	100.0	0.0	0.0	0.0	0.0	1.1
Village problems	0	0	0	12	0	12
	0.0	0.0	0.0	100.0	0.0	6.9
Don't know	0	2	3	147	0	152
	0.0	1.3	2.0	96.7	0.0	87.4
Total	2	2	5	165	0	174
	1.1	1.1	2.9	94.8	0.0	100.0

The respondents were asked what they think to be the problems in implementing the plans discussed in Gram Sabha meetings. The above table reveals that majority of the respondents are not aware of the problems in implementing plans. Two respondents from Palakonda and

one from Seethampeta responded that this is due to less budget. Both the respondents from Hiramandalam thought that this is because of village people not attending Gram Sabha meetings. For 12 respondents from Seethampeta, various village problems are a hindrance in the performance of Gram Sabha (Table 4.5).

5. Impact of PESA Act on the Empowerment of Gram Sabha/Gram Panchayat

Table 5. 1: Perception of Respondents regarding Gram Panchayat and Mandal Parishad being empowered to review the allocation for tribal development programs, under Tribal Sub Plans

Review of Tribal Programs, TSP	District					Grand Total
	Srikakulam				East Godavari	
	Hiramandalam	Kothuru	Palakonda	Seethampeta	Maredumilli	
Yes, and Happening	0	0	0	3	21	24
	0.0	0.0	0.0	12.5	87.5	7.0
Yes, not happening	0	0	5	0	8	13
	0.0	0.0	38.5	0.0	61.5	3.8
Don't know	2	2	0	242	58	304
	0.7	0.7	0.0	79.6	19.1	89.1
Total	2	2	5	245	87	341
	0.6	0.6	1.5	71.8	25.5	100

According to PESA Rule, the power is given to Gram Panchayats and Mandal Parishads in Scheduled Areas to review the allocation (physical and financial) for tribal development programmes under Tribal Sub Plan (TSP), and also review the progress of implementation of TSP works undertaken by all the departments. The Mandal Parishad and Gram Panchayat need to submit administrative reports to the concerned through the District Collector. Moreover, the plans at the Gram Sabha have to be integrated in to Gram Panchayat. However, the field data reveals that almost 89.1 percent of the respondents are not aware of this provision, while only 7 percent said that this is happening in their village and they are aware of this. Moreover, 3.8 percent, though aware said that this is not happening in their village. Among those who are aware and said is happening, are mostly from Maredumilli (87.5 percent) and 12.5 from Seethampeta. All the 5 respondents from Palakonda and 8 from Maredumilli were aware of the provision but said that it is not happening. And the respondents, 2 each, from Kothuru and Hiramandalam, are not aware of this power of Gram Panchayat/ mandal Parishad in Scheduled areas (Table 5.1).

Table 5. 2: Perception of Respondents regarding Members of Gram Sabha sending proposal for separate village to Project Officer, ITDA

Resolution for separate village	District					Grand Total
	Srikakulam				East Godavari	
	Hiramandalam	Kothuru	Palakonda	Seethampeta	Maredumilli	
Yes, and Happening	2	0	2	40	22	66
	3.0	0.0	3.0	60.6	33.3	19.4
Yes, not happening	0	0	2	4	6	12
	0.0	0.0	16.7	33.3	50	3.5
Don't know	0	2	1	201	59	263
	0.0	0.8	0.4	76.4	22.4	77.1
Total	2	2	5	245	87	341
	0.6	0.6	1.5	71.8	25.5	100

PESA provides that if members of notified Gram Sabhas of any habitation/hamlets desire to constitute separate village, the members of that habitation/hamlet may pass a resolution to that effect and send the proposal to Project Officer, ITDA, who in turn has to send it to the Commissioner of Tribal Welfare through District Collector for re- notification of villages. Only 19.4 percent of the respondents responded that this is happening in their village. Out of these, 60.6 percent are from Seethampeta, followed by 33.3 percent from Maredumilli and 3 2 respondents each from Palakonda and Hiramandalam. Few (3.5 percent) though aware responded that this is not happening, out of which 50 percent are from Maredumilli, followed by 33.3 percent from Seethampeta and 2 respondents from Palakonda. However, a majority of 77.1 percent are not aware, of which 76.4 percent and 22.4 percent are from Seethampeta and Maredumilli, respectively. Both the respondents from Kothuru and one from Palakonda are also not aware of this provision (Table 5.2).

Table 5. 3: Perception of Respondents regarding Village level institutional functionaries of government institutions attending the Gram Sabha meetings

Govt. functionaries attend GS	District					Grand Total
	Srikakulam				East Godavari	
	Hiramandalam	Kothuru	Palakonda	Seethampeta	Maredumilli	
Yes	0	0	3	6	18	27
	0.0	0.0	11.1	22.2	66.7	7.9
Yes, District Collector	0	0	1	39	0	40
	0.0	0.0	2.5	97.5	0.0	11.7
Yes, ITDA, PO	1	0	1	0	0	2
	50.0	0.0	50.0	0.0	0.0	0.6
Yes, MLA	1	0	0	0	0	1
	100.0	0.0	0.0	0.0	0.0	0.3
Yes, Traditional Tribal Leaders	0	0	0	0	9	9
	0.0	0.0	0.0	0.0	100.0	2.6
Yes, Mandal Govt. Officials	0	0	0	0	1	1
	0.0	0.0	0.0	0.0	100.0	0.3
Don't know	0	2	0	200	59	261
	0.0	0.8	0.0	76.6	22.6	76.5
Total	2	2	5	245	87	341
	0.6	0.6	1.5	71.8	25.5	100.0

According to PESA, all the village level institutional functionaries of government in respect of subjects covered by PESA, has to attend the Gram Sabha meetings as and when their presence is required for the smooth running of official business. Though 76.5 percent of the respondents are not aware, the rest 23.5 percent have said that many government functionaries and politicians do attend the Gram Sabha meetings. According to 39 respondents from Seethampeta and 1 from Palakonda, District Collector attends the meetings. One each from Palakonda and Hiramandalam said ITDA, PO attends the meetings, while one from Hiramandalam also said once a MLA had attended the Gram Sabha meeting. In Maredumilli, 9 respondents said traditional tribal leaders and one said Mandal Government officials attend the Gram Sabha meetings. In Kothuru both the respondents are not aware of this (Table 5.3).

Table 5. 4: Perception of Respondents regarding Resolutions of Gram Sabha/Gram Panchayat to be respected and followed up for implementation

Resolution of GS/GP to be respected	District					Grand Total
	Srikakulam				East Godavari	
	Hiramandalam	Kothuru	Palakonda	Seethampeta	Maredumilli	
Yes, and Happening	2	0	3	13	25	43
	4.6	0.0	7.0	30.2	58.1	12.6
Yes, not happening	0	0	0	14	34	48
	0.0	0.0	0.0	29.2	70.8	14.1
Don't know	0	2	2	218	28	250
	0.0	0.8	0.8	87.2	11.2	73.3
Total	2	2	5	245	87	341
	0.6	0.6	1.5	71.8	25.5	100.0

The resolution of the Gram Sabha or Gram Panchayat has to be respected and followed up for implementation. The concerned departmental officials has to inform the action taken in a time bound manner on the resolution passed, recommending any action against the erring staff in discharging their duties, suggest for improvement of the situation or implementation of programmes, plans and projects as per the provisions of PESA Act. But the ground realities give a different picture. Nearly 73.3 percent of the respondents are not aware that the resolution of Gram Sabha/ Gram Panchayat has to be respected and followed up for implementation. Though 14.1 percent said that they are aware but this is not happening in their village. Out of this, 70.8 percent are from Maredumilli and rest 29.2 percent from Seethampeta. However, few (12.6 percent) also said that this is happening in their village their village. Among these, 58.1 percent are from Maredumilli and 30.2 percent from Seethampeta. Both the respondents from Hiramandalam and 3 from Palakonda also said this is happening in their village (Table 5.4).

6. Policy Suggestions and Legal measures for effective Enforcement of Gram Sabha

Table 6. 1: Respondents Suggestions for the effective implementation of Gram Sabha Activities

Suggestions	District				Grand Total
	Srikakulam				
	Hiramandalam	Kothuru	Palakonda	Seethampeta	
Agriculture problem need to be solved	0	0	0	4	4
	0.0	0.0	0.0	100.0	2.3
Government support	0	0	1	0	1
	0.0	0.0	100.0	0.0	0.6
Gram Sabha meetings to be conducted regularly and honestly	0	0	0	1	1
	0.0	0.0	0.0	100.0	0.6
Gram Sabha not active in solving problems, needs to be more active	0	0	0	12	12
	0.0	0.0	0.0	100.0	6.9
Village Development works (Land patta, water problems, road problems, power, etc)	0	0	0	91	91
	0.0	0.0	0.0	100.0	52.3
More budget to Gram Panchayat and Gram Sabha so that problems are solved	1	0	0	0	1
	100.0	0.0	0.0	0.0	0.6
People need to be aware of Gram Sabha	1	0	1	41	43
	2.3	0.0	2.3	95.4	24.7
Please do more surveys, give more pattas	0	0	0	2	2
	0.0	0.0	0.0	100.0	1.1
Implementation of PESA	0	0	0	5	5
	0.0	0.0	0.0	100.0	2.9
No suggestion	0	0	3	4	7
	0.0	0.0	42.9	57.1	4.0
Don't know	0	2	0	5	7
	0.0	28.6	0.0	71.4	4.0
Total	2	2	5	165	174
	1.1	1.1	2.9	94.8	100.0

The above table reveals that a little more than half of the respondents (52.3 percent) and all of them from Seethampeta, feel that village developmental works related to land patta, water problems, road problems power facility, etc should be looked after by the Gram Sabha. Nearly 24.7 percent of the respondents feel that people should have a proper awareness of Gram Sabha for its effective enforcement. Among these, 95.4 percent are from Seethampeta, one each from Palakonda and Hiramandalam. Other suggestions are Gram Sabha need to be active in solving

problems (6.9 percent), Gram Sabha meetings to be conducted regularly (0.6 percent), PESA Act to be implemented (2.9 percent), and more survey to be done so that more land patta can be given (1.1 percent). Few (0.6 percent) also suggested more budget for Gram Panchaya and Gram Sabha so that more and more problems are solved (Table 6.1).

7. Role of Gram Sabha in Implementation of Various Development Programs

Table 7. 1: Perception of the Respondents of the Type of Development Programmes taken up by the Gram Sabha

Type of Development Programs taken up by Gram Sabha	District				Grand Total
	Srikakulam				
	Hiramandalam	Kothuru	Palakonda	Seethampeta	
ITDA Works	0	0	0	1	1
	0.0	0.0	0.0	100.0	0.6
MGNREGS and ITDA programs	2	2	4	148	156
	1.3	1.3	2.6	94.9	89.7
MGNREGS Works	0	0	0	3	3
	0.0	0.0	0.0	100.0	1.7
No role played by the Gram Sabha	0	0	0	3	3
	0.0	0.0	0.0	100.0	1.7
Road and Village works	0	0	0	7	7
	0.0	0.0	0.0	100.0	4.0
Road Development and MGNREGS	0	0	0	3	3
	0.0	0.0	0.0	100.0	1.7
School work	0	0	1	0	1
	0.0	0.0	100.0	0.0	0.6
Grand Total	2	2	5	165	174
	1.1	1.1	2.9	94.8	100.0

The respondents were asked about the role of Gram Sabha in implementation of various development programmes. The above table shows that nearly 89.7 percent of them are of the opinion that the Gram Sabha has to take up MGNREGS and ITDA works. A few have also said road and village works (4 percent) and school work (0.6 percent). Each of the respondents in Hiramandal and Kothure, and 4 in Palakonda have also said that the Gram Sabha has taken up MGNREGS and ITDA works while according to one respondent from Palakonda, school work has been taken up by Gram Sabha (Table 7.1).

Based group discussions during field work, there are number of issues in the villages which easily be solved at village level in the light of PESA Act. Still drinking water is a problem in some villages (Irapadu, Dubbaguda and Megadiraguda). Still there are no drinking water tanks/taps (Jamparikota) and in some places though water well is there and there is no pumpset (Kegumanu guda). Small works such as drainage cleaning may not require much funds. But this is problem in some villages (Dubbaguda and Solipi). In some villages, they require flood water walls which protect the villages during heavy rains (Megadiraguda, Jamparikota,

Kegumanuguda and Nowgada). Still there is requirement of YSR houses (Irapadu, Solipi and Peddamamidi).

Relating basic infrastructure facilities some villages need Anganwadi centre, community halls, school buildings in place of old dilapidated buildings. Similarly roads are required particularly internal roads. If Grama Sabha are active these kinds of problems can be solved easily. Even these issues are repeatedly discussed in Grama Sabhas and nothing happens people lose interest in these institutions. In some villages, these are in good condition (Fig 1 to Fig 4).

There are number of land related issues are reported. Some lands are in the name of deceased and ownership is not changed still. Even land pattas are not properly written. In number of cases names are not properly entered. As a result, they could not get "Rythu Barosa Pathakam" money into their accounts.

8. Conclusion

Several legislations and programmes have been enacted and special institutions established by the Central and State Governments, during the past seven decades, for the socio-economic and political advancement of STs and achieving equity and inclusive growth in the society. Ever since there have been disturbances in the Fifth Scheduled Areas, against the state imposed Panchayati Raj, the Indian Government realised that the 73rd Amendment Act need to be extended with proper understanding. In order to extend these amended provisions, Bhuria committee was appointed in 1994 which suggested that the state should not intervene in tribal traditions and autonomy. Based on the recommendations, the Panchayati system was extended to Scheduled Areas with certain exceptions and modifications in the form of Panchayats Extension to the Scheduled Areas (PESA) Act, 1996. The main purpose of PESA Act is to empower the Gram Sabha and Gram Panchayats in Scheduled Areas for tribal self-governance in planning and implementation of tribal developmental policies and programmes along with supervisions.

The major institutional body for Fifth Scheduled Areas are the Tribal Advisory Councils (TACs), operating at the state level, with the Governor of the concerned state as the caretaker. The Governor is expected to report to the President of India on matters of welfare and development of Scheduled Tribes. Presently there are ten states having Fifth Scheduled areas- Andhra Pradesh, Chhattisgarh, Gujarat, Himachal Pradesh, Jharkhand, Madhya Pradesh, Maharashtra, Odisha, Rajasthan and Telangana. In Andhra Pradesh the Scheduled areas are located in five districts- Srikakulam, Vizianagaram, Visakhapatnam, East Godavari and West Godavari.

The Tribal Welfare Department, Government of Andhra Pradesh, has given operational guidelines for implementation of PESA 1998 and 2011 operational rules. The Government of Andhra Pradesh has also officially notified 1612 Gram Sabhas in 584 Gram Panchayat in five districts in 2013. Thereafter, the Tribal Welfare Department has also given second operational rules in 2017 for the effective implementation of the Act.

The Panchayats Extension to the Scheduled Areas (PESA) Act, 1996 provides the pivotal role to the village and it's Gram Sabha. The Gram Sabha is made competent to Act on a range of power. Every Gram Sabha has to be competent to safeguard and preserve the traditions and customs of the people, their cultural identity, community resources and the customary mode of dispute resolution. It has the power to approve of the plans, programmes and projects for social

and economic development before they are taken up for implementation by the Panchayat at the village level. Selection of persons as beneficiaries under the poverty alleviation and other programmes is to be done by the Gram Sabha. The Gram Sabha or the Panchayats at the appropriate level shall be consulted before making the acquisition of land in the Scheduled Areas for development projects and before resettling or rehabilitating persons affected by such projects. It is necessary for proper understanding of the features of the PESA Act by the members of the Gram Sabha, for the effective implementation of the Act.

In order to understand the level of awareness about the PESA Act among the Scheduled Tribes in Scheduled Areas of Andhra Pradesh the study has been undertaken covering important issues based on provisions of the PESA Act.

The field data shows that the gram Sabha members are not aware of the Act. Majority of the tribals, 81.6 percent and 77 percent from Seethampeta and Maredumilli mandals, respectively, are not aware of the Act. Similarly, most of them are not aware that Gram Sabha is made the grass root level enquiry point for all levels of developmental works in the village. Nearly 39 percent of the respondents do not know the Sarpanch of the Gram Panchayat has to be the President of the Gram Sabha. The details of the community lands have to be provided to the Gram Sabha so that their utilization for the benefit of the community can be discussed and planned. But in reality, this is not happening. The situation is, thus, grim.

The operational guidelines for the implementation of PESA Act, 1998 was given in 2011. However, many respondents revealed that, PESA Act is still not implemented in their village. According to the Act, it is mandatory to conduct Gram Sabha meetings twice a year. However, Gram Sabha meetings are not conducted regularly. In fact, in Goidhi, a village in Seethampeta Mandal, Gram Sabha meeting was conducted only once when the it was constituted in 2013 after the declaration of official Gram Sabhas. In cases where meetings are conducted, the members are not attending the same. The reasons they gave for not attending are that they are not informed about the meetings and village problems are not solved in the meetings. And since they don't attend, they are not aware of the issues discussed there. Those who attend feel that the plans discussed are not properly implemented because all the members are not aware of the plans and also due to insufficient budget. The respondents also suggested that the Gram Sabha has to be more active in solving problems for the effective implementation of PESA Act.

The enthusiasm among the tribals in Kutrawada, a village of Maredumilli Mandal, is however, is appreciable. Most of the respondents attend the meetings having discussions on issues like

development activities, sanitation issues, MGNREGA (Mahatma Gandhi National Rural Employment Guarantee Act), DWACRA (Development of women and children in rural areas), social audit, various diseases, old age pension, BPL cards, electing PESA Vice President and Secretary, issues of MFP (Minor Forest Products), giving prizes to children, celebration of festivals, raising funds for marriage, death, natural calamities, holding Gram Sabha special meetings, land registration, etc.

Based on group discussions during field work, there are number of issues in the villages which easily be solved at village level in the light of PESA Act. Still drinking water is a problem in some villages (Irapadu, Dubbaguda and Megadiraguda). Still there are no drinking water tanks/taps (Jamparikota) and in some places though water well is there and there is no pumpset (Kegumanu guda). Small works such as drainage cleaning may not require much funds. But this is the problem in some villages (Dubbaguda and Solipi). In some villages, they require flood water walls which protect the villages during heavy rains (Megadiraguda, Jamparikota, Kegumanuguda and Nowgada). Still there is requirement of YSR houses (Irapadu, Solipi and Peddamamidi).

Relating to basic infrastructure facilities some villages need Anganwadi centre, community halls, school buildings in place of old dilapated buildings. Similarly raods are required particularly internal roads. If Grama Sabha are active these kind of problems can be solved easily. If these issues are repeatedly discussed in Grama Sabhas and nothing happens, people loose interest in these institutions.

There are number of land related issues are reported. Some lands are in the name of deceased and ownership is not changed still. Even land pattas are not properly written. In number of cases names are not properly entered. As a result, they could not get Rythu Barosa Pathakam” money into their accounts.

Recommendations: Among majority of the respondents in all the mandals, however, the level of understanding of the PESA Act was very poor and may not be helpful in the implementation of the PESA Act for the benefits of the tribals. Hence, it is necessary to properly make the members understand about the PESA Act and its importance in tribal affairs. Enough efforts have not been made to mobilise about the importance of PESA Act. Awareness programs by both government and NGOs can play an important role in educating the tribals.

Participation of the people in Gram Sabhas must be encouraged and the best-performing Gram Sabhas and Gram Panchayats should be further motivated. One of the reasons for the non-implementation of the plans and programmes discussed in the Gram Sabha meetings, according to the respondents, is the provision of insufficient budget. It is necessary for the ITDA to allocate some funds directly to individual Gram Sabhas through concerned Gram Panchayats for the mobilisation and implementation of PESA Act. Camps for the mobilisation of the Act have to be done from time to time, by tribal organizations and NGOs as well as government organizations.

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Figure 1: Village Panchayat



Figure 2: Tribal Welfare Primary School



Figure 3: Water Tank



Figure 4: Anganwadi Centre



Appendix – I: Guidelines for Implementation of PESA Act

Government of Andhra Pradesh Tribal Welfare Department

COTW-11025/3/2017-A SEC-COTW

Dt:21/06/2017

Operational Guidelines for implementation of PESA Act 1998 and Rules 2011

Sub: Implementation of PESA Act 1998 and PESA Rules 2011- Operational Guidelines to mainstream the role of Gram Sabhas and other Panchayat raj Institutions in local administration in the Scheduled Areas of AP, prepared by Dr Palla Trinadha Rao, SPMO (LTR&PESA Act) --Issue of operational guidelines by the Heads of all the line departments to their functionaries- Requested-Reg.

The enactment of the PESA Act 1996 (Act 4 of 96 dated 24th December, 1996) by the Parliament is an important watershed in the history of tribal affairs and autonomy of Gram Sabha for the local self-governance in Fifth Scheduled Areas of the country. Whereas the Government of Andhra Pradesh also brought State legislation in 1998 (Act 7 of 1998 dated 16th January, 1998) as directed by the Central enactment extending the special provisions for the local governance in the Scheduled Areas of A.P. whereas, the State PESA Act came operational through notifying the PESA Rules in 2011 vide. GO Ms No 66 dated 24th March, 2011, governing the role of Gram Sabha in the local governance.

The Gram Sabha (GS), a nucleus for all development activities, which is endowed with specific powers and functions under PESA Act and Rules 2011, include management of community resources, minor water bodies, and ownership over minor forest produce. Gram Sabha is also an approval authority for socio, economic development plans and programs, and responsible for identification and selection of beneficiaries under various poverty alleviation programs. PESA Act further mandates the implementing agencies to seek funds utilization certificate from GS for the works executed in the village as part of the social audit. GS is also endowed with certain quasi judicial and regulatory powers including customary mode of dispute resolutions, safeguarding and preserving traditions, customs, control over money lending, local institutions and functionaries and regulate the use of intoxicants, and prevent tribal land alienation and restoration of alienated land etc.

Whereas in 2013, the Government notified the Villages for the purposes of constituting Gram Sabhas vide. Rc.No 511/2011/TRI/PR in the Scheduled Areas and enabling them to function as a self government unit within the framework of PESA Act and Rules for effective governance.

Whereas, the primary stakeholders of GS consistently informed that the constitutional role of GS under PESA Act is neglected by the departments in the local administration, which was also mentioned during the Training Programs on PESA Act organised by the AP Human Resources Development Institute (HRDI) with the support of

Tribal Welfare Department in the ITDA Areas of East, West Godavari, Visakhapatnam and Vizianagaram Districts.

Whereas, a meeting was also held under the Chairpersonship of the Special Commissioner of Tribal Welfare, with the available officials of all the line departments on 19th April 2017 in Vijayawada to discuss on the draft guidelines circulated by Dr Palla Trinadha Rao and whereas, one day consultation was also held on 8th May, 2017 to discuss further on the revised draft operational guidelines prepared by him, in the office of CIPS, Hyderabad.

Whereas, in all the discussions that took place, the following operational guidelines for effective implementation of PESA Act 1998 and Rules 2011 were considered to mainstream the Gram Sabha and other Panchayat raj Institutions(PRIs) in the local administration in the Scheduled Areas of AP.

S. No.	Panchayat raj Institutions(PRIs) and Govt. Institutions	Operational Guidelines	Relevant Section of Law	Instructions, expected from the line Departments
I	Gram Sabha			
1.		<p><u>Furnishing Information of Government programs/ Schemes etc.</u></p> <ul style="list-style-type: none"> ◆ The duty of the Secretary of Gram Panchayat (GP) will be to help the Secretary of Gram Sabha (GS) and work in collaboration with him. ◆ The Panchayat Secretaries at Gram Panchayat (GP) shall pass on information from time to time to the Secretary of Gram Sabha in relation to the government policies, instructions, programmes, plans, and projects to maintain a vital organic live link between the GS and the Gram Panchayat. ◆ Where the departments have a specific village or GP level functionary or functionaries also shall perform similar functions as in the case of Panchayat Secretary in relation to the departments which have no specific functionaries at village or GP level. ◆ All the village or GP level functionary or functionaries shall obtain an acknowledgement from the Secretary of GS after furnishing the requisite information to him/her. ◆ The above referred instructions or any other suitable instructions to Panchayat Secretaries and the concerned department functionaries may be issued to do liaison between the GP and Gram Sabha in mainstreaming the GS in local 	PESA Rule (4) (xii)- GOMs No 66 dated 24-3-2011)	Pr. Secretaries or Commissioners /Directors of PR & RD, Fisheries, Agriculture, Animal husbandry, Health and Family welfare, Women and Child Welfare, Tribal Welfare, BC/ SC Welfare, Chief Engineer Irrigation Departments.

		administration.		
2.		<p><u>Placing of Village Agricultural Production Plans:</u></p> <ul style="list-style-type: none"> ❖ Village Agricultural Production Plans are to be placed before the Gram Sabha for its discussion and consideration. ❖ The decisions of Gram Sabha on prevention of soil erosion, promotion of organic manures, fertilizers and other sustainable agricultural practices, type of crops need to be encouraged, bringing fallow lands in to productivity etc. are to be implemented by the department functionaries. ❖ Mandal Agriculture Officer, Village or Panchayat level Agriculture Extension officer/field Asst. are to be instructed suitably. 	PESA Rule (4) (xi) (a)	Pr. Secretary or Commissioner of Agriculture and Coop Department
3.		<p><u>Placing of details of Common lands:</u></p> <ul style="list-style-type: none"> ❖ Panchayat Extension officers or Panchayat Secretary or Village Revenue Officers shall provide the gram sabha with the details of common lands or community lands such as poramboke lands, Grazing lands, tanks, grama kantam, graveyards, Crops, harvesting lands, Threshing floors, traditional sites etc. ❖ So that their utilization for the common benefit of the community may be discussed and planned. ❖ Panchayat Secretary and Village Revenue Officer shall also help the GS in order to develop a Village Assets Register with details of community assets, present usage, changes in usage etc. ❖ Gram Sabha shall take necessary steps for protection of common lands from alienation. ❖ Suitable instructions are to be issued Panchayat Secretaries and VROs. 	PESA Rule (4) (b)	Pr. Secretary or Commissioner of PR&RD-and CCLA
4.		<p><u>Placing of details of transfers of ownership of immovable properties:</u></p> <ul style="list-style-type: none"> ❖ Panchayat Secretary with the help of village Revenue officer shall place the details of transfer of ownership of houses, lands, and other immoveable properties including the reasons and methods of transfer, between whom, survey No's, extent and price/ amount of sales or mortgages etc., before Gram Sabha. On that the Gram Sabha can decide whether the transactions, are legal or not and take necessary further action accordingly. 	PESA Rule (4) (xi) (c)	Pr. Secretary or Commissioner of PR&RD and C.C.L.A.

		<ul style="list-style-type: none"> ❖ A consultation in the form of a resolution from the Gram Sabha shall be obtained before granting any permission by the Agent to Government/District Collector, permitting any registration of any transaction in relation to the immovable property between the tribal parties under AP Scheduled Area Land Transfer Regulations 1 of 59 and Rules 1969. ❖ Suitable instructions to District Collectors, Tahsildar, M.P.D.O. Panchayat Secretaries & VROs may be issued. 		
5.		<p><u>Placing of copy of the approved budget estimates, audit reports etc. of GP/other departments:</u></p> <ul style="list-style-type: none"> ❖ A copy of the approved budgets is to be placed before the Gram Sabha for discussion on the utilization of last year's budget/expenditure, schemes implemented etc. and on the requirements of the current year to improve the situation. ❖ The Panchayat Secretaries or EORD Panchayats or MPDO shall obtain the Utilisation Certificates (UCs) from the Gram Sabhas duly explaining them the procedures and processes of utilization of funds released and schemes completed/benefits accrued etc. which shall be a pre requisite condition for further departmental audit, if any. ❖ The concerned departments shall prescribe the formats to obtain UC from the Gram Sabha for the works executed or programs implemented in the village. ❖ The heads of the departments may issue further suitable instructions, to the MPDO/EO. Panchayath, Sarpanch and Panchayat Secretaries. 	PESA Rule (4) (xv)(d)& (e)	PrI. Secretaries or Commissioner of PR&RD and Commissioner of TW.
6.		<p><u>Placing of a list of defaulters in payment of arrears to GP:</u></p> <ul style="list-style-type: none"> ❖ The E.O Panchayats, Panchayat Secretary shall place before the Gram Sabha, a list of defaulters so that Gram Sabha may take the responsibility of getting their arrears paid by the defaulters. ❖ MPDO and E.O Panchayat, Panchayat Secretary may be instructed accordingly or any additional instructions may be issued to them. 	PESA Rule (4) (xi) (f)	PrI. Secretary or Commissioner of PR&RD
7.		<p><u>Functioning of fair price shop/DR Depot:</u></p> <ul style="list-style-type: none"> ❖ Review power is conferred on Gram Sabha over functioning of Fair Price Shops/ D.R. Depot under PESA Rules 	PESA Rule (4) (xi) (g)	M.D. Civil Supplies and M.D.GCC

		<p>2011.</p> <ul style="list-style-type: none"> ❖ Fair price shop dealers or the salesman or Credit cum Purchase Assistants of D.R Depot. Shall present in the meetings of Gram Sabha and provide information about the holders of ration cards, item wise quantity of ration received and distributed/sold, if the stock is not received reasons for that. They shall enable the Gram Sabha to take decision on the matter to resolve the problem if any. ❖ Fair price shop dealer, salesman and credit cum purchase assistants of D. R. Depot are to be instructed suitably through District Supply Officer (DSO) and Regional Manager/Manager G.C.C concerned. 		
8.		<p><u>Functioning of Anganwadi centres:</u></p> <ul style="list-style-type: none"> ❖ Review power is conferred on Gram Sabha over functioning of Anganwadi centres. ❖ The Anganwadi teacher and worker shall attend the Gram Sabha meetings and take the help of Gram Sabha in getting all the children enrolled and secure regular supply of food items from the ICDS project authorities. ❖ The Gram Sabha shall approve the budget for Anganwadi centers. The ICDS authorities shall place the estimated budget for Anganwadi Centres before GS for its approval. 	PESA Rules 4 (xi) (h) and Rule (8) (VI) (iv) (a)	Pr. Secretary or Commissioner Women Development and Child Welfare.
9.		<p><u>Approval of socio-economic plans/programs etc.</u></p> <ul style="list-style-type: none"> ❖ The Gram Sabha shall approve plans, programmes and projects for social and economic development before they are taken up for implementation by the Gram Panchayat at the village level. ❖ The Gram Sabha shall be facilitated to assess the needs of the village and prioritize the needs of village. ❖ The Gram Sabha is competent to review all the development programs of government institutions. ❖ The concerned institution shall present complete information related with that program or plan, or projects before the Gram Sabha, include relevance and importance of the program, the full financial details in a language that is easily and commonly understood preferably in a vernacular language, for the decision of the Gram Sabha. 	PESA Rule (4) (xi) (n) and PESA Act Sec.242 C (2)	Pr. Secretary/ Commissioners/ Directors Fisheries, Agriculture, Animal Husbandry, Health and Family Welfare, Women and Child Welfare, B.C/ SC, and TW, Irrigation & Rehabilitation & Resettlement, PR&RD, etc.

		<ul style="list-style-type: none"> ◆ Therefore suitable instructions are to be issued to Gram Panchayat as well as other government institutions to present the programs, plans, projects for active consideration of Gram Sabha before its implementation and follow up with the actions suggestion by the Gram Sabha. 		
10.		<p><u>Identification and selection of beneficiaries under development programs:</u></p> <ul style="list-style-type: none"> ◆ The concerned departments shall ensure that a list of beneficiaries identified and selected by the Gram Sabha is obtained for the implementation of poverty alleviation schemes or programs as envisaged in the PESA Act and Rules before actually releasing the funds for the programs. ◆ The Gram Sabha shall finalise the lists of beneficiaries on the basis of economic condition of the family for development programs from among the people of the village, in keeping with government rules or criteria or norms. ◆ All the line department functionaries or Panchayat Secretary of GP, as the case may be, are required to be instructed to obtain the list of beneficiaries approved by the GS prior to releasing of funds. ◆ Suitable instructions are to be issued to all division and district level officials in relation to departments like Fisheries, Animal husbandry, Agriculture, Horticulture, Sericulture, BC/ SC and ST welfare, PR&RD, Irrigation, Women and Child Welfare, Health and Family Welfare etc. 	AP PESA Act 1998 Section (2) (ii) and PESA Rule (4) (XIII)	Pr. Secretaries or Commissioners/ Directors Fisheries, Agriculture, Animal husbandry, Health and Family Welfare, Women and Child Welfare, B.C,SC, and TW, Irrigation &RR, PR&RD, etc
11.		<p><u>Functioning of Health Sub centres /Primary Health Centres:</u></p> <ul style="list-style-type: none"> ◆ Review power is conferred on Gram Sabha over the functioning of the health sub centres. ◆ The Gram Sabha shall discuss in their meetings about functioning of the sub centres such as availability of the staff in the habitation/village, supply of medicines and suggest for improvement of functioning of Health sub centres etc. ◆ The Multi Purpose Health Workers, Asha Workers, and any other medical officer working in its jurisdiction have to attend the meetings of GS on its notice and appraise the functioning of health sub centres or Primary Health Centres and take suggestions, if any, given by the GS in 	PESA Rule (4) (xi) (i)	Pr. Secretary or Director/Commissioner of Public Health and Family Welfare.

		<p>case of the need to attend the medical aid for the villagers etc.</p> <ul style="list-style-type: none"> ❖ Or any other suitable instructions may be issued to Multi Purpose Health Workers, Asha Workers and Medical Officers at PHCs through DM&HO concerned. 		
12.		<p>Functioning of Schools:</p> <ul style="list-style-type: none"> ❖ Review power is conferred on Gram Sabha over functioning of Schools. ❖ Gram Sabha shall discuss in their meetings about functioning of school in their habitation/village especially on 100% enrolment of children and attendance of teachers and students, admission of the students into next higher classes. Students being dropped out and reasons from the parents for such dropout and possible solutions, supply of materials, accommodation, running the scheme of mid-day meals etc., ❖ The Head Master or Teachers are to be instructed to attend the GS meetings as and when required by the GS and appraise the school functioning and problems, if any, for proper resolution. ❖ The concerned School functionaries have to act upon the resolutions of GS to address the problems. ❖ Suitable instructions to the HM and teachers to attend GS meetings may be issued through DED (if it is govt school); MPDO/MEO (if it is 2P or PR school); PO/TWD if it is TW school or Secy AP TW REIS if TW res schools or to any other officers concerned for other educational institutions. 	PESA Rule (4) (xi) (j)	Prl. Secretary or Director/ Commissioners of School Education, PR&RD dept. S.W, and T.W departments.
13.		<p>Functioning of welfare hostels:</p> <ul style="list-style-type: none"> ❖ The Gram Sabha shall discuss about the functioning of Hostels located in their village/habitation especially about presence of the warden in headquarters, admissions of all eligible students, accommodation, supply of materials, supply of food as per prescribed menu, health of the inmates, sanitary facilities like toilets, drainage, safe drinking water and power supply etc. ❖ The Hostel Welfare Officers /Wardens of Tribal Welfare, B.C and S.C Welfare departments shall attend the GS meeting on its notice and appraise the functioning of hostels and also answer any queries of the GS or problems in maintaining hostel. They have to act upon the resolutions of 	PESA Rule (4) (xi) (k)	Prl. Secretary or Commissioner / Directors of B.C/ SC, & ST welfare.

		GS and report the compliance.		
14.		<p><u>Provision of drinking water schemes:</u></p> <ul style="list-style-type: none"> ◆ Review power is conferred on Gram Sabha over functioning of protective water supply schemes. ◆ The Gram Sabha shall discuss on the provision of safe drinking water through protected water supply scheme or bore well (hand pump) etc., functioning of the structure, regular servicing or repairs, chlorination of tanks and wells, provision of alternative sources and devices for water supply, especially in summer season. ◆ The village concerned functionaries shall attend the GS meetings and appraise the safe drinking water schemes and take the suggestions of GS if any, and bring them to the notice of their higher authorities for further action on the resolutions. ◆ Concerned functionaries under PR or RWS or T.W. Eng. dept are to be instructed suitable through Dist. Panchayat officers, MPDOs, PO of ITDAs etc. 	PESA Rule (4) (xi) (l)	PrI. Secretary or Commissioner of PR&RD dept., Tribal welfare. And Engineers Chief of. RWS, TW Engineering department.
15.		<p><u>Provision of Electricity:</u></p> <ul style="list-style-type: none"> ◆ Review powers are conferred on Gram Sabha over functioning of electricity department functionaries. ◆ Instructions shall be issued to the Lineman, Asst. Lineman and Helpers through the MD Transco/ or others concerned to take necessary action for providing regular power supply, new power connections to households and agricultural pump sets etc., ◆ Concerned line man or supervisor shall attend the Grama Sabha meetings and take necessary actions on resolution of G.S. Suitable instructions are to be issued to them through AE, Transco. 	PESA Rule (4) (xi) (m)	M.D.A.P. Transco/ Concerned DISCOMS
16.		<p><u>Developing a Socio, Economic profile of families:</u></p> <ul style="list-style-type: none"> ◆ The GS with the help of Panchayat Secretary of GP shall prepare the socio-economic profile of each family containing human and natural resources of the village, literacy levels, landless families, woman headed families, benefits so far secured with details of present status, problems and priorities of the village etc., through PRA tools or otherwise, it shall be approved by the Gram Sabha. ◆ With the help of the socio economic profile prepared for all the families in the village/ 	PESA Rule (4) (xii) (xii)	PrI. Secretary or Commissioner of PR&RD

		habitation, the Gram Sabha shall be involved in the identification and implementation of individual and community development programmes.		
17.		<p><u>Prevention of alienation of lands in the Scheduled Areas and restoration of alienated lands of Scheduled Tribes:</u></p> <ul style="list-style-type: none"> ❖ The Gram Sabha may undertake review of land records of the village in meetings to ensure that the farmer's names are correctly recorded and records are properly maintained. ❖ The revenue officials shall take note of the resolutions of Gram Sabha in making corrections or entries in the revenue records in relation to the disputed lands in order to certify that who are in actual possession of the lands in the village. ❖ The concerned revenue officials shall make available the revenue records for the just decisions of Gram Sabha in relation to the matters of prevention of alienation of lands and restoration of alienated lands of tribals and also land disputes arising from the village. ❖ With regard to prevention of alienation of land and restoration of alienated land the Gram Sabha has been empowered to play a pivotal role in identification of cases of alienation, record all ownerships of land, verification of the genuineness of the ST status of the Pattadars or otherwise, whether any non-tribal has purchased in the name of a tribal woman but the fruits are enjoyed by non-tribals, physically verify the modes of alienation, approve the list of proposed ST beneficiaries under land assignment. ❖ The Gram Sabha can report/ complain about the facts and happenings in the field to the competent authorities to take necessary action as per the provisions of APSALTR 1 of 1959 as amended from time to time. ❖ The Gram Sabha is made a bottom level enquiry unit under PESA Rules for the better implementation of the AP Scheduled Area Land Transfer Regulations 1 of 59 as amended by 1 of 70. ❖ Gram Sabha can lodge a complaint with the police under the provision of Section 6(A) of the AP Scheduled Area Land Transfer Regulations 1 of 78 (Amendment) if a non tribal continues in occupation of 	PESA Rule (8)(III)(2 to 10)	CCLA

		<p>land although a decree/order of ejection is passed against him/her or enjoying the lands in violation of the Land Transfer Regulations as amended by 1 of 70 as part of its power to take steps for restoration of the alienated lands.</p> <ul style="list-style-type: none"> ❖ Suitable instructions are required to be issued to RDOs, Special Deputy Collector (TW) in determining the rights of the parties in tribal and non tribal land disputes. 		
18.		<p><u>Grant of Assignment land Pattas to beneficiaries:</u></p> <ul style="list-style-type: none"> ❖ The Gram Sabha shall approve the list of beneficiaries for assignment of government lands. ❖ Therefore the concerned Tahsildars or Assignment Committee constituted by the Government is required to prepare the proposals for assignment of government lands in favour of tribals and shall place it before the GS for its approval. ❖ Suitable instructions are to be issued to Tahsildars and RDO in assigning the government lands in favour of tribals in the Scheduled Areas. 	PESA Rule (8) (III) (1) (e)-	CCLA
19.		<p><u>Decisions on liquor shops and other Excise matters:</u></p> <ul style="list-style-type: none"> ❖ The Excise department shall consult and act according to the resolutions of the Gram Sabha in matters relating to establishing a unit of liquor manufacture in the village; granting license to open a liquor shop in the village and determining and permitting the quantity of traditional liquor to be brewed by the scheduled tribes of the village in connection with customers practices and socio religious functions. ❖ The decisions of Gram Sabhas in relation to grant of licence for manufacture and sale of intoxicants, duration of licence, terms of renewals of licenses, number of retail outlets, time of opening, and closing of liquor shops, prohibition on sale of manufacture, and sale of intoxicants etc or any other decisions which the Gram Sabha may deem fit and necessary. The department officials shall comply the decisions. ❖ Thus the decisions of Gram Sabha in relation to the enforcement of prohibition etc and consumption of intoxicants is final and binding as stipulated in the PESA 	PESA Rule (8) (I) (a to d)	Prl. Secretary or Commissioner Prohibition and Excise Department.

		<p>Rules 2011.</p> <ul style="list-style-type: none"> ❖ Hence the Excise Officials are instructed to follow the decisions of GS without any deviation. Or any suitable instructions may be issued in this regard following the PESA Rule to the Excise Circle Inspectors through Excise Superintendents 		
20.		<p><u>Ownership and disposal of minor forest produce:</u></p> <ul style="list-style-type: none"> ❖ The powers of Gram Sabha are also statutorily recognised under Recognition of Forest Rights Act 2006 in determining the forest rights of individuals, community and community forest resources rights. ❖ The Forest Rights Committee should function at the Gram Sabha level but not at GP level. So that the GS will have jurisdiction to constitute its FRC for implementation of RoFR Act 2006. ❖ Individual members of Gram Sabha are vested with right of ownership and disposal of MFP. Harvesting and disposal of bamboo and Beedi leaves is to be done by the forest dept. and net revenue from such disposal in the area allotted to Gram Sabha is to be passed on to that Gram Sabha which in turn is to be passed on to individual members. ❖ Gram Sabha has to maintain a register with names of MFP collector and to settle any disputes among them regarding jurisdiction ownership, access to collection etc., ❖ The GS is competent to ensure strict compliance of rules in the exploitation of MFP. ❖ The PO ITDA concerned should review all their processes and he or she should be made the chairman of the committee for management of bamboo and Tendu products. ❖ Suitable instructions are to be issued to the Forest Department, GCC and Project Officers (ITDAs). ❖ Gram Sabha can constitute a committee to manage, protect and conserve the community forest resources with the technical guidance from the Forest Department. ❖ Instructions are to be issued to GCC Manager, Forest Range Officers and ITDA Project officer. 	<p>PESA Rule (8) (II) and Section 242 (I) (1) (b)</p>	<p>Managing Director GCC. and Prl. Chief Conservator of Forests. And Commissioner of Tribal Welfare.</p>
21.		<p><u>Competency to safeguard traditions and customs, community resources etc and</u></p>	<p>APPEA Act 1998- Sec 242 (</p>	<p>Prl. Secretary or Commissioner of PR&RD.</p>

		<p><u>Customary mode of dispute resolution:</u></p> <ul style="list-style-type: none"> ❖ The GS is competent to safeguard the traditions, and customs and customary mode of dispute resolution. ❖ The police or revenue authorities shall observe restraint or avoid entertaining the grievances in relation to traditional, customs and personal matters (traditional festivals, ceremonies, matrimonial matters, devolution of properties, crop destruction compensation matters etc) which are civil in nature arising from the village and refer the same to the GS which has jurisdiction for the customary mode of dispute resolution except in cases in which immediate action by the police or revenue is mandatory to maintain the public peace and tranquillity. ❖ It will be the duty of the Gram Sabha to fix a date, time and place to hear the grievance and resolve the issue once a complaint is received by the member or members of Gram Sabha or any agency. ❖ The GS shall be very cautious while dealing the issues of the member or members of GS through customary mode of dispute resolutions. The GS shall not take any decision which is against the public policy or existing laws in force, or the cases exclusively investigated by the Police. ❖ In the case of cases registered by the Police as far as possible the concerned police officer will inform the matter to the Gram Sabha before arresting any person and also present the matter before the Gram Sabha in detail. ❖ If the police receives information regarding a possibility of disruption of peace in the area of Gram Sabha, the police shall present a detailed report of the matter to the Gram Sabha to facilitate arbitration in such matters or preventive measures against the any person with the concurrence of the Gram Sabha. ❖ Every GS shall also document the customary modes of resolutions and traditional management practices of community resources, and other social traditions and customary norms. ❖ The Gram Sabha is competent to maintain separate registers for births, deaths, marriages, festivals and migrants. ❖ The PS of Gram Panchayat, Village Revenue Officers, Forest Beat officers, 	C) (1)	DGP of Police and CCLA
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		<p>Village level Agriculture department functionaries are to be instructed to assist the Gram Sabha in safeguarding their tradition, and customary practices.</p> <ul style="list-style-type: none"> ❖ Suitable instructions are to be issued to Station House Officer of Police Stations through Superintendent of Police and Tahsildars, RDOs through District Collectors. 		
22.		<p>Parallel functional bodies :</p> <ul style="list-style-type: none"> ❖ The provisions of Part IX of the Constitution relating to Panchayats with certain exceptions and modifications were made applicable to the Scheduled Areas through enactment of PESA Act 1996. Thus the PESA Act 1996 is regarded as constitutional piece of legislation. Thus the provisions of PESA Act 1996 will override the other statutory provisions and executive orders which are contrary to its provisions. ❖ The Gram Sabha may constitute Standing Committees in order to fulfil its responsibilities regarding various aspects of the working of the village, besides temporary and ad-hoc committees may be constituted as per the requirement. ❖ Therefore any committee or a body constituted by any government department the same will be treated as a Standing Committee of Gram Sabha on that subject. ❖ These committees shall play an advisory role and be accountable to the Gram Sabha. For example several functional committees like Janma Bhumi and Maa Vuru (JBMV), Vana Samrakshana Samithis (VSSs), Village Tribal Development Authorities (VTDA), Watershed Committees, Village Organisations (VOs), Water User Associations (WUA), Food Advisory Committee, Village Health Nutrition Committee, School Management Committee, Village Water and Sanitation Committee, Food Committee and Parents Committee etc, are functioning in the tribal areas. ❖ An approval from the GS may be obtained for the constitution of the functional committees at the village level. ❖ A consultation of GS may be held if the committees are to be constituted at GP level. ❖ To develop convergence between these 	<p>PESA Act 1996 Section 3 and 4</p>	<p>Pr.L Secretaries to government: Agriculture and Co-Op, Public Health and Family Welfare, Women and Child Welfare, SW, BC Welfare and PR&RD, Education, Irrigation, Forest, Science and Technology dept, TW dept. MD Civil Supplies, MD-GCC etc.</p>

		functional committees and the constitutional body-Gram Sabha, suitable instructions are also required to be issued to all division and district level officials of the concerned departments to make the functional committees accountable to the Gram Sabha and all its proposals should be placed before the Gram Sabha for its approval.		
II.	Gram Panchayat			
1.		<p><u>Grant of Mining leases and licenses for excavation of minor minerals:</u></p> <ul style="list-style-type: none"> ❖ Gram Panchayat is empowered to grant prospecting license or mining lease only to individual local members of STs or societies comprising exclusively of local ST members for mining minor minerals in scheduled areas. ❖ Minor minerals means building stone, gravel, ordinary clay, sand, boulder, shingle, kankar, limestone used in kilns for manufacture of lime used as building material, brick earth, road metal, stone used for making household utensils etc. ❖ The mining dept. shall refer all applications to the concerned Gram Panchayat whose decision to allow or reject is binding and final. ❖ On the instructions of the GP, the mining department officials shall issue a notification contain location, size of the proposed mining area and type of minor minerals proposed for extraction, period of lease and such other particulars as it may deem necessary. ❖ The department officials also shall furnish the information to GP on its request about the conditions of quarry leases, period of lease, rehabilitation and resettlement plan for the persons displaced by proposed mining operations, if any, impact on the forest, wildlife, and biodiversity, and livelihoods of the village communities. Then the GP shall then pass a resolution deciding on the proposal of the Applicant. ❖ The Mining and Geology and APMDC officials shall follow the resolutions of Gram Panchayat without any deviation and implement the same. ❖ Suitable instructions are to be issued to the Asst. Director and Addl. Director of Mines and Geology Department, APMDC. 	PESA Rule 7	Pr. Secretary or Director of Mines and Geology And MD, AP Mineral Development Corporation.
2.		<u>Management of Village Markets:</u>	PESA Rule (8) IV (1)	Pr. Secretaries or Director

		<ul style="list-style-type: none"> ❖ In Scheduled Areas, concerned Gram Panchayat of the villages where weekly markets are held is the market committee and has to perform all the functions for management of markets such as giving licenses to STs; make available water, sheds and other physical facilities to the shop keepers and consumers in the market, opening, closing and suspension of transaction, marketing of NTFPs and Agri/produce; livestock and products of livestock, settlement of any disputes between a seller and buyer, levy, recover and receive fees, subscriptions etc., to which the Gram Panchayat is entitled, conducting auctions, ensuring correct weighment, prohibiting gambling and other prohibited sports in the market or its surrounding area and prevent adulteration and implement the directions given by the government from time to time in the establishment and development of markets etc., ❖ The Agricultural Marketing officials, Food Adulteration officials, Weights and Measurements Inspectors are to be instructed to assist the GP in implementing the Government Rules and also act upon the decisions of the GP in maintaining the village weekly markets or shandies etc. ❖ Or any necessary instructions may be given which are deemed to be issued to the concerned officials and Gram Panchayats for effective implementation of the provision. 		<p>Marketing Department, Commissioner of Medical & Health Department, Commissioner of PR&RD, Director General Weights and Measurements Department.</p>
3.		<p><u>Appointing and Disciplinary Authority for Anganwadi workers:</u></p> <ul style="list-style-type: none"> ❖ The Gram Panchayat is the appointing and disciplinary authority for all Anganwadi workers i.e., helpers and workers. ❖ The ICDS Authorities can prepare prospective candidates for the posts of Anganwadi workers and it shall place before the GS for its selection and approval. ❖ The Mandal Praja Parishads shall see submission of administrative report from the CDPOs of ICDS within a month from the commencement of the year. ❖ The CDPOs of ICDS shall submit administrative reports to MPP on the implementation of ICDS schemes and functioning of institutions working under the ICDS. 	<p>PESA Rules (8) (VI) (iv) (c)</p>	<p>Pr. Secretary or Commissioners of Women Development and Child Welfare and PR&RD.</p>

		<ul style="list-style-type: none"> ❖ Suitable instructions are to be issued to Project Directors, ICDS/ CDPO/ supervisor concerned and Panchayat Secretaries and MPDO. 		
II	Mandal Praja Parishad			
1.		<p><u>Monitoring over the functioning of Welfare Hostels:</u></p> <ul style="list-style-type: none"> ❖ The Mandal Parishad is empowered to monitor the day to day management of welfare hostels, to call for administrative reports twice in a year to recommend suitable action against erring Hostel Welfare Officers (HWOs) and other staff to the disciplinary authorities. ❖ Therefore, suitable instructions are to be issued to district welfare officers, DDs and JDs of SW & Host Welfare Offices of all welfare departments through concerned Commissioners. 	PESA Rule (8) (VI)(ii)	PrI. Secretary or Commissioner of TW, SW and BC welfare
2.		<p><u>Developing a Village Development Plan:</u></p> <ul style="list-style-type: none"> ❖ The MPP shall prepare Village Development Plan with the assistance and advice of the multidisciplinary teams constituted by the PO ITDA or other Govt agency, duly prioritizing the benefits and schemes. ❖ Village Development Plan is a written document and its objective is to develop the selected village in an integrated manner. ❖ The PO, ITDA is to be instructed to constitute multi disciplinary teams as and when necessary to develop village development plans. ❖ Panchayat Secretary is to be instructed to provide the required information for developing Village Development Plans. ❖ Suitable necessary instruction are to be issued to the MPDOs and Panchayat secretaries of PR & RD dept and POs of ITDAs of TW dept. 	PESA Rule (4) (xiv)	PrI. Secretary or Commissioner of PR&RD dept and TW department.
IV	Independent and several responsibility			
1.		<p><u>Mandal Praja Parishads and Gram Sabha: Land Acquisition and Rehabilitation & Resettlement under Projects:</u></p> <ul style="list-style-type: none"> ❖ Gram Sabha and Mandal Praja Parishad in Scheduled Area are empowered to get detailed information from the concerned authority or even from the Government about the proposed land acquisition for any project under any Act and after considering all the issues keeping in view 	PESA Rule 5 read with Section 4 of PESA Act 1996	PrI. Secretary(TW) or Commissioner of TW, Commissioner of Resettlement and Rehabilitation, and Survey and

		<p>the problems due to and effects of such land acquisition and coming up of new projects on the scheduled tribe population, to suggest measures and action that will help/benefit the scheduled tribe population.</p> <ul style="list-style-type: none"> ❖ Mandal Praja Parishads are also to be consulted for implementing the R&R plans by the projects authorities. Even if the project authority or the land acquisition authority is not in conformity with the suggestions/objections of the Mandal Praja Parishad in the process and procedures and after effects of land acquisition and implementation of R & R plan , it shall be the mandatory responsibility of the Govt. to take appropriate action on the suggestion of the MPP. ❖ It will be mandatory on the part of the Land Acquisition officers or Rehabilitation & Resettlement officers to furnish point wise clear and correct information at the request of GS and MPP as the case may be. ❖ They shall attend the GS and MPP on its notice and provide complete information include area proposed to be acquired, location of the area, purpose of acquisition, if land is to be acquired from non tribals then the legal status of the lands, if any and the details of the cases filed under Land Transfer Regulations 1 of 59 as amended by 1 of 70 against such lands and outcome of such disputes, type of land to be acquired, estimate number of people affected, displaced, impact on the usage of available resources and dependents livelihoods on such resources, job opportunities, sustainable livelihood plan if any, and resettlement & rehabilitation schemes etc. ❖ Therefore, necessary and suitable instructions in this regard are to be issued to the Land Acquisition authorities and R & R authorities and others concerned especially irrigation and CAD; Industries dept, R&B and mining departments/ undertakings and Project Officers of ITDAs. 		Settlement & Land Acquisition, Industries dept/ APIIDC.
2.		<p>Gram Sabha and Gram Panchayat Control over Money Lending:</p> <ul style="list-style-type: none"> ❖ Under PESA Act, no license of money lending is to be granted to private money lending agencies. 	PESA Rule (8) (V)	Chief Commissioner of Land Administration

		<ul style="list-style-type: none"> ❖ The Gram Sabha or Gram Panchayat has to report/ complaint to the concerned i.e., Tahsildar on the cases of such unauthorized private money lending activities, corruption in transaction, the illegal recovery methods etc. for taking necessary action. ❖ Suitable instructions are to be issued to Revenue Inspectors, Debt Relief Tahsildars if any, or Tahsildars to take necessary action on the resolutions made by either Gram Sabha or Gram Panchayat as the case may be. 		
3.		<p>Gram Sabha /GP/MPP/ZP <u>Management of Minor Water bodies:</u></p> <ul style="list-style-type: none"> ❖ It is the responsibility of the Gram Sabha, Gram Panchayat, Mandal Parishad and Zilla Parishad as the case may be to plan and manage the minor water bodies that fall in their jurisdiction for the common benefit of the people. ❖ Minor water body shall mean natural water bodies used for fetching drinking water, construction of tanks, check dams irrigating an extent of 40 hectares. ❖ The Planning and Management of minor water body includes construction of new water bodies, management of water bodies i.e., repairs, restoration and maintenance, fixing up of season wise extent of Ayacut, levy of water cess, its collection and utilization, coordination with water users association, if any, and getting maintenance grants from the government on Pro rata basis. ❖ The concerned irrigation department officials are to be instructed to prepare a record of size, location of minor water bodies falling within the respective jurisdictions of GS/GP/MPP or ZP as the case may be. ❖ They shall take approval of the concerned GS or Panchayat at the appropriate level before regulating the supply of water from a minor water body and also provide technical advice in developing a management plan for minor water bodies. ❖ The irrigation department officials shall not settle the disputes with regarding to sharing of minor water bodies or any other related problems without taking opinion of the concerned GSs or PRI at the appropriate level. ❖ The irrigation officials are also to be 	PESA Rule (6) (1) to (ix) and PESA Act .Sec.242 (G)	Pr. Secretary or Commissioner of PR&RD dept. Chief Engineer, Minor Irrigation Department.

		<p>instructed to attend the GS or other PR institution as the case may be and assist the GS to develop a management plan for water bodies.</p> <ul style="list-style-type: none"> ❖ They are to be instructed to follow up of the actions suggested by the GS or other PRI as the case may be in maintaining the water bodies. ❖ Or any other suitable instructions may be issued to Panchayat Secretaries, MPDOs, CEOs-ZP and Minor Irrigation Engineers. 		
4.		<p>MPP, GP and District Collectorate <u>Control over Tribal Sub Plan and other local plans:</u></p> <ul style="list-style-type: none"> ❖ The Gram Panchayats and Mandal Parishads in scheduled areas are empowered to review the allocation (physical and financial) for tribal development programs under Tribal Sub Plan (TSP) and also review the progress of implementation of TSP works undertaken by all the departments. ❖ The Mandal Parishad and GP has to submit administrative report through the district collector to the concerned. ❖ The plans at GS shall be integrated in to GP plan under TSP. ❖ All the line department officials have to attend the review meetings invited by GP or MPP as the case may be and appraise the situation of implementation of TSP programs and furnish detailed information of schemes or programs undertaken and take the action points and implement the same and report back to GP or MPP as the case may be. ❖ Or any other instruction needed may be given to the concerned functionaries by all the line departments. ❖ The District Collector is to be instructed to communicate TSP allocations mandal wise to the MPP both in physical and financial terms within a month from the commencement of the financial year as stipulated under PESA Rules 2011. ❖ Similarly the MPDO is to be instructed to communicate TSP allocations mandal wise to the GP both in physical and financial terms within a month from the commencement of the financial year as stipulated under PESA Rules 2011. ❖ Or any other suitable instructions may be issued to the District Collector/PO-ITDA/MPDO/ CEO-ZP. 	PESA Rule (8) (V)	Pr. Secretary or Commissioner of PR&RD, Tribal Welfare and CCLA.

5.		<p>Gram Sabha and ITDAs: <u>Declaration of villages and elections to GS posts:</u></p> <ul style="list-style-type: none"> ❖ The Project Officers, ITDAs in the Scheduled Areas shall see that elections to the unfilled posts of Vice President and Secretaries are conducted for the GS as per the detailed procedure contemplated in the PESA Rules as early as possible for the implementation of PESA Act. <p><u>Review of notified of Villages:</u></p> <ul style="list-style-type: none"> ❖ If members of notified Gram Sabhas of any habitation/hamlet desire to constitute separate village, the members of that habitation/hamlet may pass a resolution to that effect and may send the proposal to the Project Officer, ITDA. ❖ The PO ITDA shall send that proposal to the Commissioner of Tribal Welfare through District Collector for re-notification of villages. ❖ The PO ITDA shall also send the proposal to declare villages where no notification to declare villages was effected. ❖ The ITDA POs are also to be instructed to revisit the notified villages and resubmit the proposals through district collector for re-notification if notified villages are not amenable to conduct Gram Sabha in view of distance of the habitations or habitats or distinct cultural variations among the tribes in the notified village or any other reasons which are deemed to be fit and proper for re notification of already notified villages. ❖ Or any other suitable instructions may be issued to Project Officers (ITDA). 	PESA Rule 3 and 4((iii))	Pr. Secretary or Commissioner of Tribal Welfare
V.	General Rules			
1		<p><u>Gram Sabha Meetings:</u></p> <ul style="list-style-type: none"> ❖ Gram Sabha shall hold special meetings, if it is so decided in the general meeting of the Gram Sabha or on a proposal from Gram Panchayat or any officer's written request or at the instance of any grievance of the member of the Gram Sabha in addition to the Statutory Meetings. The GS shall also hold meetings in emergency to discuss about the issues of epidemics, natural calamities or any other seasonality issues. ❖ The decisions of the GS may be directive or advisory in nature depending on the nature of powers given to it in relation to the subjects assigned to it under the PESA 		Commissioner of TW.

		<p>Act.</p> <ul style="list-style-type: none"> ❖ The place and time of meeting of the GS shall be convenient to its members. The members of the GS only are eligible to sit in the GS or any other individual or official only at the instance of GS either to take expert opinion on the agenda subjects or seek required information or for any other reasons specified by the Gram Sabha. ❖ The Sarpanch of the Gram Panchayat shall be the president of the Gram Sabha. ❖ In the absence of Vice President of Gram Sabha or lack of action to hold a meeting of Gram Sabha, the Sarpanch can convene it. ❖ Similarly in the absence of Secretary of Gram Sabha or lack of action in discharging the duties as Secretary, the members of GS can unanimously nominate a tribal or support any tribal member of the Gram Sabha to act as Secretary for the GS meetings till the election to the posts conducted by the Commissioner of Tribal Welfare. 		
2		<p><u>Attendance of Government Functionary or Functionaries:</u></p> <ul style="list-style-type: none"> ❖ On a prior notice, all the village level institutional functionaries of government institutions in respect of the subjects covered by the PESA Act shall attend the GS as and when their presence is required for smooth running of official business. 		PrL Secretaries or Commissioners/ Directors of all line departments.
3		<p><u>Resolutions of GS/GP/MPP:</u></p> <ul style="list-style-type: none"> ❖ The resolutions of GS/GP or MPP as the case may be shall be respected and followed up for implementation as per the resolutions. ❖ The concerned departmental officials shall inform the action taken in a time bound manner on the resolution passed recommending any action against the erring staff in discharging their duties or actions suggested for improvement of the situation or implementation of programs, plans and projects or any other decision taken as per the provisions of PESA Act and Rules. 		PrL Secretaries or Commissioners/ Directors of all line departments
4		<p><u>Decision or Inaction of GS:</u></p> <ul style="list-style-type: none"> ❖ Any person or body aggrieved by the decision of the GS or inaction or lack of interest on the part of either Secretary or Vice President of Gram Sabha in 	PESA Rule 9	Commissioner of TW

		responding to the official communications or organising Gram Sabhas or in dealing with the subjects vested in Gram Sabha under PESA Act and Rules 2011, can seek suitable orders from the Tribal Welfare Commissioner for smooth running of GS.	
5		<p>Cash box at Gram Sabha</p> <ul style="list-style-type: none"> ❖ On the resolution of the GS the local contribution generated or external funds if any may be kept in a box under lock and key up to Rs 3000/- and in a bank for higher amounts. ❖ In case of the cash kept in a box, the box and the key will be kept at a tribal member or members on the consensus of the GS in the form of a resolution. ❖ An Accounts register shall be maintained by the tribal member of the GS as nominated by the GS. The accounts of the GS will be produced in the monthly meetings of GS by the concerned member. 	Commissioner of TW.

Therefore the concerned Heads of all the line departments are requested to issue above operational guidelines to their filed functionaries or officials working at various levels by adopting them or with any other additional instructions if required in any form which are deemed to be fit and proper for them for effective implementation of PESA Act and Rules 2011 in the Scheduled Areas of A.P and also mainstream the role of Gram Sabha and other Panchayat Raj Institutions in the local administration.

(This has got note approval from Prl. Secretary to Govt, TW.)

Sd/-(Dr.M.Padma)
Spl. Commissioner, Tribal Welfare

Joint Director, TRI