

Salient features of the PESA Act 1996:

1. Powers exclusive to Gram Sabha-

Every village shall have its own Gram Sabha. A village shall consist of one or more habitations or hamlets comprising a community and managing its affairs in accordance with traditions and customs.

[Sections 4(b) and 4(c) of PESA Act]

(In Part IX, all electors of Village Panchayat constitute a Gram Sabha)

2. Gram Sabha is "competent" to safeguard and preserve the-

(a) traditions and customs of the people, and their cultural identity,

(b) community resources, and

(c) customary mode of dispute resolution.

[Section 4(d) of PESA Act]

3. Gram Sabha has mandatory executive functions to-

(a) approve plans, programmes and projects for social and economic development. [Section 4(e)(i) of PESA Act]

(b) identify persons as beneficiaries under the poverty alleviation and other programmes. [Section 4(e)(ii) of PESA Act]

(c) issue a certificate of utilisation of funds by the Panchayat for the plans; programmes and projects referred to in section 4(e) of PESA Act. [Section 4(f) of PESA Act]

4. Powers exclusive to Gram Sabha/Panchayat at appropriate level-

(a) right to mandatory consultation in land acquisition, resettlement and rehabilitation of displaced persons. [Section 4(i) of PESA Act]

(b) Panchayat at an appropriate level is entrusted with planning and management of minor water bodies. [Section 4(j) of PESA Act]

(c) Mandatory recommendations by Gram Sabha or Panchayat at appropriate level prior to grant of prospecting licenses, mining leases, concessions for minor minerals. [Sections 4(k) and 4(l) of PESA Act]

5. Powers endowed to Gram Sabha and Panchayat at appropriate level to-

(a) regulate sale/consumption of intoxicants. [Section 4(m)(i) of PESA Act]

(b) ownership of minor forest produce. [Section 4(m)(ii) of PESA Act]

(c) prevent land alienation and restore alienated land. [Section 4(m)(iii) of PESA Act]

(d) manage village markets. [Section 4(m)(iv) of PESA Act]

(e) control over money lending to STs. [Section 4(m)(v) of PESA Act]

(f) control over institutions and functionaries in social sector, local plans including Tribal sub plans and resources [Sections 4(m)(vi) and 4(m)(vii) of PESA Act]
