

# Inclusions of PRAAC Recommendations in GS Act

Prepared by: The Concerned for Working Children, Secretariat of The Gram Panchayat Hakkottaya Andolana

## Highlights of Inclusions:

### 1. Naming the Act 'The *Gram Swaraj*and Panchayat Raj Act'

- a. Shows political will and commitment to devolution and autonomy of panchayats
- b. It is a statement of intent
- c. It determines the nature and direction of the Bill
- d. The inclusion of 'Directive Principles of Panchayat Policy' [2A] reiterates the State Government's commitment to fulfilling the spirit of the 73 Constitutional Amendment
- e. Responsibility Map [28-C, 58-5, 145-4, 184-4, 309 (b)-3]

### 2. Recognising the 'Habitation Sabha' as a unit of local self government

- a. *Giving voice to the voiceless* [(3A-1 (i))]  
Uphold social justice congenial for all people generally, in particular to the people of the vulnerable sections of the society to exercise their rights
- b. *Promoting grassroots participatory democracy* [3A-1 (iii)]  
Assist the Gram Panchayat to conduct surveys or Participation of the residents in Rural Appraisals to collect essential socio-economic data and assess the needs of residents and their requirements for the development of the Habitation in order to enable the Gram Panchayat to compile and draw up the Vision Plan
- c. *Enabling inclusive development to become a reality* [3A -1 (i to xxi), 3E-2(c)]
  - All the clauses under functions and powers of Habitation Sabha
  - Ensuring that all plans are inclusive and benefit all sections of the population especially the vulnerable sections and migrant labour

### 3. Gram Sabhas

- a. *Basic unit of local self government* [3E (1)]  
The Gram Sabha shall be the basic unit of local self-government at the village level to ensure the direct participation of all the citizens of the village in the planning, implementation, monitoring and evaluation of all economic, social, cultural and environmental development Programmes and all central, State and district sector Government schemes implemented in the Gram Panchayat.
- b. *Decision making body* [110A (k)]  
Take part in the good governance of the area and actively encourage involvement of residents of Panchayat in decision making
- c. *Plans shall not be altered* [3E - 7]  
The decisions, views, recommendations or suggestions taken at the meetings of the Gram Sabhas shall be communicated to the Gram Panchayat for implementation subject to the availability of funds and guidelines issued by the Government. The priorities set by the Gram Sabha normally shall not be changed.  
(But has been diluted by adding the term 'normally' and the conditional lines 'subject to the availability of funds and guidelines issued by the Government') (In Kannada, the term 'normally' is not included)
- d. *Special Gram Sabhas* [3H -1]  
Nothing contained in section 3G shall be construed as preventing representative groups of women, the Scheduled Castes and the Scheduled Tribes, and the Farmers and the Artisan populations, the youth and the senior citizens, within the Gram Sabha come together as often as may be to hold meetings among themselves and outline their needs of the group for

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development along with suggestions of redressal, for being placed before the Gram Sabha at its regular meetings.

Provided that the needs outlined by the habitation sabha and Ward Sabha at their meeting shall be taken up at the meeting of Gram Sabha and recorded as its own for being forwarded to be placed before Gram Panchayat.

Provided further that, the needs outlined by each of such representative group at their meetings shall be taken up by the Gram Sabha and followed up as its own for being presented to the Gram Panchayat.

Without prejudice to anything contained in the other provisions of this section, the Adhyaksha may call for,

(i) Meetings of Gram Sabhas for drafting plans and Programmes for empowerment of the Scheduled Castes and the Scheduled Tribes, Women and the Children to discuss issues related to each of them separately, at least once in a year before the Gram Panchayat Meetings.

*(But this has been diluted using the term, 'may' instead of 'shall'. It has been written 'Adhyaksha may call for'. In Kannada, the term 'may' is not mentioned)*

### 4. Empowerment of Gram Panchayats as an institution of local self government

#### a. Devolution of 3Fs- transfer of functions with functionaries [58 (4) and (5)]

(4) The gram panchayat shall be an institution of local self government and the state shall subject to availability of funds endow the gram panchayat with the powers, authority, functions, functionaries and funds as may be necessary to enable them to function as institutions of local self-government.

(5) It shall be the duty of every Gram Panchayat to meet the needs of people of the Panchayat Area and shall have powers to administer the matters enumerated in Schedule I and also as elaborated in the Responsibility Map in respect of Gram Panchayats and to prepare and implement schemes for economic, social, cultural development for the realisation of social justice for all subject to the availability of Gram Panchayat Funds at its disposal to make reasonable provision within the Panchayat Area in regard to the following matters.

#### b. Power to frame by-laws [315]

A new chapter, 'RULES, REGULATIONS AND BYE-LAWS' has been included which says about the Power of gram Panchayat to make bye-law.

#### c. 20% untied funds [206 -2]

Subject to availability of funds Government shall allocate funds such percentage of grants to panchayat as may be determined by state finance commission out of which 20% shall be untied grant.

#### d. Front office [58 (5) (xix)]

to be a 'front office' for all official requirements of the residents and attend to their needs either through addressing them if within the purview of the Gram Panchayat or to follow up with other Panchayats or Government agencies

#### e. Raising revenue [61-1(ii)]

Finance, audit and planning standing committee to perform the functions relating to the finance of the Gram Panchayats, framing of budgets, scrutinizing proposals for increase of revenue examinations of receipts & expenditure statement, consideration of all proposals affecting the finances of the Gram Panchayats and general supervision of the revenue and

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expenditure of the Gram Panchayats and any other function relating to the development plan of the Gram Panchayat, information and statistics. Every Gram Panchayat shall collate and store the vision and annual plans, data related to the census, surveys conducted, PRAs and data concerning rural development, details of central and state Government schemes in progress, data relating to agricultural practices and other information of importance to farmers, data concerning physical infrastructure index and assets and resources relating the Panchayat raj system in general and Gram Panchayats in particular that shall assist the Gram Panchayat to fine tune their plans and budget outlays.

### 5. Fear free environment

#### a. *Congenial for women's participation* [3A – 1(i)]

Uphold social justice congenial for all people generally, in particular to the people of the vulnerable sections of the society to exercise their rights. (under amendment of section 2, 42B says, “Vulnerable sections of society” means the children, adolescents, women, senior citizens, the sick and the infirm, the disabled and the differently-abled, the Scheduled castes and the scheduled tribes, the religious, linguistic and sexual minorities, the bonded labour if any, nomadic and tribal groups and migrant labour of the society.)

#### b. *Communal Harmony* [3C (xv), 58 – 5(v)]

3C (xv): to promote harmony and unity among various groups of people in the area of the Ward Sabha and to arrange cultural festivals and sports meets to encourage the talents of the people of the locality

58 – 5(v): to promote communal harmony and unity among all groups of people.

#### c. *Reporting Sexual harassment* [58C]

**Duty of Gram Panchayat to prevent sexual harassment of women.**– It shall be the duty of Gram Panchayat to report to the concerned authorities, sexual harassment of women in work places, educational institutions and at other public places within the panchayat area.

#### d. *Rights of minorities protected* [61]

#### e. *Children's rights and protection has been considered.* [2-42 (b), 3E-3 (d), 3H-2 (i), 61-1 (iii-b), 145-4 (c), 191 –e (ii)]

*But exploitation (child marriage and child labour) omitted*

**Section 2 - (42B):** “Vulnerable sections of society” means the **children**, adolescents, women, senior citizens, the sick and the infirm, the disabled and the differently-abled, the Scheduled castes and the scheduled tribes, the religious, linguistic and sexual minorities, the bonded labour if any, nomadic and tribal groups and migrant labour of the society.

**Section 3E (3): (d)** assisting in the activities of school betterment committees, Anganwadis, Mahila Samaja, Youth associations, self-help groups and organisations working for the development of the scheduled castes and the scheduled tribes, other backward classes, senior citizens, the differently abled, women, children and youth in the panchayat area

**Section 3H (2):** Without prejudice to anything contained in the other provisions of this section, the Adhyaksha may call for, -

(i) meetings of Gram Sabhas for drafting plans and programmes for empowerment, separately, of the scheduled castes and the scheduled tribes, women and the **children** to discuss issues related to each of them separately, at least once in a year before the Gram Panchayat meetings

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**Section 61 (1) (iii – b):** Welfare of women and **children**. The social justice committee shall address women's concerns and issues such as the empowerment of women by achieving their social, cultural and economic development and to protect them against crimes of domestic violence, sexual harassment etc., within the Gram Panchayat. Functions of the social justice committee shall include tendering of advice to the panchayat on: promoting gender friendly programs by ensuring adequate facilitations for women at schools, offices, factories, hospitals and other public places and go about their daily lives in freedom and dignity

**Section 145-4 (c) :** to monitor primary health centre's, taluk hospitals, veterinary hospitals and polyclinics in the taluk with special focus on the health needs of women, **children**, the aged, sick and the infirm, including implementation of child development programmes at taluk level

**Section 191 –e (ii):** maintenance of community health centres and district hospitals at the district level and to perform all the functions required to the care of special categories and the differently abled including programmes for the development and empowerment of women and children at district level

### 6. Election protocol

- a. *Resignation of State Election Commissioner, financial powers of the State Election Commissioner, determine of its own procedure (308-2A to 2D)*

**Section 308:** "(2A) The commissioner may resign his office by writing under his hand and addressed to the Governor, but he shall continue in the office until his resignation is accepted by the Governor;

**(2B)** A casual vacancy created by the resignation of the commissioner under sub-section (5), or for any other reason may be filled by fresh appointment;

Provided that such appointment shall be made as soon as may be, within one month from the date of the vacancy,

**(2C)** The Government shall prescribe the financial powers of the State Election Commissioner and allocate funds commensurate with the functions and responsibilities, for incurring establishment and election related expenditure, ensuring flexibility for getting procurements needed for conduct of elections and also freedom to divert funds between different heads of account;

**(2D)** The State Election Commission shall determine its own procedure".

(iv) in sub-section (3), the following provisos shall be inserted, namely;-

Provided that the State Election Commissioner may also draft employees of state undertakings in the public sector for conducting elections to Panchayats and to exclude any class of public servants including the local police from being employed in election duties relating to Panchayats".

- b. *Staff of certain Authorities to be made Available for Election Work (308A)*

**Section 308A:** Staff of certain authorities to be made available for election work. – (1) The authorities specified in sub-section (2) shall, when so requested by the state election commissioner make available to any returning officer such staff as may be necessary for the performance of any duties in connection with an election.

(2) The following shall be authorities for the purpose of sub-section (1), namely: –

- (i) Every local authority;

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(ii) Every Government university established under law;

(iii) A Government company;

(iv) Any other institutions including banks, corporation or undertaking which are controlled or financed directly by the Government;

c. *Schedule of Elections, Appointment of Dates for Nominations etc* (308AA, 308AB)

**Section 308AA:** Schedule of elections.— The State Election Commission shall complete the election process before the expiry of the term of the panchayat and shall announce the reservation of seats and the schedule of elections, not less than forty five days before the issue of notification of calendar of events.

**Section 308AB:** Notification of dates for nominations etc. – (1) As soon as the notification of election to elect a member is issued, the State Election Commission shall, by notification in the Official Gazette, notify, –

- a. the last date for making nominations which shall be the third day after the date of publication of the first mentioned notification, or if that day is a public holiday, the next succeeding day which is not a public holiday;
- b. the date for the scrutiny of nominations, which shall be the day immediately following the last day for filing nominations or if that day is a public holiday, the next succeeding day which is not a public holiday;
- c. the last date for the withdrawal of nominations, which shall be the second day after the date of scrutiny of nominations or, if that day is a public holiday, the next succeeding day which is not a public holiday;
- d. the date or the dates on which a poll shall, if necessary, be taken or the first of which shall be a date not earlier than in the case of Gram Panchayat the fifth day, and in case of taluk panchayat and Zilla panchayat the seventh day, after the last date for the withdrawal of candidature;
- e. the date before which the election shall be completed;
- f. The process of election of members to the Panchayats shall, as far as may be, conclude within ten working days of the issue of the notification of election.

d. *Preventing Corrupt Practices During Elections* (22-ia, 308AC)

**Section 22 (ia):** coercion or fraud enticing of any voter or member of the Gram Panchayat or Taluk Panchayat or Zilla Panchayat as the case may be, to trade the post of member or Adhyaksha or upadhyaksha of the Gram Panchayat or Taluk Panchayat or Zilla Panchayat as the case may be, during election for a consideration

**Section 308AC:** Prevention of corrupt practices during elections.— (1) The State Election Commission shall with a view to prevent corrupt practices like bribe and undue influence during elections, take the following steps, namely:—

- a. the code of conduct shall be brought into force from the date of notification of election to the date of declaration of results;
- b. returning officers at the polling booths shall ensure video-graphic recording of the proceedings of the election at each polling station;
- c. all liquor shops and liquor manufacturing units within the Panchayat area where the code of conduct is in force shall be completely closed over the entire period during which code of conduct of election is in force. The owners, occupiers and the managers, as the case may be, of the liquor shops and liquor manufacturing units shall seal their units during the

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period the code of conduct is in force and deposit the seal and the keys with the deputy commissioner or the jurisdictional executive magistrate. Anybody found in possession of liquor or creating public nuisance after consuming liquor during the closer period of liquor shops shall be kept in preventive custody till completion of the polling date. Violations of the code conduct during the period shall be a cognizable and non-bailable offence and be punishable with fine and imprisonment under relevant law for the time being in force.

- e. *Transfer of pending cases pertaining to election to Senior civil Judge (24A)*

**Section 24A: Transfer of pending cases.**– All cases pending before Civil Judge (Junior Division) and Civil Judge (Senior Division) now called as Court of Civil Judge or Court of a Senior Civil Judge pertaining to election disputes before the date of commencement of the Karnataka Panchayat Raj (Second Amendment) Act, 2015 shall stand transferred to the concerned designated Court and shall be disposed off as if they are pending before him

### 7. Planning

- a. Taluk Planning and Development Committee – GP Adhyakshya Representatives included  
(145A-1, 309-4, 309C, 309D, 309E)

**Section 145A:** (1) Consolidation and integration of plans.– (1) Subject to availability of funds in the taluk panchayat, the taluk panchayat shall draw up a vision plan and annual development plans, indicating the needs in their order of priority, by consolidating the plans presented by the Gram Panchayats, adding their own requirements containing the components of the plans and the estimate of funds required and presenting the same to the taluk planning and development committee with a copy to the Zilla Panchayat. The plans of the Gram Panchayats shall not be altered except on availability of funds or guidelines or direction of Government.

Section 309: (4) All planning shall be done to meet the needs from the village level to the state level, through the taluk planning and development committees and the district planning committees

**Section 309D:** Taluk planning and development committee.– (1) There shall be established in every Taluk a Taluk planning and development committee for the purpose carrying out the integration of planning at the taluk level consisting of:

Vice Chair Person: One Adhyaksha from a Gram Panchayat selected by lot from among the Adhyaksha of all the Gram Panchayats in the taluk

Special Invitees: Five Adhyakshas as Grama Panchayat drawn by lot among whom one shall be a woman and one person belonging to Scheduled Castes and one person from Scheduled Tribe.

**Section 309E: The process of planning and development.**– (1) The Taluk planning and development committee shall receive the draft annual plans submitted by all the Panchayats and the urban local self-Governments and consolidate them sector-wise identifying the priorities of each sector at the Taluk level.

(2) The process of integration at the intermediary level shall be achieved by means of prioritisation of issues following the method of priority mapping and consolidation of the plans.

(3) Nothing contained in this section shall be construed as authorising the taluk planning and development committee to change, modify or alter the demands or priorities indicated in the plans of the Gram Panchayats, taluk panchayat or urban local self-Governments as the case may be.

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(4) Planning at the intermediate level shall be the result of consolidation with the object of identifying the priorities of each individual unit of Local self-Government that shall involve,-

(i) Spatial integration, means integration of schemes that run through one or more local authorities;

(ii) Sectoral integration, which means integration of several schemes relating to a larger sector;

(iii) cross-sectoral integration means which aimed to ensure maximum impact from different interventions, by drawing resources from various schemes;

(iv) Vertical integration means which separates out what has to be done at higher Panchayat levels;

(v) Integration of resources, means which looks at identifying and planning the channelization of several schemes both centrally sponsored and State sponsored, which Panchayats can utilise, integrate into local plans and to which they can contribute additional resources;

*b. District Planning Committees - GP and TP Adhyskshya Representatives included (309G, 310, 309-4)*

**Section 309G: District development plan.**— (1) The District Planning Committee shall, subject to the availability of funds, prepare the draft development plan with regard to,-

(i) the matters of common interest between the Panchayats and urban local authorities in the district, including spatial planning, sharing of water and other physical and natural resource, the integrated development of infrastructures and environmental conservation; and

(ii) the extent and type of available resources whether financial or otherwise.

(2) The District Planning Committee shall link the plans of Panchayats and urban local bodies and other planning units to provide for mutual consultation and negotiations between them and also provide the framework for integrating the sectoral and spatial aspects of urban and rural plans.

(3) The process of consolidation and integration by the district planning committee shall not alter the plans prepared by the taluk planning and development committee but the plans which are already included earlier or included in other plans shall not again be included.

(4) The district planning committee may, while preparing the consolidated plan, consult such institutions and organisations as the Government may, by order, specify.

(5) After the process of consolidation and integration is completed, the district planning committee shall forward the consolidated plan of the district to the Government through the decentralized planning and development committee for integration into the state plan.

**Section 310:** “(2) The district planning committee shall consist of

(c)The presidents of the Taluk Panchayat who is the ex-officio co-chairperson of Taluk Planning and Development Committee ----- **Member**

d) The vice-chairperson of the Taluk Planning and Development Committee (elected by Gram Panchayat of the taluk) from each Taluk in the district -----**Member**

**Section 309:** 4) All planning shall be done to meet the needs from the village level to the state level, through the taluk planning and development committees and the district planning committees

*c. Karnataka State Decentralised Planning and Development Committee – GP, TP and ZP Adhyskshya Representatives included (310B)*



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**Section 310B:** 2) The Karnataka state decentralized planning and development committee shall consist of,-

3. Members:
- 5. Two MLCs representing the Local Bodies nominated by the government
  - 6. Eight Members nominated by the government consisting of
    - (a) Two Chairpersons of District Planning Committees one from each revenue division
    - (b) Two Chairpersons of the Taluk Planning & Development Committees - one from each revenue division
    - (c) Two Chairpersons of the Gram Panchayats- one from each revenue division
    - (d) Two Chairpersons of Urban Local Bodies one representing the City Corporations, one representing the City Municipal Councils, one representing Town Panchayats and one representing the Town Municipalities
- Provided that of the eight at least one shall be a woman, one representative of the Scheduled Castes, one a representative of the Scheduled Tribes and one a representative of the other backward classes including minority groups
- (e) Five persons who are experts from the fields of Agriculture and allied activities, Industry, Rural and Urban Development, Gender subjects (who shall be a woman), Child Rights who shall be a child rights activist, Finance, Town and Country Planning and Environment and Water Conservation nominated by the government

- d. *Priority Ranking Matrix included that will prevent vested interests from altering plans* (3F-(c), 58-6 (v), 145A-2, 309B -4 (3))

**Section 3F:** Duties of Gram Sabha: (c) to generate consolidated proposals by determining the priority of all schemes and development programmes to be implemented in the panchayat area as per the 'Priority Ranking' method after considering the needs, recommendations and suggestions of the each of the Habitation sabhas and Ward Sabhas;

**Section 58 – 6 (v):** to ensure that the priority of economic, social, cultural and environmental development programmes and schemes to be implemented in the area are based on the "priority ranking" method, the Gram Panchayat shall take into consideration and give due weight-age to backwardness of the area, urgency of need of the people within the area, level of impact and coverage.

**Section 145A-**Consolidation and integration of plans: (2) In determining the priorities of development programmes and schemes to be implemented in the area, the priority ranking method shall be adopted taking into consideration the backwardness of the area urgency of the need, level of impact and the population

**Section 309B – 4:** (3) "Priority ranking method" means the course of prioritizing of beneficiaries under the various schemes, programmes and plans taking into consideration the backwardness of the area urgency of need, level of impact and coverage.

- e. *Vision plan for each panchayat of all three tiers* (2 – 42A, 3A-1(iii & iv), 3E-2(a), 58-6(i & ii), 145-4(n), 145A -1, 309B)



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**Section 2:** “(42A) “Vision Plan” means a long term forward looking plan for achieving overall development in the panchayat area

**Section 3A:** Functions and powers of Habitation Sabha: (1) (iii) Assist the Gram Panchayat to conduct surveys or participation of the residents in rural appraisals to collect essential socio-economic data and assess the needs of residents and their requirements for the development of the habitation in order to enable the gram panchayat to compile and draw up the vision plan

(iv) fix the priority among the economic, social, cultural and environmental development programmes and schemes to be implemented in the area of the habitation, taking into account the interests of every group constituting the habitation and place them before the Gram Sabha for inclusion in the vision plan and the annual development plans of the Gram Panchayat;

**Section 3E – 2 (a)** to conduct surveys or participate in rural appraisals to collect essential socio-economic data and assess the needs of residents and their requirements for the development of the village in order to enable the Gram Panchayat to compile and draw up a vision plan

**Section 58: (6) (i)** with the assistance of the Habitation sabha, Ward Sabha and Gram Sabhas, the Gram Panchayat shall once in five years collate the plans of the Gram Sabhas reflecting the needs of all residents and the requirements for the development of their areas in order to compile and draw up a forward looking plan called the vision plan.

(ii) in order to determine the priority of the economic, social, cultural and environmental development programmes and schemes to be implemented in the area of the Gram Panchayat, the Gram Panchayat shall collate all the plans approved by the Gram Sabhas taking into account the interests of every group constituting the Gram Panchayat for inclusion in the vision plan and the annual development plans of the Gram Panchayat and this plan shall be placed before the Gram Sabha and forwarded to the taluk planning and development committee (TPDC) with a copy to the taluk panchayat;

Section 145: (4) (n) to draw up with the assistance of the Gram Panchayats, its own vision plan based on its survey held consolidating the plans of all the Gram Panchayats within its area and adding to it its own development plan covering area other than the areas covered by the Gram Panchayats in the taluk

**Section 145A: Consolidation and integration of plans.–** (1) Subject to availability of funds in the taluk panchayat, the taluk panchayat shall draw up a vision plan and annual development plans, indicating the needs in their order of priority, by consolidating the plans presented by the Gram Panchayats, adding their own requirements containing the components of the plans and the estimate of funds required and presenting the same to the taluk planning and development committee with a copy to the Zilla Panchayat. The plans of the Gram Panchayats shall not be altered except on availability of funds or guidelines or direction of Government.

**Section 309B: Vision Plan –** (1) Every newly elected Gram Panchayat shall, within three months from the date of their constitution enable the members of the Habitation sabha, Ward Sabha and Gram Sabhas to carry out a participatory rural appraisal that maps the resources, population and needs of its area.

(2) Gram Panchayat shall prepare a forward looking vision plan for the whole term of the panchayat based on development benchmarks established by local, state and Central

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Governments to set targets and develop outcome indicators for measuring using performance management system.

(3) The vision plan shall form the basis of constructing needs-based annual plans for each year for the next five years of its term. Prioritisation of issues shall be based on priority ranking method as laid down in the responsibility map.

(4) Subject to the availability of funds during the next financial year, every Gram Panchayat shall forward their annual draft plans to the taluk planning and development committee for consolidation and integration within October of the previous year.

**Explanation:** For the purpose of section 309A, 309B and wherever the said terms appear in the Act, -

(1) "Participatory rural appraisal" involves the study, analysis and appraisal of factors undertaken in relation to the long term visual plan or the annual plans of panchayats under this Act

(2) "Performance management system" means a scientifically based, data-oriented management system consisting of three primary elements-measurement, feedback and positive reinforcement and includes activities which ensure that goals are consistently met in an effective and efficient manner through a process of alignment of resources, systems and employees to achieve strategic objectives and priorities.

(3) "Priority ranking method" means the course of prioritizing of beneficiaries under the various schemes, programmes and plans taking into consideration the backwardness of the area urgency of need, level of impact and coverage.

### 8. Empowerment of women and disabled

#### a. Baby care and Crèche [58-5 (ix)]

**Section 58 – 5(ix):** to provide for a baby care centre or crèche in the building or complex within the panchayat area as may be required

#### b. Mahila Cooperative Bank (145 4(f) for TP, 191 (e-(v) for ZP)

**Section 145 – 4 (f):** to assist cooperative banks for women at the taluk level for encouraging small business, home and cottage industries by offering loans and promoting savings and to nominate three of its women members ex-officio on its committee of directors of whom one shall be a member belonging to the scheduled castes or the scheduled tribes;

**Section 191- e (v):** promote and support the Taluk Panchayats to manage women's co-operative banks or societies for women separately at the taluk level to promote small business, small and medium scale industries run by woman

#### c. Ramps for physically disabled (58-5 (viii))

**Section 58 -5 (viii)** to ensure that the office of all Panchayats and public buildings under its management and control have ramps for the physically disabled

#### d. Separate Toilets at panchayat buildings omitted

### 9. Knowledge Management

- a. PRA
- b. Data Collection and compilation
- c. Maintenance of Database
- d. Map of natural and resource and assets
- e. recording the history, culture and heritage

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- f. Human Development Index
- g. Awareness

### 10. Finance

- a. *Disbursement of funds to panchayats based on State Finance Commission Recommendations* [206-2]

**Section 206: (2)** Subject to the availability of funds, Government shall allocate such percentage of grants to the Panchayats as may be determined by State Finance Commission out of which twenty percent shall be Untied Grants.

- b. *State Finance Commission Report must be tabled within 6 months* [267]

Amendment of section 267,— In section 267 of the principal Act, in sub-section (8), the words “within a period of six months” shall be inserted at the end

- c. *Finance meeting April and October* [3e-5-a,b] [3H-2-iii]

**Section 3E – 5: (a)** discuss and prepare the budgetary provisions, the details of plan outlay and the subject wise allocation of funds and also the details of the estimate and cost of materials of the works executed or proposed to be executed in the village area in a special meeting of all the Gram Sabhas in the month of October each year

**Section 3H -2: (iii)** Special budget meetings of the Gram Sabha twice a year in the months of April and October to consider the plans and finances of the Gram Panchayat

- d. *Jamabandi of all programmes within a panchayat must be placed before the Gram Sabha* [3e-5-b],

**Section 3E -5 (b)** discuss and prepare the annual statement of accounts of the preceding financial year, the last audit report and replies thereto and the panchayat jama-bandi report, action taken, in a special meeting of all the Gram Sabhas in the month of April each year

*But, Audit and Jama-Bandi under General Powers of Gram Panchayat proposed by the Committee has not been considered. It says, ‘To ensure that all programmes, schemes, works undertaken or implemented in the Gram Panchayat area shall be audited by the Accountant General and that the jama bandhi shall be undertaken every year as prescribed by Rules’.*

### 11. Town and Country Planning [64-5A]

**Section 64: "(5A)** Gram Panchayats shall strictly comply with the provisions of the Town and County Planning Act, 1961 in the matter of issue of building license, or approvals of housing or residential layouts. Any approval in violation of any of the provisions of the town and country planning Act, 1961 shall be construed as “misconduct” for which the concerned officer or official shall be liable for disciplinary action."

### 12. Accountability

- a. *Declaration of assets* [43B, 136A, 175A]

**Section 43B: Members to declare assets and liabilities.**– (1) Every member shall within three months from the date of commencement of his term of office and until the expiry of his term in every calendar year, and within one month of the end of the financial year, file an declaration of the movable and immovable assets of more than two lakhs and liabilities owned by him and by all the members of his joint family in the form as may be prescribed before the state election commission through the panchayat development officer of concerned Gram Panchayat:

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Provided that, where the term of a member commences before two months of the end of the financial year such member may file his declaration within two months after the commencement of the following financial year.

(2) the panchayat development officer of the concerned panchayat shall receive the declarations filed by all the members and forward them to the state election commission in the first week of May of that year and, in the case of late submissions, in the first week of July of the year, with a statement of members who have filed and who have not filed the declaration.

(3) a member, who after filing a declaration under sub-section (1), acquires or disposes of any property or incurs any liability shall file a declaration to that effect before the state election commission through the panchayat development officer of the panchayat, within forty-five days from the date of such acquisition or disposal, as the case may be, and the panchayat development officer shall follow the same procedure as in sub-section (1).

(4) if the member does not file the declaration within the time without reasonable cause or the declaration is found to be false, shall be deemed to have committed guilty of misconduct and the state election commission shall after giving an opportunity of hearing, remove him from membership and declare his seat vacant.”

**Section 136A: Members to declare assets and liabilities,–** (1) Every member shall within three months from the date of commencement of his term of office and until the expiry of his term in every calendar year, and within one month of the end of the financial year, file an declaration of the movable and immovable assets of more than two lakhs and liabilities owned by him and by all the members of his joint family in the form as may be prescribed before the state election commission through the executive officer of the concerned taluk panchayat;

Provided that, where the term of a member commences before two months of the end of the financial year, such member may file his declaration within two months after the commencement of the following financial year.

(2) The executive officer of the concerned taluk panchayat shall receive the declarations filed by all the members and forward to the state election commission in the first week of May of that year and, in the case of late submissions, in the first week of July of the year, along with a statement of members who have filed and who have not filed the declaration.

(3) A member, who after filing a declaration under sub-section (1), acquires or disposes of any property or incurs any liability shall file a other asset shall file further declaration to that effect before the state election commission through the executive officer of the panchayat, within forty-five days from the date of such acquisition or disposal, as the case may be, and the executive officer shall follow the same procedure as in sub-section (1).

**Section 175A: Members to declare assets and liabilities,–** (1) Every member shall within three months from the date of commencement of his term of office and until the expiry of his term in every calendar year, and within one month of the end of the financial year, file an declaration of the movable and immovable assets of more than two lakhs and liabilities owned by him and by all the members of his joint family in the form as may be prescribed before the State Election Commission through the chief executive officer of concerned Zilla Panchayat:

Provided that, where the term of a member commences before two months of the end of the financial year such member may file his declaration within two months after the commencement of the following financial year.

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(2) The Chief executive officer of the concerned Zilla Panchayat shall receive the declarations filed by all the members and forward the same to the State Election Commission in the first week of May of that year and, in the case of late submissions, in the first week of July of the year, with a statement of members who have filed and who have not filed the declaration.

(3) A member, who after filing a declaration under sub-section (1), acquires or incurs any liability shall file a disposes of any property or other asset shall file further declaration to that effect before the state election commission through the chief executive officer of the panchayat, within forty-five days from the date of such acquisition or disposal, as the case may be, and the chief executive officer shall follow the same procedure as in sub-section (1).

### 13. Community Contracts

a. *Execution of works up to 20lakhs* [60B]

**Section 60B: Community contracts.**– Notwithstanding anything contained in any other law for the time being in force, the gram panchayat may, on the recommendation of gram sabha award any contract for execution of any work or works of the panchayat or to supply any goods or services to any group of residents who have come together as self help group of beneficiaries within panchayat area who have contributed not less than ten percent of the value of work executed by the Gram Panchayat, to undertake and execute the works up to twenty lakhs at rates fixed by the government as a first choice

### 14. Panchayat Raj Commissionerrate and Karnataka Panchayat Raj Administrative Service (KPRAS) [232A and 232B]

**Section 232A: Constitution of Commissionerrate of Panchayat Raj.**– The Government may constitute a separate commissionerrate of panchayat raj services to facilitate smooth functioning of Panchayat Raj institutions. The powers, functions and duties and the number category of posts method of recruitment minimum qualification shall be such as may be prescribed.

**Section 232B: Constitution of the Karnataka Panchayat Administrative Service** – The government shall constitute a Karnataka panchayat administrative service consisting of such category of posts from the rural development and panchayat raj department, the number of posts, scale of pay, method of recruitment and minimum qualification such as may be prescribed”

### New Addition:

#### 1. Farmers 3H (1) [61-6-b]

**Section 3H:** Nothing contained in section 3-G shall be construed as preventing groups of women, the scheduled castes and the scheduled tribes, and the farmers and the artisan population, the youth and the senior citizens, within the Gram Sabha come together as often as may be to hold meetings among themselves and outline their needs of the group for development along with suggestions of redressal, for being placed before the Gram Sabha at its regular meetings.

Provided that needs outlined by the habitation sabha and Ward Sabha at their meeting shall be taken up at the meeting of the Gram Sabha and recorded as its own for being forwarded to be placed before Gram Panchayat.

Provided that the needs outlined by each of such representative group at their meetings shall be taken up by the Gram Sabha and followed up as its own for being presented to the Gram Panchayat

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**Section 61 – 6 (b)** Each Committee shall be competent to co-opt in such manner as may be prescribed, members of **farmers clubs**, mahila mandals, yuvak mandals and other similar bodies recognized by the Government. A representative of co-operative societies in the panchayat area shall be co-opted to the Standing Committee. The rights and liabilities of the co-opted members shall be such as may be prescribed