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मध्यप्रदेश राजपत्र (असाधारण) प्राधिकार से प्रकाशित

क्रमांक 514]

भोपाल, सोमवार, दिनांक 19 सितम्बर 2022—भाद्र 28, शक 1944

पंचायत एवं ग्रामीण विकास विभाग
मंत्रालय, वल्लभ भवन, भोपाल

Bhopal, the 19th September 2022

NOTICE

No. R- 856697/2022/22/P-2 The following draft of Madhya Pradesh Panchayats (Extension to Scheduled Areas) Rules, 2022, which the State Government proposes to make in exercise of powers conferred by section 4 of the Provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996 (No. 40 of 1996) is hereby published for the information of all persons likely to be affected thereby and notice is hereby given that the said draft of rules shall be taken into consideration on the expiry of 15 days from the date of its publication in the Madhya Pradesh Gazette.

Any objection or suggestion which may be received by the Principal Secretary, Government of Madhya Pradesh, Panchayat and Rural Development Department, Vallabh Bhawan, Bhopal from any person with respect to the said draft on or before the expiry of the period specified above shall be considered by the State Government, namely:-

DRAFT OF RULES

Chapter I

Preliminary

1. Short title, extent and commencement.-

(1) These rules may be called the Madhya Pradesh Panchayats Provisions (Extension to Scheduled Areas) Rules, 2022.

(2) They shall extend to all the Scheduled Areas within the State of Madhya Pradesh.

(3) They shall come into force from the date of their publication in the Madhya Pradesh Gazette.

2. Definitions.-

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

(a) "Act" means the Provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996 (No. 40 of 1996);

- (b) "Gram Sabha" means a body consisting of persons whose names appear in the electoral rolls relating to the Panchayat area at the village level or in the part thereof for which it is constituted;
- (c) "minor forest produce" means the minor forest produce defined under section 2 (i) of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (2 of 2007);
- (d) "Panch" means the Panch of the Gram Panchayat;
- (e) "President" means the President of the meeting of the Gram Sabha.
- (f) "Sarpanch" means the Sarpanch of the Gram Panchayat;
- (g) "Scheduled Area" means the Scheduled Area specified in clause (1) of Article 244 of the Constitution of India;
- (h) "small watershed" means natural and man-made water bodies, water structures, coastal areas, ponds, lakes, puddles, debris and structures known as whatever name falling within the limits of the village, with 10 hectares or water logging area up to 40 hectares irrigation capacity;

- (i) "village" means any village in a Scheduled Area consisting ordinarily of a habitation or a group of habitations or a small village or a group of small villages which consists a community and which manages its affairs in accordance with traditions and customs.
- (2) The words and expressions used in these rules but not defined, shall have the same meaning as assigned to them in the relevant Code, Act and Rules.

Chapter II

Gram Sabha and Panchayat Raj Institutions

3. Constitution of Gram Sabha.-

- (1) There shall ordinarily be a Gram Sabha for a village as defined in rule 2(1)(a) of these rules:

Provided that if the voters of any house or group of houses or Falia or Tola is desirous that more than one Gram Sabha shall be constituted for the following areas where the community therein manages its affairs according to traditions and customs,-

- (a) a village or a group of villages,
- (b) hamlet (Kheda) or group of hamlets including Phaliya, Majra, Tola or Para, etc.,
- (c) habitat or group of habitats
- (2) The resident voters of hamlet (Kheda) or Falia or Tola or Para or their group may, by passing a resolution, apply to the Sub-Divisional Officer (Revenue) for the constitution of a separate Gram Sabha for the area specified under sub-rule (1).
- (3) The application shall - :

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- (a) shall bear the signature/thumb impression of more than fifty percent of the voters of the respective Falia or Tola or Villages;
- (b) shall be attached a hand-drawn map or a sight map showing the traditional boundaries of the Falia or Tola or Village. These boundaries shall include revenue, forest, and all other categories of land.
- (4) Procedure of resolution for constitution of Gram Sabha,-
- (a) more than fifty percent of the voters of such village or Kheda (Hamlet) or Khedas (Hamlets), Falia or Majra or Para or Tola, may by passing a resolution for constitution of a new Gram Sabha, submit to the Sub-Divisional Officer (Revenue). The Secretary to Gram Panchayat shall send a copy of the proposal to the Collector;
- (b) the Gram Panchayat shall have to submit the proposal mentioned in sub-rule (2) regarding the constitution of a new Gram Sabha, to the Sub-Divisional Officer, revenue, within a period of one month from the date on which it is passed. In case the proposal is not submitted by the Gram Panchayat within the stipulated period, the Chairman/ Secretary of the meeting of the voters of Kheda or Falia shall be able to submit that proposal directly to the Sub-Divisional Officer Revenue;
- (c) The Sub-Divisional Officer (Revenue) on receipt of the proposal mentioned in sub-rule (2) of rule 3 along with the application, shall issue a public notice within one month, intending to constitute the separate Gram Sabha in Form-I of the Madhya

Pradesh Scheduled Areas Gram-Sabha (Constitution, Procedure of Meeting and Conduct of Business) Rules, 1998. This notice shall be published by sticking on the Government Schools, Passenger Waiting Rooms, Community Halls, Primary Health Centers, Anganwadi Centers and other Government buildings falling within the Gram Sabha area and beating the drum and in the local newspapers and a copy of the same shall be sent to the concerned District Collector, Jila Panchayat, Janpad Panchayat and Gram Panchayat. The interested party shall receive objections within one month from the date of issuance of such notice.

- (d) The Sub-Divisional Officer, (Revenue) shall decide such proposal within a time limit of three months. The Sub-Divisional Officer (Revenue) himself or the officer authorized by him shall take decision to verify the proposal by holding a meeting of the voters of the proposed village. In this verification -
- (i) the actual attendance of voters and the definite landmarks on the boundaries shown in the resolution shall be examined;
 - (ii) official land measurement survey number etc. of the boundaries shall be marked.
- (e) In case this procedure cannot be taken within three months due to any unavoidable reasons, the Sub-Divisional Officer (Revenue) shall submit a report to the Collector showing the reasons thereof. If the Collector is satisfied with the reason shown in the report, he may extend the period of one month for the said procedure. On the expiry of the said time limit, considering the proposal accepted by the sub-

divisional officer, the sub-divisional officer (revenue) shall notify in Form-2 the constitution of Gram Sabha falling in that "village" area;

- (f) The publication of such notification shall be made by affixing on the notice board of the office of the Sub-Divisional Officer revenue of concerned Gram Panchayat and Janpad Panchayat and in a conspicuous place in the areas to be affected by such notification, such as Government School, Passenger Waiting Hall, Community Hall, Primary Health Center, Anganwadi Center and other government buildings etc. Falling Within the Gram Sabha Area and by beating of drums and publishing in local newspapers and a copy of the same shall be sent to the concerned District Collector, Jila Panchayat, Janpad Panchayat and Gram Panchayat.
- (g) The Sub-Divisional Officer, (Revenue) shall issue a notification of the constitution of a new Gram Sabha in Form-II under the Madhya Pradesh Scheduled Areas Gram-Sabha (Constitution, Procedure of Meeting and Conduct of Business) Rules, 1998, which shall contain area-wise details of the Gram Sabhas falling within that village area. The reconstituted Gram Sabhas shall come into existence from the first day of the coming month;
- (h) There shall be a Gram Sabha for every village notified by the Sub-Divisional Officer (Revenue);
- (j) Every Gram Sabha shall be an autonomous corporate body and shall have a common seal and

the duties and powers of such Gram Sabha shall be similar to that of a corporate body;

- (k) The office of each Gram Sabha shall be in that Gram Sabha area. Ordinarily the office shall be in a government building and on non-availability of government building, it may be at the house of any citizen of the Gram Sabha. No rent shall be paid for the office.
- (l) The proceedings of the Gram Sabha and all other records shall be maintained in the office of the Gram Sabha. A copy of the records may be kept in the Panchayat office.
- (m) For one year from the date of coming into force of these rules, the State Government shall run a special public communication campaign to introduce every Faliya or Tola the process of constitution of new Gram Sabha.

4. President of Gram Sabha.-

- (1) Meeting of every Gram Sabha shall be headed by a President.
- (2) The meeting of the Gram Sabha shall be presided over by a member of the Scheduled Tribes of the Gram Sabha, who is not a Sarpanch or Up-Sarpanch or a Panch of the Gram Panchayat, and has been elected for the purpose unanimously and in the event of non-consensus by the members present in the Gram Sabha, by a majority of votes.
- (3) The term of the President of the Gram Sabha shall continue till the date of the next Gram Sabha.

- (4) A person shall be eligible to be elected President of the Gram Sabha for more than once, but he shall be eligible for a period not exceed one during the whole tenure of the Panchayat.

5. Secretary of Gram Sabha.-

- (1) The Secretary of the Gram Panchayat shall also be the ex-officio Secretary of all the Gram Sabhas constituted within the Gram Panchayat area.
- (2) The responsibility of maintaining records of the proceedings of the meeting of the Gram Sabha shall rest with the Secretary of the Gram Panchayat.
- (3) In case the Gram Panchayat Secretary is unable to attend meeting of any Gram Sabha due to unavoidable reasons, the President of Gram Sabha may authorize any government or semi-government employee of concerning village, such as teacher, patwari, rural agricultural extension officer, Anganwadi worker, ASHA worker, PESA mobilizer etc. to discharge the responsibility of the secretary in the meeting of the Gram Sabha.
- (4) In case of non-availability of any government servant or semi-government servants mentioned in sub-rule (3) in concerning village for the meeting of Gram Sabha, the President of Gram Sabha may authorized any educated voter of the village to discharge the responsibility of the secretary.

6. The date, time and place of the meeting of the Gram Sabha.-

- (1) The meeting of the Gram Sabha shall be held in the village at such a public place where every member of the Gram Sabha may be present without any interruption.

- (2) It shall be mandatory to convene a meeting of the Gram Sabha within seven days on an application made oral or written by ten percent or twenty-five percent the members i.e. voters of the Gram Sabha, whichever is the lesser.
- (3) The Gram Sabha may also pass a resolution to organize the meeting of the Gram Sabha at regular intervals, the date (date or day of the week of Gregorian Calendar), time and place of such regular meeting may be permanently fixed by the Gram Sabha itself. Notice shall not be required for a permanently fixed regular meeting of Gram Sabha.
- (4) As per the rule 6 of the Madhya Pradesh Scheduled Areas Gram Sabha (Constitution, Procedure of Meeting and Conduct of Business) Rules, 1998, the meeting of the Gram Sabha shall be organized at such intervals as may be necessary on the basis of the agenda to be considered before it:

Provided that there shall not be a gap of more than three months between two meetings of the Gram Sabha.

7. Manner of giving notice of meeting of Gram Sabha.-

- (1) Notice of every meeting of the Gram Sabha, specifying the date, time and place and agenda to be considered shall be given at least seven days before the date of the meeting. In case of any emergency, for the reasons to be recorded in writing, the meeting may be called by giving three full days notice.
- (2) Such notice of meeting to be made-
 - (a) by pasting a copy of the notice at conspicuous places in the area falling in the Gram Sabha; and

(b) by announcement by beating drum in the area of Gram Sabha.

(3) Joint meeting of Gram Sabha.

(a) The matters which are concerned to more than one Gram Sabha, a joint meeting of Gram Sabhas may be called.

(b) The decision taken at the joint meeting shall be deemed to have been taken by each participating Gram Sabha.

(c) The president of the joint meeting shall be elected like a single Gram Sabha on the basis of consensus/majority of the members present.

(d) The quorum of the joint meeting will be considered complete if there is a quorum of each participating Gram Sabha.

8. Decision by the Gram Sabha.-

(1) All matters brought before the Gram Sabha in any meeting shall be decided as far as possible unanimously and failing which it shall be decided by general consensus of the members present. 'General consensus', means that all the voters present are either in support of the motion or are neutral:

Provided that where there is difference of opinion on any issue, the same shall be brought before the next meeting. If the decision is not taken unanimously or by general consensus in two consecutive adjourned meetings, the same shall be decided by a majority of the members present. In case of equal number of votes, the person presiding the meeting shall have a casting vote.

(2) If any dispute arises as to whether any person is entitled to vote, then such dispute shall be decided by the President of the Gram Sabha by keeping in view his entry

in the electoral roll of area of the Gram Sabha and his decision shall be final. .

9. Procedure for conducting Gram Sabha and maintenance of its records.-

- (1) The decisions taken in the Gram Sabha shall be recorded in the register and read out to all the members in the same meeting of the Gram Sabha by the Secretary of the Gram Sabha.
- (2) The proceedings register shall be signed by the President and the Secretary and the number of members present shall be recorded. Attendance register shall be maintained separately.
- (3) The chronicle or minutes of the proceedings shall be written in Hindi in Devanagari script.
- (4) A copy of minutes of the proceedings of the Gram Sabha shall be submitted by the Secretary to the Gram Panchayat within three days.
- (5) The Officers/employees of any department may present in the meeting of Gram Sabha, if required.

10. Objection on decision of the Gram Sabha.-

- (1) Any person or the government department who is aggrieved with the decision of the Gram Sabha may submit the objection within 15 days from the date of the decision of the Gram Sabha and it may be reconsidered within 30 days in the meeting of the Gram Sabha.
- (2) On being not reconsideration in Gram Sabha or on being dissatisfied with the decision of the Gram Sabha, an appeal may be preferred before the Sub-Divisional Officer, (Revenue).

11. Quorum for meeting of Gram Sabha.-

- (1) The quorum for a meeting of Gram Sabha shall be one-fourth of the total members of the Gram Sabha or hundred, whichever is less, of which not less than one third shall be the women:

Provided that the quorum for any decision regarding land acquisition, rehabilitation, withdrawal of land and community resource, shall be 50 percent of the total members, which not less than one third shall be women.

- (2) If there is no quorum in the Gram Sabha, the President of the Gram Sabha shall adjourn such meeting to the next date or time and notice to this effect shall be given in the prescribed manner.
- (3) The quorum shall be necessary in two adjourned meetings also but shall not be necessary in the third adjourned meeting:

Provided that for any decision regarding land acquisition, rehabilitation, withdrawal of land and community resource, quorum in the adjourned meeting even after two adjourned meetings shall be mandatory at least 25 percent.

12. Powers and functions of Gram Sabha and Gram Panchayat.-

- (1) **Powers and functions of Gram Sabha,-** In a scheduled areas, the Gram Sabha shall have the following powers and functions in addition to the powers and functions conferred on it under section 7 of the Madhya Pradesh Panchayat Raj and Gram Swaraj Act, 1993, namely:-
- (a) to secure and protect the traditions and customs of individuals, their cultural identity and community

resources, and customary methods of resolving disputes;

- (b) to manage the natural resources within the area of the village which includes land, water and forests, in accordance with its tradition and in accordance with the provisions of the Constitution and with due regard to other relevant laws for the time being in force;
- (c) to control over local plans, including tribal sub-plans, and the sources and expenditure for such plans; and
- (d) to exercise such other powers and perform such functions which the State Government may confer or entrust to it under any law for the time being in force.

(2) Powers and Functions of the Gram Panchayat.- In the Scheduled areas, the Gram Panchayat shall also have the following powers under the general superintendence, control and direction of the Gram Sabha, namely:-

- (a) to manage village markets and fairs including cattle fairs, by whatever name it may be called;
- (b) to exercise such other powers and perform such functions as the State Government may confer or entrust to it under any law for the time being in force.

13. Funds of Gram Panchayat and Gram Sabha.-

- (1) **Panchayat fund.-** Panchayat fund shall be operated as per the provisions mentioned in section 66 of the Madhya Pradesh Panchayat Raj and Gram Swaraj Act, 1993-

- (a) subject to the provisions of this Act and the rules made thereunder, all property vested in the Panchayat and the Panchayat Fund shall be used for the purposes of the Act or generally for other purposes connected with the development activities of the Panchayats or to meet such other expenditure, which the State Government may approve on the application of any Panchayat or for otherwise in the public interest. The Panchayat fund shall be kept in the nearest Government Treasury or Sub-Treasury or Post Office or Government Bank or Notified Bank or its branch;
- (b) any sum allocated to the Panchayat by the State Government or any other person or local authority for any specified work or purpose, shall be utilized only for that work or purpose and in accordance with the instructions which the State Government may issue in this behalf either generally or specially.
- (c) all the amounts of the Gram Panchayat shall be withdrawn under the signatures of the Sarpanch and the Secretary. Information related to all the receipts in the Panchayat fund and all the withdrawals from the Panchayat fund, shall be presented before the Gram Sabha in its next meeting;
- (d) a resolution passed by majority of the members of the Gram Panchayat shall be necessary for withdrawal of amount from the Panchayat fund;
- (e) The budget of the Gram Panchayat shall be presented before the Gram Sabha in its first meeting during each financial year and the budget shall be

implemented only after getting the consent of the Gram Sabha or incorporating the recommendation received by the Gram Sabha. Once in every three months, it shall be mandatory to make Gram Sabha to certify the income and expenditure of the Panchayat fund of the Gram Panchayat in the Gram Sabha of each village.

(2) Gram Sabha Fund.-

- (a) Every Gram Sabha shall have a "Gram Sabha Fund". The Gram Sabha Fund shall consist of the funds mentioned under rule 3 of the Madhya Pradesh Gram Sabha (Maintenance of Village Fund) Rules, 2005 and the funds allotted to the Gram Sabha by the concerned Gram Panchayat;
- (b) The "Gram Sabha Kosh" account of each Gram Sabha shall be opened in the nearest bank. The Gram Sabha shall select 2 members from amongst its members, of which, at least 1 shall be a woman. None of these members shall be the Sarpanch or Up-Sarpanch or the Panch of the Gram Panchayat or his family members. The joint signature of both the members of this committee would be required for disbursement of withdrawals;
- (c) The Secretary shall be responsible for maintaining the records of the Gram Sabha Fund;
- (d) Any irregularity found in the withdrawal disbursement shall jointly be held by the signatories;
- (e) A resolution passed by the Gram Sabha shall be necessary for withdrawal of amount from the Gram Sabha fund.

Chapter -III**Peace and Security****14. Peace and Disputes Redressal Committee.-**

- (1) Peace and Disputes Redressal Committee shall be constituted by the Gram Sabha by selecting at least 05 and maximum 07 members from amongst the members of the Gram Sabha. In the said committee, the Scheduled Tribes residing in the village shall be given representation in proportion to the population and it shall be mandatory to give at least one third representation to women in this committee.
- (2) Information about the constitution of Peace and Disputes Redressal Committee shall be sent to the local police station by the Secretary of the Gram Sabha.
- (3) This committee shall do the work of resolving the disputes of the village through the traditional method and shall work for maintaining peace in the village.
- (4) An appeal may be made against the decision of this committee in the Gram Sabha.
- (5) The maintenance of record of the proceedings of meeting of each Peace and Disputes Redressal Committee shall be done by the Secretary of the Committee.
- (6) The Peace and Disputes Redressal Committee shall be informed on the registration of any FIR related to the village in the local police station.

15. Limitations of Powers of Gram Sabha.- The Gram Sabha shall exercise its powers only within the following limits,-

- (1) The Gram Sabha shall not pass any resolution which is against the law for the time being in force.

- (2) The Gram Sabha shall not support any such act which may harm the customs and traditions of the tribals and other local communities living in the area.
- (3) The Gram Sabha shall not support any such activity which promotes hatred or enmity amongst different social groups or which undermines social harmony and brotherhood.
- (4) The Gram Sabha shall not prohibit or obstruct the lawful activities of any government authority.

Chapter-IV

Land management

16. Scheme of Farming by Gram Sabha.- The Gram Sabha shall be competent to make plans for agriculture according to the economic condition of the farmer. The decision of the Gram Sabha may include, inter alia, the following key points:-

- (a) Prevention of soil erosion;
- (b) Regulation of grazing to protect crops;
- (c) Harvesting and distribution of rain water which may be utilized for agriculture;
- (4) sharing Knowledge as well as ensuring the arrangement of seeds, fertilizers, etc., whether through mutual cooperation or otherwise;
- (5) promotion of organic manures, fertilizers and pesticides;
- (6) the Agriculture Department shall implement the plan of cultivation as per rules prepared by the Gram Sabha.

17. Maintenance of Land Record.-

- (1) The Patwari and Beat Guard shall make available the updated revenue and forest records i.e. Map, Khasra, B-1 etc. falling within the village limits to the Gram Sabha

once in a year in the first week of the beginning of the financial year of the department.

- (2) The Patwari shall send the recommendation of rectification of errors in the records of private land/ Government land received from Gram Sabha to the competent revenue officer or beat guard appropriately within 15 days. The competent officer shall resolve the issue of error rectification within three months as per the statutory provisions and inform the Gram Sabha through Patwari.
- (3) Consultation of Gram Sabha shall have to be taken before diversion in the Government or community land use. In case of change of landowner of private land due to transfer, lease, contract farming, sale, mortgage or any other reason, prior information shall have to be given to the Gram Sabha.
- (4) The Gram Sabha shall ensure that no land belonging to the Scheduled Tribes shall be transferred to a non-tribal person, contrary to the provisions of the Government's use, land acquisition, legal succession and other legal provisions.
- (5) In the case of auction of land belonging to a Scheduled Tribe person, the Gram Sabha shall initiate the sale of the said land to a Scheduled Tribe person.
- (6) Any land belonging to a Scheduled Tribe which has been transferred without succession or other legal reasons to a person belonging to a non-Scheduled Tribe, the Gram Sabha shall initiate the transfer of such land back to the person belonging to the Scheduled Tribe or to his family.

- (7) If, in the opinion of the Gram Sabha, efforts are being made to transfer in favor of a non-tribal person any land on which a Scheduled Tribe person has a right, then the Gram Sabha may take the initiative to stop such action.
- (8) Such matters related to mortgage of land, which come to the notice of the Gram Sabha, proceeding to get it released from mortgage may be taken under due process.

18. Consultation before land acquisition.-

- (1) In all cases of land acquisition in Scheduled Areas, prior consent of the concerned Gram Sabha shall be obtained as per rule 16 of the Madhya Pradesh Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Rules, 2015.
- (2) For determining the social impact in compliance of rule 6 of the said rules in the proceedings of land acquisition to be done under the Madhya Pradesh Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Rules, 2015 in land acquisition, rehabilitation and resettlement in Scheduled Areas, the Gram Sabhas shall be consulted during public hearings. The social impact shall be determined by taking cognizance of the advice given by the Gram Sabha.

19. Public Hearing for Rehabilitation and Resettlement.-

Public Hearing in all the Gram Sabhas, where the members affected directly or indirectly by the acquisition of land reside, shall be conducted as per rule 13 of the Madhya Pradesh Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Rules, 2015, for preparing the scheme of rehabilitation and

resettlement by Administrator, the officer-in-charge of the land acquisition section of the Collector's Office, as per the Revenue Department's notification Number F 16-15-(8)/2014- VII-Sha.2A dated 29.09.2014, who is not below the rank of the Deputy Collector.

20. Return of land of Primitive Tribes Transferred by Fraud.-

(1) According to sub-section (2-a) of section 170-B of the Madhya Pradesh Land Revenue Code, 1959 (No. 20 of 1959), if a Gram Sabha finds within the area of its local limits, that any person other than a member of a primitive tribe has in possession the land of a land owner of a primitive tribe, without any lawful right, then it shall return the possession of such land to the person to whom the land originally belonged and if that person has died, to his legal heirs:

Provided that if the Gram Sabha fails to restore the possession of such land, it may refer the matter to the Sub-Divisional Officer, who shall return the possession of such land in accordance with sub-section (2-a) section 170 (b) of the Madhya Pradesh Land Revenue Code, 1959 (No. 20 of 1959), within three months from the date of receipt of the reference. The cases sent by the Gram Sabha to the Sub-Divisional Officer's court shall be reviewed by the State Government from time to time.

Chapter -V

Planning and Management of Water Resources and Small Watersheds

21. (1) Planning and Management of Water Resources and Small Watersheds.-

- (a) Where a water resource is within the limits of a Gram Sabha, the decision of the Gram Sabha in respect of such water resource or bodies shall be binding for Panchayats at all levels.
- (b) The decisions of the Gram Sabha may be related to allocation for irrigation, fisheries, drinking water etc. and perpetuity of water sources. The Gram Sabha shall give priority to drinking water, nistar, irrigation in the use of available water in the village.
- (c) Management of fisheries and drinking water in scheduled areas shall be done by Gram Panchayat for small watershed of 0 to 10 hectares, Janpad Panchayat for small watershed of more than 10 but upto 100 hectares and Zila Panchayat for more than 100 but upto 200 hectares. Management work shall be as per clause (a).

(2) Irrigation Management,-

- (a) For irrigation management, the Panchayat of the concerned level shall have the right to manage the irrigation capacity upto 40 hectares.
- (b) The control on use and distribution of irrigation water shall be made in consultation with the Panchayat of the concerned level.
- (c) If any dispute arises in irrigation management, the same shall be submitted before the Peace and Justice Committee of the Gram Sabha. In case the dispute is not resolved at the Gram Sabha level, the matter may be sent to the Collector.

(3) **Fishing,-**

- (a) The Gram Sabha shall be competent to control/regulate fisheries in Government/community small water bodies under area of its control.
- (b) In order to maintain the availability of fish and the diversity of species according to local traditions, the Gram Sabha may control fish hunting.
- (c) Keeping in view the nutrition level of the villagers, the Gram Sabha may determine the priority for fish use and sale.

- (4) **Pollution in water resources.-** The Gram Sabha may issue directions to prevent any kind of pollution in Government/community or private water bodies.

Chapter-VI

Mines and Minerals

22. Minor Minerals.-

- (a) For minor minerals specified in Schedule-I and Schedule-II, after initial selection of the mineral area in the Scheduled Areas, obtaining recommendation of Gram Sabha shall be mandatory before commencing the process of prospecting license or allotment of mines under rule 18 of the Madhya Pradesh Minor Minerals Rules, 1996.
- (b) for minor minerals specified in Schedule-V, after initial selection of the mineral area in the Scheduled Areas, recommendation, of Gram Sabha, before commencing the process of prospecting license or allotment of mines

under rule 18 of the Madhya Pradesh Minor Minerals Rules, 1996.

- (c) for minor minerals specified in Schedule-V, for the utilization of minor minerals by auction in the Scheduled Areas, after the initial selection of the mineral area, obtaining recommendation of Gram Sabha shall be mandatory before commencing the process of allotment of concession under rule 41-A of the Madhya Pradesh Minor Minerals Rules, 1996.
- (d) in respect of sanction of mining lease of minerals specified at serial number 4 to 7 of Schedule-I and minerals specified (except serial No. 01) in Schedule-II of the Madhya Pradesh Minor Minerals Rules, 1996, without contravening the preferential rights of cadres, as provided in rule 21(2) of these rule and subject to the terms and conditions of this rule, Scheduled Tribe women applicants of Scheduled Tribes Co-operative Societies/ Associations, Scheduled Tribes male applicants shall be given priority in their cadre.
- (e) The Mineral Department shall provide information to the Gram Sabha about all quarry lease allotment and auction of minor minerals under its local limits. The Mineral Department shall take cognizance of all the complaints made by the Gram Sabha regarding the prevention of illegal activities and other subjects and shall provide the details of the action taken on it to the Gram Sabha.

Chapter-VII

Drugs Control

23. Prohibition of Drugs and Prohibition/Regulation of Sale/Consumption.-

- (1) Prohibition of Drugs in Scheduled Areas-
 - (a) Upon issuing prohibitory orders in respect of drugs in the Scheduled Areas by the State Government, the Gram Sabha shall take necessary steps to implement it within its local limits.
 - (b) Gram Sabha may impose monetary penalty on the person concerned for violation of the said prohibitory order which shall not exceed Rs.1000/-.
- (2) Prohibition and regulation of sale of liquor/cannabis in Scheduled Areas- Gram Sabha, within its local limits-
 - (a) may permit to open a new shop within a period of 45 days from the date of receipt of a proposal from the prescribed officer to open any new country/foreign liquor shop. If the Gram Sabha does not take unanimous decision within 45 days, then it shall be deemed that the Gram Sabha does not agree on this and the shop shall not be opened;
 - (b) may recommend for change of location of the liquor/cannabis shop operated within the area of the village, on which action shall be taken by the State Government;
 - (c) may recommend to the Collector for the closure of operation of liquor/cannabis shop on the occasion of any local festival for the whole or part of that day. The Collector shall be able to close the shop for the said area within 4 dry days to be declared at his discretion.

- (3) Prohibition and regulation of consumption of liquor/cannabis in Scheduled Areas- The Gram Sabha may, within its local limits-
- (a) prohibit the consumption of liquor/cannabis in any designated public place/premises;
 - (b) reduce the limit of personal possession of intoxicants prescribed under section 16 of the Madhya Pradesh Excise Act, 1915;
 - (c) reduce the maximum limit of possession prescribed in section-61D(2)(iii) of the Madhya Pradesh Excise Act, 1915 for the members of the Scheduled Tribes in the Scheduled Areas.

Chapter-VIII

Planning the Labor Force

24. (1) Preparing Plan of labor force.-

- (a) The Gram Sabha may prepare an annual action plan for providing more employment through convergence of schemes of the Central and State Government.
- (b) On the first day of the commencement of the task relating to the work, in which muster rolls are used, the information of such muster rolls shall be submitted to the President of the Gram Sabha. If the President or the members of the Gram Sabha find fake names or other mistakes in the muster, then such mistakes shall be rectified.

(2) Regulation of workers working outside the village,-

- (a) All persons working outside the village shall provide complete information about the nature and conditions of their work to the Gram Sabha. Their

maintenance shall be done in the prescribed manner.

(b) On receipt of information about the problem of migrant workers, the Peace and Justice Committee shall make efforts to solve their problems in consultation with the concerned departments.

(c) The Gram Sabha shall make efforts to ensure that the workers get maximum benefit of the schemes, legal provisions, legal aid etc., started by the Government for the welfare of the workers.

(3) Work-wise wages fixation-

(1) The fixed rate of wages shall be displayed on a board at a public place in the village.

(2) If the contract is made by an organization or private person at a rate less than the contracted wage rate or the labor capacity of the person or less than the minimum wage rate is paid, on receipt of its complaint, the Peace and Justice Committee shall take action.

Chapter-IX

Minor Forest Produce

25. Conventional Management of Minor Forest Produce,-

(1) Forest Resource Planning and Control Committee may be constituted by the Gram Sabha from amongst its members for sustainable and traditional management of Government forests in Scheduled Forest Areas:

Provided that this shall not be meant that the forest land has vested in the Gram Sabha/Gram Panchayat.

(2) The said committee may prepare a micro-management plan for the management of minor forest produce and the

Gram Sabha may consult with the Forest Department to prepare such a plan.

- (3) Through micro-management plan, Gram Sabha may properly exploit minor forest produce and protect and promote biodiversity and biological resources.
- (4) In case the quantity of minor forest produce is limited, the Gram Sabha may restrict the collection of forest produce made by people other than the villagers collecting minor forest produce by tradition or may make cyclic arrangement or may authorize economically weak and landless family to make the collection. But no such decision shall be taken which has an adverse effect on the individual or collective rights of the forest rights holders.
- (5) Disposal of minor forest produce shall be meant as mentioned in rule 2(1)(d) of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2012.

26. Rights related to Minor Forest Produce.-

- (1) Traditionally the collection, ownership and management of minor forest produce shall be as per section 3(1) (c) of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.
- (2) The Gram Sabha may collect and market minor forest produce within its area by itself or through a committee constituted under rule 25(1) or any agency or group constituted by the Government.
- (3) One or more Gram Sabhas may jointly fix the minimum price for the purchase and sale of forest produce in consultation with the Forest Department. Arrangements

for its purchase and disposal at such minimum price shall be made by the Gram Sabha through Forest Resource Planning and Control Committee.

- (4) Collection and marketing of Tendu leaves shall be done through the Madhya Pradesh State Minor Forest Produce (Trade and Development) Co-operative Federation Limited, however, if the Gram Sabha wishes, the collection and marketing of Tendu leaves may be done by itself, provided the Gram Sabha shall, passing a resolution for it, have to apprise the regional officers of the forest department through the Gram Panchayat in this regard by 31st July in the previous year of the concerned collection year.

27. Duties of Gram Sabha.- The Gram Sabha shall perform the following duties-

- (1) The Gram Sabha shall be responsible for the protection of the forests situated within the local limits of the Gram Sabha as per section 3(1)(i) and section 5 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.
- (2) The Gram Sabha shall conserve, promote and manage forest resources through the Forest Resource Planning and Control Committee constituted by it. For this, all the departments of the Government shall help, if the Gram Sabha makes an application.
- (3) The Gram Sabha shall make arrangements for the removal of dry and dead wood, bamboo and materials used in traditional rituals from the forest, as per family and community needs such as nistar, grazing, firewood, making agricultural equipment.

- (4) Every Gram Sabha or group of Gram Sabhas shall make suitable programs for the interests of its members in their respective areas, with the aim of conserving, promoting and managing forests, improving the environment and increasing local employment.

Chapter -X

Control Over Markets and Fairs

28. Contracting of market fees etc.-

- (1) According to section 80 of the Madhya Pradesh Panchayat Raj and Gram Swaraj Act, 1993, the Panchayat may give the work of collection of any fee specified in Schedule-3 by public auction and on contract accordingly in the prescribed manner.
- (2) Regulation of markets or fairs, subject to section 58 of the Madhya Pradesh Panchayat Raj and Gram Swaraj Act, 1993, shall be made according to the Madhya Pradesh Panchayat (Regulation of Markets and Fairs within the Gram Panchayat Area) Rules, 1994.

Chapter-XI

Money Lending

29. Control of lending of money in Scheduled Areas.-

- (1) The business of money lender at any place in the Scheduled Areas shall be carried out by obtaining a license in accordance with the provisions of the Madhya Pradesh Scheduled Tribes Moneylender Regulations, 1972 (No. 2 of 1972), subject to the provisions of the said regulation.
- (2) The moneylender license issuing officer shall necessarily send a copy of the license to the Gram Panchayat. The

above information shall be conveyed to the Gram Sabha by the Panchayat Secretary.

- (3) It shall be the responsibility of the moneylender to submit the village wise details of the loan given/repaid by to him quarterly to the Sub-Divisional Officer (Revenue). Sub-divisional Officer (Revenue) shall submit the above details to the Gram Sabha through the Gram Panchayat.
- (4) The Gram Sabha shall consider the complaint of any person against the moneylender and if found appropriate, shall recommend to the Sub-Divisional Officer for proper inquiry and action.
- (5) The Sub-Divisional Officer shall inform the Gram Sabha after proper inquiry and action, within 45 days of receipt of such recommendation.

Chapter - XII

Control over Institutions and Workers of Social Sectors and Identification and Selection of Beneficiaries in Various Beneficiary Oriented Schemes

30. (1) Power to control the plans and institutions of various social sectors.-

- (a) The Gram Sabha shall be competent to inspect, supervise, revise and conduct annual social audit of all the schemes running in the social areas and local institutions such as Educational Institutions, Hostels, Anganwadi etc. from time to time.

Provided that the Gram Sabha shall be competent to conduct periodic inspection and annual social audit of health related institutions and all schemes.

- (b) The Gram Sabha may constitute an ad-hoc committee from time to time for the inspection of all the schemes/institutions running in the social areas, which shall submit its report to the Gram Sabha in due time after inspection. For inspection of schools, hostels and ashrams, it shall be necessary to have a member of the Parent Teacher Association in the ad-hoc committee and for inspection of the institutions related to girls, a woman member of the Parent Teacher Association.
- (c) In the beneficiary oriented schemes in which the beneficiaries are to be identified and benefited according to the prescribed eligibility criteria, the details of the beneficiaries identified and benefited in those schemes shall be presented quarterly in the Gram Sabha and if any eligible beneficiary is found deprived of being benefited/ identified, the Gram Sabha shall direct the concerned to give benefits.
- (d) If the beneficiary is to be selected in any scheme, in such a case, the Gram Sabha shall competent to select the beneficiary in the order of preference as per the criteria mentioned in the instructions of Government issued in this regard.
- (e) The benefit of the scheme shall be given to the concerned beneficiary only after selection by the Gram Sabha.
- (f) It shall be necessary to get approval from the Gram Sabha for the action plan proposed by the Gram Panchayat.

- (g) The details of the proposed schemes in the Gram Sabha area shall be presented to the Gram Sabha for recommendation. The details of the works sanctioned by the competent authority and the quarterly physical and financial progress shall be presented before the Gram Sabha.

(2) Schemes related to the Department of Women and Child Development-

- (a) Approval of the nominated president, vice-president and after the selection of members in the Sahyogini Matri Samiti / sub-committee formed in the Anganwadi / Sub-Anganwadi centers, shall be obtained from the Gram Sabha.
- (b) At least 50 percent of the members in such committee shall be nominated from the Scheduled Tribes category.
- (c) A woman belonging to Scheduled Tribe category shall be nominated for the post of chairman and vice-chairman of the committee.
- (d) Through the Sahyogini Matri Samitis, the Gram Sabha shall supervise, inspect, quarterly review and make social audit of all the schemes run in the Anganwadi and Sub Anganwadi Centers.

(3) The Gram Sabha shall ensure that-

- (a) Information of the work has been displayed in the local language at the workplace;
- (b) the progress and quality of work is maintained;
- (c) Workers are told their wages orally and they were provided at public places.

Chapter XIII

31. Amendment in Act/Rules

According to Section 4 (a) of the PESA Act, 1996, within one year from the date of publication of these rules, the State Government shall amend the State Act/ Rules/ Orders/ Directives/ Circulars shall amend as per the requirement as mentioned in the various paragraphs of the rule, if there is a need to amend any Act/Rules of the Government of India, for this, the Hon'ble Governor shall be informed from the concerned department.

32. Effectiveness of Rules,-

On coming these rules into force, the corresponding rules in force just prior to the commencement of these rules, which are inconsistent with these rules, then in such case these rules shall have effect:

Provided that anything done or any action taken under any of these rules shall, unless such thing or action is inconsistent with any of the provisions of these rules, be deemed to have been done or taken under the corresponding provisions of these rules.

Chapter- XIV

Miscellaneous

33. Interpretation.-

If any question arises relating to the interpretation of any of the provisions of these rules, the matter shall be referred to the State Government and the decision of the State Government thereon shall be final.

Form-I**(See clause (c) of sub-rule (3) of rule 3)****Notice**

In exercise of the powers conferred by clause (a) of sub-rule (3) of rule 4 of the Madhya Pradesh Scheduled Area Gram Sabha (Organisation, Process of Meeting and Conduct of Business) Rules, 1998 read with sub-section (2) of section 129-B of the Madhya Pradesh Panchayat Raj and Gram swaraj Act 1993 (No. 1 of 1994), the Prescribed Officer, hereby, publishes the information of intention of constitution of separate Gram Sabha within the limits of the Gram Panchayat mentioned in column (2) of the table below for the village/ group of villages / Majra / Tola / etc. mentioned in column (5) thereof.

The objections or suggestions received by the undersigned till the date shall be considered, the objections, claims or suggestions received before the expiry of the said date shall be heard on date..... in the office.

Table

| Name of the Block | Name of the Gram Panchayat | Area included in the existing Gram Sabha | Serial number of the Gram Sabha | Proposed Gram Sabha | | | |
|-------------------|----------------------------|--|---------------------------------|--|------------|----------------------|---------------|
| | | | | Area included in Gram Sabha (Village, Majra, Tola, Para) | Population | Patwari Halka Number | Other details |
| (1) | (2) | (3) | (4) | (5) | (6) | (7) | (8) |
| | | | | | | | |

Place:

Date:

Prescribed officer

[Sub-Divisional Officer (Revenue)]

Form II
(See clause (g) of sub-rule (3) of rule 3)

Notification

In exercise of the powers conferred by clause (a) of sub-rule (1) of rule 5 of the Madhya Pradesh Scheduled Area Gram Sabha (Organisation, Process of Meeting and Conduct of Business) Rules, 1998 read with sub-section (2) of section 129-B of the Madhya Pradesh Panchayat Raj and Gram Swaraj Act, 1993 (No. 1 of 1994), the Prescribed Officer (Sub-Divisional Officer Revenue), hereby, constitutes Gram Sabha(s) within the limits of the Gram Panchayat mentioned in column (2) of the table below for the area mentioned in column (5) thereof which shall come into force on the 1st day of the following month-

Table

| Name of the Block | Name of the Gram Panchayat | Area included in the existing Gram Sabha | Serial number of the Gram Sabha | Newly constituted Gram Sabha | | | |
|-------------------|----------------------------|--|---------------------------------|--|------------|----------------------|---------------|
| | | | | Area included in Gram Sabha (Village, Majra, Tola, Para) | Population | Patwari Halka number | Other details |
| (1) | (2) | (3) | (4) | (5) | (6) | (7) | (8) |

Place:

Date:

Prescribed officer
[Sub-divisional Officer (Revenue)]

By order and in the name of the Governor of Madhya Pradesh,
SHOBHANIKUM, Under Secy.