

M.P. Scheduled Areas Gram-Sabha (Constitution, Procedure of Meeting and Conduct of Business) Rules, 1998

MADHYA PRADESH

India

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M.P. Scheduled Areas Gram-Sabha (Constitution, Procedure of Meeting and Conduct of Business) Rules, 1998 Published vide Notification No. F. 1-11-98-22-P-2, dated 23-12-1998, M.P. Rajpatra (Asadharan), dated 23-12-1998 at p. 1398 (5) In exercise of the powers conferred by sub-section (1) of Section 95 read with Section 129-B of the Madhya Pradesh Panchayat Raj Adhiniyam, 1993 (No. 1 of 1994), the State Government hereby makes the following rules, the same having been previously published as required by sub-section (3) of Section 95 of the said Act, namely :-

1. Short title and Application.

(1) These rules may be called the Madhya Pradesh Scheduled Areas Gram-Sabha (Constitution, Procedure of Meeting and Conduct of Business) Rules, 1998. (2) These rules shall apply to the Gram Panchayats of Scheduled areas of Madhya Pradesh.

2. Definitions.

- In these rules, unless the context otherwise requires, -(a) "Form" means a form appended to these rules; (b) "Gram Sabha" means a Gram Sabha as defined in clause (a) of Section 129-A of the Act; (c) "Gram Panchayat" means a Gram Panchayat established under sub-section (1) of Section 10 of the Act; (d) "Janpad Panchayat" means a Janpad Panchayat established under sub-section (2) of Section 10 of the Act; (e) "Population" means the population as ascertained at the last preceding Census of which the relevant figures have been published by the Government of India or by the officer appointed in this behalf; (f) "Prescribed Authority" means the Sub-Divisional Officer (Revenue) of concern area; (g) "Sarpanch" means the Sarpanch elected under Section 17 or a Sarpanch officiating under clause (b) of sub-section (1) of Section 38; (h) "Scheduled Area" means the area specified in clause (1) of Article 244 of the Constitution of India; (i) "Up-Sarpanch" means a Up-Sarpanch elected under sub-section (5) of Section 17 of the Act; and (j) "Village" means a village

as defined under clause (b) of Section 129-A of the Act.

3. Constitution of Gram Sabha.

- Generally, there shall be a "Gram Sabha" for every "Village" specified in clause (b) of Section 129-A of the Act: Provided that more than one Gram Sabhas may be constituted within a Gram Panchayat area according to the procedure laid down in Rule-4.

4. Procedure for constituting more than one Gram Sabhas.

(1) A separate Gram Sabha may be constituted for the following areas :- (a) a village or group of villages; (b) a hamlet or group of hamlets which included mohalla, majra, tola or para etc.; and (c) habitation or group of habitations comprising a community and managing its affairs in accordance with traditions and customs. (2) Gram Panchayat or Gram Sabha by passing a resolution of this effect or the voters residing in that area by passing a resolution or by submitting an application in writing, may request the prescribed authority for establishment of a separate Gram Sabha for the area comprised in clause (a) or clause (b) or clause (c) of the sub rule (1). (3) (a) On receipt of proposal or application specified in sub-rule (2), the prescribed officer shall issue a public notice in Form-I expressing the intention for establishing a separate Gram Sabha for the area mentioned in clause (a) or clause (b) or clause (c) of sub-rule (1). (b) Every such notice shall contain description of the area comprising in the proposed new Gram Sabha and the area remained after exclusion from the existing Gram Sabha and its population. (c) Every such notice shall specify the date upto which objections and suggestions may be submitted and any objection and suggestion which may be received from any person before the expiry of the specified date shall be considered by the prescribed officer. (d) Every such notice shall be published on the notice board of the office of prescribed authority of the concerned Gram Panchayat and Janpad Panchayat and by affixing it at conspicuous place and by beat of drums in the areas to be affected by such intention. (e) The prescribed officer shall take the decision on the constitution of new Gram Sabha, after considering the objections or suggestions, if any submitted according to the procedure mentioned in clause (c) and the area to be included in the new proposed Gram Sabha, its population, the distance from Gram Panchayats Headquarter, the traditions and customs of voters residing in the proposed area etc.

5.

(1) The prescribed authority shall issue a notification in Form-2, which will contain the description and area of Gram Sabhas of that "Village", the reconstituted Gram Sabhas shall come into existence from the first day of the next coming month. (2) The publication of such notification will be done in the manner laid down in clause (d) of sub-rule (3) of Rule 4 and one copy of it shall be sent to the District Collector, Deputy Director, Panchayat and Social Welfare, Zila Panchayat, Janpad Panchayat, and the concerned Gram Panchayat.

6. Meeting of Gram Sabha.

- Meeting of Gram Sabha shall be held at such intervals as may be necessary on the basis of agenda under consideration before it ;Provided that there shall be held at least one meeting of Gram Sabha every three months :Provided further that upon demand in writing by more than one third of members of Gram Sabha or requisition by Collector or Zila Panchayat, meeting of Gram Sabha shall be convened within the period of thirty days.

7. [Date, time and place of meeting of Gram Sabha. [[Substituted by Notification No. F-1-4-(B)-97-XXII-P-2, dated 9-5-2001. Prior to substitution it read as under:

'7. Date, time and place of meeting of Gram Sabha. -(1) The date, time and place of meeting of the Gram Sabha shall be fixed by the Sarpanch or in his absence by the Up-Sarpanch and in absence of both Sarpanch and Up-Sarpanch, by the Secretary of the Gram Sabha.(2) Upon demand by members of Gram Sabha or on requisition by the Collector or Zila Panchayat, the Secretary of Gram Panchayat shall convene the meeting of Gram Sabha and he shall give information of such notice to the Sarpanch.(3) Annual meeting of Gram Sabha shall be held at the Headquarter of the Gram Panchayat as provided in sub-section (2) of Section 7 of the Act.'](1) There shall be held at least one meeting of the Gram Sabha in every month which shall be convened by the Secretary of the Gram Sabha. The date, time and place of the first meeting of the Gram Sabha shall be fixed by the Sarpanch and thereafter the Gram Sabha shall fix the date, time and place at which subsequent meeting, shall be held.(2) If the Sarpanch, or more than ten percent of the members or fifty members of the Gram Sabha, whichever is less, give requisition in writing for a special meeting of the Gram Sabha, the Secretary shall call such a meeting within seven days of the receipt of such requisition.]

8. Manner of giving notice of the meeting of Gram Sabha.

- The manner of giving notice of convening meeting of Gram Sabha shall be such as may be fixed by the Gram Sabha. Rule 4 of the Madhya Pradesh Gram Sabha (Procedure of Meeting) [Rules, 2001] [Substituted for the words 'Rules, 1994' by Notification No. F-1-4-(B)-97-XXII-P-2, dated 9-5-2001.] shall be applicable in this respect.

9. Quorum.

(1) The Quorum for any meeting of Gram Sabha shall be one-third of total number of members of Gram Sabha out of which one-third shall be the women members.(2) [x x x] [[Omitted by Notification No. F-1-4-(B)-97-XXII-P-2, dated 9-5-2001. Prior to omission it was as under;'](2) If at the time appointed for the meeting, the quorum is not present, the Chairperson of the meeting shall adjourn the meeting to such future date and time as he may fix and a fresh notice shall be given in the manner prescribed and no quorum shall be necessary for such adjourned meeting :Provided that no new subject shall be considered in Such meeting.'].]

10. Chairperson of meeting of Gram Sabha.

- Meeting of Gram Sabha shall be presided by any member of Scheduled Tribe of Gram Sabha not being Sarpanch or Up-Sarpanch or a member of the Gram Panchayat, and shall be elected for this purpose by majority of members present for duration of that meeting.

11. Conducting meeting of Gram Sabha.

(1) Meeting of Gram Sabha shall be conducted by its presiding person who shall be addressed as Chairperson. (2) The Chairperson with the opinion of the Gram Sabha shall decide procedure for discussion on matter for consideration before Gram Sabha. (3) Summary of the decisions taken in the meeting shall be read out for information. The Secretary shall record the decisions in the minute's book accordingly. [12. Decision by the Gram Sabha. - (1) All matters brought before any meeting of Gram Sabha shall be decided, as far as possible, unanimously failing which by general consensus of the members present: Provided that where there is difference of opinion on any issue such matter shall be brought before the next meeting. If a decision is not taken unanimously or by general consensus in successive two deferred meetings than such matter shall be decided by majority of members present thereat by secret voting. In the case of an equality of votes, the person presiding over the meeting shall have a second or casting vote. (2) If any dispute arises as to whether a person is entitled to vote, the same shall be decided by the person presiding regard being had to the entry in the list of votes of the Gram Sabha area and his decision shall be final.] [[Substituted by Notification No. F-1-4-(B)-97-XXII-P-2, dated 9-5-2001. Prior to substitution it read as under : '12. Decision by majority. - (1) All items of business brought before any meeting of Gram Sabha shall be decided on the basis of consensus of opinion among the members of Gram Sabha : Provided that if there is difference of opinion on any issue, all such matter shall be decided by majority of members present thereat and by voting by raising hands. In the case of equality of votes the Chairperson shall cast the casting vote. (2) If any dispute, in which any person is entitled to vote or not, arises, the Chairperson of that meeting shall decide keeping in view of the entry in the voter list of Gram Sabha area and his decision shall be final.']]

13. Attendance Register.

- Names of members of Gram Sabha attending the meeting shall be entered in the attendance register kept in Form-4.

14. Minutes record.

(1) Minutes, recording the proceedings and decisions of every meeting of Gram Sabha and the number of the members present thereat shall be entered by the Secretary of the Gram Panchayat in the Minutes Book in Form-3 appended to these rules and shall be confirmed at the same meeting by the person presiding thereat. (2) The minutes shall be written in Hindi, in Devnagri script. (3) Copy of minutes of proceedings of Gram Sabha shall be laid before the Gram Panchayat by the Secretary. (4) The Gram Panchayat shall execute or get executed the recommendations made by the

Gram Sabha.

15. Inspection of records placed before the Gram Sabha.

- Every Member of the Gram Sabha shall have the right to inspect the records to be placed before the Gram Sabha in the office of the Gram Panchayat during office hours.

16. Repeal and Saving.

- All rules and bye-laws corresponding to these rules in force immediately before the commencement of these rules are hereby repealed in respect of matters covered by these rules :Provided that any order made or action taken under the rules or bye-laws so repealed shall be deemed to have been made or taken under the corresponding provisions of these Rules. Form-1[See sub rule (3) of Rule 4] Notice In exercise of the powers conferred by clause (a) of sub-rule (3) of Rule 4 of the Gram Sabha of Madhya Pradesh Scheduled Areas (Constitution. Procedure of Meeting and Conduct of Business) Rules, 1998 read with sub-section (2) of Section 129-B of the Madhya Pradesh Panchayat Raj Adhiniyam, 1993 (No. 1 of 1994), the Prescribed Officer hereby publishes the information with the intention to constitute a separate Gram Sabha (for Village/Group of Villages Majra/Tola etc.) described in column (5) within the limits of Gram Panchayat described in column (2) of the table given below:-Any objection and suggestions which may be received by the under-signed before the expiry of the..... (date) shall be considered. Objections or suggestions received upto the fixed date, shall be heard in the office on.....(date). Table

Name of Block	Name of Gram Panchayat	Area comprised within the existing Gram Sabha
(1)	(2)	(3)
Proposed Gram Sabha		
S.No. of Gram Sabha	Area (Village, Majra, Tola, Para) included in the Gram Sabha	Population
(4)	(5)	(6)
1.2.3.		
Patwari Circle No.	Other details	
(7)	(8)	

Place :Date of issue :Prescribed Officer Form-2[See sub-rule (1) of Rule 5] Notification In exercise of the powers conferred by sub-rule (1) of Rule 5 of the Gram Sabha of Madhya Pradesh Scheduled Areas (Constitution, Procedure of Meeting and Conduct of Business) Rules, 1998 read with sub-section (2) of Section 129-B of the Madhya Pradesh Panchayat Raj Adhiniyam, 1993 (No. 1 of 1994), the Prescribed Officer hereby constitutes separate Gram Sabha(s) for the area described in column (5) within the limits of Gram Panchayat described in column (2) of

the table given below, the same shall come into existence on the first day of ensuing month :-Table

Name of Block	Name of Gram Panchayat	Area comprised within the existing Gram Sabha
(1)	(2)	(3)

Newly constituted
Gram Sabha

S.No. of Gram Sabha	Area (Village, Majra, Tola, Para) included in the Gram Sabha	Population
(4)	(5)	(6)

1.2.3.

Patwari Circle No. Other details

(7)	(8)
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Place :.....Date of issue :.....Prescribed OfficerForm-3(See Rule 14)Record of Minutes Book of Gram Sabha

1. Name of Gram Panchayat :.....
2. Date of Meeting :.....
3. Place of Meeting :.....
4. Time of Meeting :.....
5. Number of members of Gram Sabha present thereat :.....

S.No. Matters placed before Gram Sabha Minutes of meeting

(1)	(2)	(3)
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Place :.....Time and Date :Signature (Seal) of theSecretary of the Gram Panchayat.Form-4(See Rule 13)Attendance Register for Members present in Gram Sabha

1. Name of Gram Panchayat :.....
2. Name of Gram Sabha :.....
3. Date of Meeting :.....
4. Place of Meeting :.....
5. Time of Meeting :.....

S.No.	Names of persons present at meeting	Signature of Members
1	2	3

1.2.3.4.5.6.7.8.9.10

Total No. of members present (in words).....Signatureof the Secretary (seal).