

The Orissa Grama Panchayats (Minor Forest Produce Administration) Rules, 2002

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Rule

THE-ORISSA-GRAMA-PANCHAYATS-MINOR-FOREST-PRODUCE-ADMINISTRATION-RULES-2002

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The Orissa Grama Panchayats (Minor Forest Produce Administration) Rules, 2002 Published vide Notification S.R.O. No.934/2002, dated 14th November, 2002, Orissa Gazette Extraordinary No. 2091 dated 15.11.2002 Panchayati Raj (G.P.) Department S.R.O. No.934/2002 dated 14th November, 2002 - Whereas the draft of certain rules which the State Government propose to make in exercise of the powers conferred by clause (w) of Sub-section (1) of Section 44 read with Section 150 of the Orissa Grama Panchayats Act, 1964 (Orissa Act 1 of 1965), was published as required by Sub-section (1) of Section 150 of the said Act in the extraordinary issue No. 1241, dated the 9th August 2002 of the Orissa Gazette under the notification of Government of Orissa in the Panchayati Raj (Grama Panchayat) Department NO.9570/G.P., dated the 6th July 2002 bearing S.R.O. No.701/2002 inviting objections and suggestions from all persons likely to be affected thereby till the expiry of a period of thirty days from the date of publication of the same in the Orissa Gazette; And whereas objections and suggestions received during the period specified above have been duly considered by the State Government. Now, therefore, in exercise of the powers conferred by clause (w) of Subsection (1) of Section 44 read with Section 150 of the said Act, the State Government do hereby make the following rules, namely :-

1. Short title and commencement.

(1) These rules may be called the Orissa Grama Panchayats (Minor Forest Produce Administration) Rules, 2002. (2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions.

(1) In these rules, unless the context otherwise requires, -(i) "Act" means the Orissa Grama Panchayats Act, 1964; (ii) "Form" means a form appended to these rules; (iii) "Minor Forest Produce" means any or all of the Minor Forest Produces specified in the Schedule appended to these rules; (iv) "Section" means Section of the Act; and (v) "Trading year" means the seasonal year commencing from the first day of October and completing on the thirtieth day of September of the following year. (2) All other words and expression used but not defined in these rules shall have the same meaning as have been respectively assigned to them in the Act.

3. Regulating procurement and trading of minor forest produce.

(1) The Grama Panchayat shall have the power to regulate procurement and trading of minor forest produce whether produced in Government lands and forest areas within the limits of the Grama or collected from Reserve Forests and brought into the Grama. (2) In case of the forest areas where Vana Sanrakshyana Samiti has been formed the Grama Panchayats shall give priority to such Samities and its members in the matter of collection and trading of minor forest produce.

4. Registration of trades.

(1) Any person intending to procure Minor Forest Produce from the primary gatherers or to trade in minor forest produce within the limits of Grama during any trading year shall register himself as a trader in Minor Forest Produce in the Grama Panchayat. (2) Any person intending to be registered as a trader in minor forest produce shall apply to the Grama Panchayat in Form No. 1. All such applications shall be placed before the Grama Panchayat immediately in its next meeting and with the approval of the Grama Panchayat the Sarpanch shall register the applicant as a trader in minor forest produce for one trading year ending next September and grant a Certificate of Registration in Form No. 2 to that effect. (3) The names of all the traders of minor forest produce registered under Sub-rule (2) each year shall be recorded in a Permanent Register to be maintained in Form No. 3 in the Grama Panchayat. (4) At the time of filing of application under Sub-rule (2) the applicant shall deposit with the Grama Panchayats the required registration fees for each item of Minor Forest Produce applied for. (5) No application for registration shall be entertained if the required fees has not been deposited under Sub-rule (4). (6) The fees for registration for every item of Minor Forest Produce shall be such as may be notified by Government from time to time.

5. Fixation of minimum price of the minor forest produce.

- (i) (a) In the month of September every year the Panchayat Samiti shall, by adopting a resolution to that effect, fix-up the minimum price of procurement of different Minor Forest Produces payable to the primary gatherers during the next trading year, which shall be applicable to all the Grama Panchayats within the Block; Provided the Grama Panchayat shall be competent to modify the minimum price so fixed under this Sub-rule or Sub-rule (3) by the Panchayat Samiti according to the local need by adopting a resolution to that effect. (b) The representatives of Divisional Forest

Office, Tribal Development Cooperative Corporation, Orissa Forest Development Corporation and Tribal Co-operative Marketing Development Federation of India Ltd., shall be invited to the meetings convened under this sub-rule or under Sub-rule (3). (2) The minimum price fixed under sub-rule (1) or Sub-rule (3) shall be notified in the notice board of the Panchayat Samiti and copies thereof shall be communicated to the Collector, Divisional Forest Officer, District Panchayat Officer, Sub-Collector and all the Grama Panchayat within the Block. (3) If at any time or in any case it appears to the Collector that a Panchayat Samiti has failed to fix up the minimum price for procurement of Minor Forest Produce under Sub-rule (1) the Collector shall convene a Special Meeting of the Panchayat Samiti preferably in the month of October to fix-up the minimum price of procurement of Minor Forest Produce. (4) On receipt of intimation under Sub-rule (2) regarding fixation of the minimum procurement price of the Minor Forest Produce fixed under Sub-rule (1) or (3) the Grama Panchayat shall place the same before the Grama Sabha in its next meeting for ratification.

6. Furnishing of returns.

(1) A trader registered under these rules shall furnish a monthly return of Minor Forest Produce to the Grama Panchayat within fifteen days of the following month in Form No. 3. (2) Within one month of the closure of the trading year the dealer shall also file an annual return of the Minor Forest Produce for the trading year in Form No. 3. (3) The Grama Panchayat shall communicate a copy of the annual return received under sub-rule (2) to the Forest Range Officer concerned.

7. Cancellation.

(1) If at any time or in respect of any case it appears to the Sarpanch, that a trader, registered under these rules, has failed to—(i) Pay the minimum price of procurement to the Primary gatherers fixed by the Grama Panchayat in Minor Forest Produce; (ii) register himself in the Grama Panchayat; or (iii) Comply with the conditions of registration; the Sarpanch shall issue a notice to such dealer or person, as the case may be to show cause as to why the registration shall not be cancelled or action shall not be taken against him for such illegal trading. (2) If such trader or person fails to show cause within seven days of receipt of the notice or show cause which is not satisfactory, the Sarpanch shall conduct an inquiry and after giving the traders or the person an opportunity of being heard, place his inquiry report before the Grama Panchayat in its next meeting together with the explanation, if any, received from such trader or person for its decision. (3) On consideration of the inquiry report of the Sarpanch and the explanation of the trader if the Grama Panchayat are satisfied that circumstances specified in Sub-rule (1) exist in relation to such trader or person, the Grama Panchayat shall resolve to cancel the registration of the dealer for the trading year and may also refuse to register him as trader for the subsequent trading years; Provided that if the person is engaged in the trading of minor forest produce without registering himself in Grama Panchayat the Sarpanch or Secretary of the Grama Panchayat shall lodge necessary complaint before the Divisional Forest Officer concerned for taking appropriate action against the person concerned for such illegal trade under the appropriate provisions of law. (4) In pursuance of the decisions of the Grama Panchayat under Sub-rule (3), the Sarpanch/Secretary shall cancel the registration of the trader and in case of the person carrying an illegal trade in Minor Forest Produce, the Sarpanch shall forthwith

lode the complaint with the concerned Divisional Forest Officer.(5)If after cancellation of the registration under Sub-rule (4) it appears to the Sarpanch/Secretary that the trader is still continuing his trade in the Minor Forest Produce, the Sarpanch/Secretary shall report the matter to the Divisional Forest Officer for taking action against the person under the appropriate provisions of law.(6)The item of Minor Forest Produce seized by the Divisional Forest Officer from the dealer or person shall be sold by public auction and the sale proceeds thereof be deposited under the appropriate Head of Account as provided under the Orissa Forest Act.

8. Appeal.

- Any person aggrieved by the decision of the Grama Panchayat under these rules may prefer an appeal under Section 133 of the Act. The appeal shall be disposed of within thirty days from the date of admission of the appeal.

9. Deemed traders.

(1)Public Sector undertakings like the Orissa Forest Development Corporation, Tribal Development Co-operative Corporation and Tribal Co-operative Marketing Development Federation of India Ltd., shall be deemed to have been registered under these rules.(2)Notwithstanding the relaxation provided under Sub-rule (1), the provisions of rules 6, 7 and 3 shall apply to these public sector undertakings.

10. Issuance of instructions.

- The Government may from time to time, issue such instructions as occasion may require for,-(a)smooth implementation of these rules and(b)removal of any doubt or difficulties arising out of implementation of these rules.

Schedule

(See rule 2(i)(iii))List Minor Forest Produces

1. Tamarind, de-seeded Tamarind, Tamarind seeds.

2. Mahua Flower

3. Hill Brooms

4. Thorn Broom (Jhadu or Ghoda Lanji)

- 5. Phula Jhadu**
- 6. Broom Grass**
- 7. Nux Vomica (Kochila Seeds)**
- 8. Hardad**
- 9. Bahada**
- 10. Anla**
- 11. Soap Nut (Ritha Phala)**
- 12. Marking Nut (Bhalia)**
- 13. Cleaning Nut (Nirmala)**
- 14. Honey**
- 15. Siali Leaves**
- 16. Sabai Grass**
- 17. Mango Kernel**
- 18. Thatch Grass**
- 19. Simul Cotton**
- 20. Arrow Root (Palua)**
- 21. Dhatuki Flower**
- 22. Putrani**
- 23. Sikakai**

- 24. Jungal Jada or Gaba**
- 25. Palasa Seed**
- 26. Siali Seed**
- 27. Indra Jaba (Korai Seed)**
- 28. Gila (Seed and Coat)**
- 29. Benachera**
- 30. Bana Haladi**
- 31. Gaba**
- 32. Basil**
- 33. Bana Kalatha**
- 34. Makhena Seed (Kanta Padma)**
- 35. Tala Makhana Seed**
- 36. Baidanka Seeds**
- 37. Baghanakhi Seeds**
- 38. Kamala Gundi Fruit**
- 39. Landa Baguli**
- 40. Bela**
- 41. Chiraita (Bhui Neem)**
- 42. Khajuripata**

- 43. Riohini Fruit**
- 44. Bhurusunga Leaves**
- 45. Phenaphena Fruit**
- 46. Rasana Root**
- 47. Sidha Fruit**
- 48. Sethabari**
- 49. Kitha Lal**
- 50. Aundi Lal**
- 51. Khelua Lal**
- 52. Suam Lal**
- 53. Eksira Fruit**
- 54. Katha Chhatu (Mushroom)**
- 55. Mat Reed(Sapa Masina Grass)**
- 56. Anania Mula**
- 57. Antia Pata**
- 58. Nageswar Flower**
- 59. Mankad Kendu**
- 60. Atundi Fruit**
- 61. Mahula Seed**

62. Kusum Seed

63. Karanja Seed

64. Neem Seed

65. Char Seed

66. Chakunda Seed

67. Babul Seed

68. Baibirang Seed

Form No.1[See rule 4(2)]Application Form for registration of trading in Minor Forest Produce.ToThe Sarpanch.....Grama PanchayatSir,I sri..... Village/Post.....do hereby apply for registration as a dealer in Minor Forest Produce in Grama Panchayat.Detail of Trade

1. Name of the business organisation with full address

2. Relationship of the applicant with the organisation-

3. Applicants name/Fathers name/Permanent Address :

4. The name of the Minor Forest Produce the dealer wants to deal:

5. Type of business;

Retail/Wholesale or both

6. Amount deposited for registration with registration with receipt number and date

7. Trading year for which registration is applied for

8. Name and address of the place where Minor Forest Produce to be stored

I hereby declare that.....

1. I Shall abide the rules and regulations framed by Govt, for trading in Minor Forest Produce.

2. I Undertake that I shall not default in making payment the registration fees and other dues fixed by the Grama Panchayat.

3. That facts stated above are true to the best of my knowledge and belief.

Yours faithfully, Signature of the Applicant. Received Rs (Rupees) only towards registration for vide receipt No dated.....Secretary Order The application be placed in the next Grama Panchayat meeting for consideration. Sarpanch Grama Panchayat Form No. 2 [See rule 4(2)] Certificate of registration for trading in Minor Forest Produce.....Grama Panchayat.....Sri.....Son of.....Village.....Post.....Dist.....Registered as a dealer in Minor Forest Produce.

1. Registration No.

2. Trading year for which the registration is granted.

3. Description of Minor Forest Produce to be dealt with by the dealer

(a)(b)(c)(d){|-| Secretary| Sarpanch|-|Grama Panchayat|Grama Panchayat|} N.B : Rules and regulations of registration noted backside:-Renewal Report

Date of renewal	Trading year for which renewal is granted	Signature of Secretary	Signature of Sarpanch
(1)	(2)	(3)	(4)
Conditions of Registration			

1. Registered Minor Forest Produces shall be purchased only from the Primary gatherers as per the price fixed from time to time.

2. While purchasing the Minor Forest Produce from the Primary gatherers the Registered dealer shall ensure proper weight of the produces so purchased and the full cost thereof shall be paid to the primary gatherers on the spot.

3. The registered dealer shall submit a monthly return in the prescribed form to the concerned Forest Ranger and the Grama Panchayat.

4. The registered dealer shall abide by all such guidelines as may be issued from time to time.

Form No.3[See Rule 4(3)]Minor Forest ProduceMonthly/annual Return.For The Month/trading Year

Name of the dealer Registration No.

Name of the Grama Panchayat: District.....

Sl. No.	Item of MFP	Opening balance in Kg.	Quantity procured during the month trading year	Total in Kg.	Rate paid	Quantity sold or diverted during the period	Balance at the end of the reporting period
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)

Declaration : I declare that the above information are true and correct to my knowledge.Signature of the dealer.Form No.4[See rule 6(3)]Register Of M.F.P. Dealers

Name of the Grama Panchayat: Trading year:

Sl. No. Name and address of the dealer Registration No Date of registration Trading year Remarks