

The M.P. Gram Sabha (Appeal) Rules, 2001

MADHYA PRADESH

India

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Rule THE-M-P-GRAM-SABHA-APPEAL-RULES-2001 of 2001

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The M.P. Gram Sabha (Appeal) Rules, 2001 Published vide Notification No. F-16/41 /99/22/P-2(4), M.P Rajpatra (Asadharan), dated 5-3-2001 at pages 246-246 (1) In exercise of the powers conferred by the sub-section (1) Section 95 read with Section 7-H of the Madhya Pradesh Panchayat Raj Avam Gram Swaraj 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 commencement.

(1) These rules may be called the Madhya Pradesh Gram Sabha (Appeal) Rules, 2001. (2) They shall come into force with effect from the date of publication of this notification in the Madhya Pradesh Gazette.

2. Definitions.

- In these rules, unless the context otherwise requires, -(a) "Act" means the Madhya Pradesh Panchayat Avam Gram Swaraj Adhiniyam, 1993 (No. 1 of 1994); (b) "Appellate Authority" means the Appeal Committee' constituted under Rule 3 of these rules; and (c) "Section" means a section of the Act.

3. Appeal and Appellate Authority.

- Save as otherwise provided in the Act or rules or bye-laws made thereunder an appeal against the decision of a Gram Sabha shall lie to a committee constituting of the President of Janpad Panchayat, a member of Janpad Panchayat of that area and Sub-Divisional Officer (Revenue). The President of Janpad Panchayat shall be the President of the Appeal Committee.

4. Limitation of Appeal.

(1) No appeal shall lie to the Appellate Authority under Rule 3 after the expiration of 30 days from the date of the decision against which the appeal is made. (2) The Appellate Authority may admit an appeal after the expiry of 30 days referred to in sub-rule (1), if it is satisfied that there was sufficient cause for not presenting the appeal within that period. (3) An appeal shall be presented in writing mentioning the grounds of appeal clearly. The appeal will be presented to the President of the Appellate Authority. It shall be necessary to file with the appeal, copy of the decision against which the appeal is presented.

5. Disposal of Appeal.

(1) The Appellate Authority shall call for all the relevant records concerning the appeal from the Gram Sabha to examine the facts. (2) The appeal shall be disposed of expeditiously after hearing the parties concerned. (3) The decision of the Appellate Authority shall be final and binding.

6. Stay of execution of orders or decision.

- The Appellate Authority referred to in Rule 5 may stay execution of the order appealed against pending decision of the appeal.

7. Power of Appellate Authority.

- The Appellate Authority after giving an opportunity to parties to be heard and after such inquiry, if any, as it may deem necessary subject to the provisions of the Act and the Rules made thereunder, may confirm, vary or set aside the order or decision appealed against.

8. Cost.

- The Appellate Authority may award such costs to the parties as it may deem proper.

9. Repeal and savings.

- All rules corresponding to these rules and in force immediately before the commencement of these rules are hereby repealed in respect of the matters covered by these rules: Provided that any order made or any action taken under the rules so repealed shall be deemed to have been made or taken under the corresponding provisions of these rules.