

## **PANCHAYAT RAJ (G.P.) DEPARTMENT NOTIFICATION ON NTFP The 14th of November 2002**

S.R.O. No.934/2002- 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 Odisha Grama Panchayats Act,1964 ( Odisha Act 1 of 1965 ) was published as required by sub-section (1) of Section 150 of the said Act in the extraordinary issue No 141, dathe the 9th August 2002 of the Odisha Gazette under the notification of Government of Odisha in the Panchayat Raj ( Grama Panchayat ) Department No.9570/G.P., Dated the 6th July 2002 bearing S.R.O. No 701/2002 inviting objections and suggestion from all person likely to be affected thereby till the expiry of a period of thirty days from the date of publication of the same in the Odisha 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 sub-section (1) of section 44 read with section 150 of the said Act, the state government do here by make the following rules, namely: -

### **Short title and commencement**

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

### **Definitions**

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

- i. "ACT" means the Odisha 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.
- iv. "Section" means section of the Act: and
- v. "Trading Year" means the seasonal year commencing from the first day of October and completion 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 have been respectively assigned to them in the Act.

### **Procurement and formulating trading of minor forest produce**

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- i. The Grama Panchayat shall have the power to regulate procurement and trading of minor forest produce whether produced in Government Lands and forest areas with in the limits of the Grama or collected from reserve Forests and brought in the Grama.
- ii. 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.

### **Registration of Traders**

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- i. Any person intending to procure Minor Forest Produce from the primary gatherers or to trade in Minor Forest Produce in the Grama Panchayat.
- ii. Any person intending to be registered as a trader in minor forest produce shall apply to the Grama panhayat in Form No 1. All such applications shall be placed before the Grama Panchayat immediately in its next meeting and with approval of the Grama Panchayat the Sarpanch shall register the applicant as

- trader in minor forest produce for one trading year ending next septemeber and grant a certificate of Registration in Form No.2 to thate effect.
- iii. 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.
  - iv. 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.
  - v. No application for registration shall be entertained if the required fee has not been deposited under sub-rule (4)
  - vi. The fees for registration for every item of Minor Forest produce shall be such as may be notified by Government from time to time.

## **Fixation of minimum price of the minor forest produce.**

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(1)

- i. In the month of sepetemeber every year the Panchayat Samiti shall, by adopting a resoulution to that affect, fix up the minimum price of procurment of different Minor Forest Produces payable to the primary gatherers during the next trading year, which shall be applicable to all the Grama panchayats with in the Block Provided the Grama panahcayat 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.
- ii. The representatives of Divisional Forest Officer, Tribal Development Cooperative Corporation, Odisha Forest Development Corporation and Tribal Co-Operative marketing Development Federation of India Ltd., shall be invited to the meetings concerned under this sub-rule or under sub-rule (3)

( 2 )

The minimum price fixed under 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 Panchayats 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) of the collector shall convene a Special Meeting of the Panchayat Samiti Preferably in the month of October to fix up the, minimum price of procurment of Minor Forest Produce.

(4)

On receipt of intimation under sub-rule 9 ( 2 ) regarding fixation of the minimum procurement fprice 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.

## **Furnishing Of Returns**

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- i. A trader registered under these rules shall furnish a monthly return of Minor Forest Produce to the Grama Panchayat with in fifteen days of the following month in form No.3.
- ii. With in 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.
- iii. The Grama Panchayat shall communicate a copy of the annual return received under sub-rule (2) to the Forest Ranges officer concerned.

## **Cancellation**

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(1)

If any time or in respect of any case it appears to the Sarapanch 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 registrar 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 enquiry 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 consolidation 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 Gram 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 trader under the appropriate provisions of law.

(4)

In pursuance of the decisions on the Gram 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 judge 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 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 Odisha Forest Act.

## **Appeal**

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- i. 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.

## **Deemed Traders**

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- i. Public sector undertakings like the Odisha 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 and
- ii. Notwithstanding the relaxation provided under sub-rule (1), the provisions of rules 6,7, and 8 shall apply to these public sector undertakings.

## **Insurance of instructions**

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The government may, from time to time issue such instructions, as occasion may require for -

- i. Smooth implementation of these rules and
- ii. Removal of any doubt or difficulties arising out of implementation of these rules.