

**'THE RAJASTHAN PANCHAYATI RAJ (MODIFICATION OF PROVISIONS IN THEIR APPLICATION TO THE SCHEDULED AREAS) ACT, 1999**

(Act No. 16 of 1999)

*[Received the assent of the Governor on the 30th day of September, 1999]*

An Act to provide for the modification of the provisions of the Rajasthan Panchayati Raj Act, 1994 (Act No. 13 of 1994) in their application to the Scheduled Areas of Rajasthan so as to bring them in conformity with the Provisions of the Panchayats (Extention to the Scheduled Areas) Act, 1996 (Central Act No. 40 of 1996).

Be it enacted by the Rajasthan State Legislature in the Fiftieth Year of the Republic of India as follows :

**1. Short title, extent and commencement :** ( 1) This Act may be called the Rajasthan Panchayati Raj (Modification of Provisions in their Application to the Scheduled Areas) Act, 1999.

(2) It shall extend to the Scheduled Areas of Rajasthan as referred to in clause (1) of Article 244 of the Constitution except those areas which are administered by a municipality.

(3) It shall be deemed to have come into force on and from 26th day of June, 1999.

**2. Definitions :** In this Act, unless the context otherwise requires,-

(a) a "village" for the purpose of this Act shall mean a village specified as such by the Governor, by notification in the Official Gazette;

(b) "Panchayati Raj Institution" shall have the same meaning as is assigned to it under the Rajasthan Panchayati Raj Act, 1994 (Act No. 13 of 1994).

**3. Exceptions and modifications :** Notwithstanding anything contained in the Rajasthan Panchayati Raj Act, 1994 (Act No. 13 of 1994) or in any other law for the time being in force, the provisions of the said Act or any other law, as the case may be, shall, as respect to the Scheduled Areas of Rajasthan be applicable subject to the following exceptions and modifications, namely:-

(a) every village shall have a Gram Sabha consisting of persons whose names are included in the electoral rolls for the Panchayat at the village level;

(b) every Gram Sabha shall be competent to safeguard and preserve the traditions and customs of the people, their cultural indentity, community resources and the customary mode of dispute resolution;

(c) every Gram Sabha shall—

(i) approve, the plans, programmes and projects for social and economic development before such plans, programmes and projects are taken up for implementation by the Panchayat;

1. Notification No. F 2 (27) Law/2/99, dated 30.9.1999, published in Raj. Gazette E.O. part-4 (ka) dated 30.9.1999, page 57 (1).

- (ii) be responsible for identification or selection of persons as beneficiaries under the poverty alleviation and other programmes;
- (d) every Panchayat shall be required to obtain from the Gram Sabha a certification of utilisation of funds by that Panchayat for the plans, programmes and projects referred to in clause (c);
- (e) the reservation of seats in the Scheduled Areas at every Panchayati Raj Institution shall be in proportion to the population of the community in that Panchayati Raj Institution for whom reservation is sought to be given under sections 15 and 16 of the Rajasthan Panchayati Raj Act, 1994 (Act No. 13 of 1994) :

Provided that the reservation for the Scheduled Tribes shall not be less than one-half of the total number of seats :

Provided further that all seats of Chairpersons of Panchayati Raj Institutions at all levels shall be reserved for the person belonging to the Scheduled Tribes;

- (f) the State Government may nominate persons belonging to such Scheduled Tribes as have no representation in a Panchayat Samiti or in a Zila Parishad :

Provided that such nomination shall not exceed one-tenth of the total members to be elected in that Panchayati Raj Institution;

- (g) the Gram Sabha or the Panchayati Raj Institution at such level, as may be prescribed by the State Government, shall be consulted before making the acquisition of land in the Scheduled Areas for development projects and before re-setting or re-habilitating persons affected by such project in the Scheduled Areas, the actual planning and implementation of the projects in the Scheduled Areas shall be co-ordinated at the State level;
- (h) planning and management of minor water bodies, as may be specified by the State Government, in the Scheduled Areas shall be entrusted to Panchayati Raj Institution at such level as may be prescribed;
- (i) no prospecting licence or mining lease for minor minerals in the Scheduled Areas shall be granted to any person or body of persons without obtaining prior recommendation of the Gram Sabha or the Panchayati Raj Institution at such level and in such manner as may be prescribed;
- (j) no concession for the exploitation of minor minerals by auction in the Scheduled Areas shall be granted without obtaining the recommendation of the Gram Sabha or the Panchayati Raj Institution at such level and in such manner as may be prescribed;
- (k) the Panchayati Raj Institution at appropriate level, or Gram Sabha as may be prescribed, in a Scheduled Area, shall have—

- (i) the power to enforce prohibition or to regulate or restrict the sale and

consumption of any intoxicant subject to such rules as may be made by the State Government in this behalf;

- (ii) the ownership of minor forest produce subject to such rules as may be prescribed by the State Government as to control and management of minor forest produce;
- (iii) the power to prevent alienation of land in the Scheduled Areas and to take appropriate action in accordance with laws in force in the State, to restore any unlawfully alienated land of Scheduled Tribe;
- (iv) the power to manage village market by whatever name called subject to such rules as may be made by the State Government in this behalf;
- (v) the power to exercise control over money lending to the members of Scheduled Tribes;
- (vi) the power to exercise control over institutions and functionaries in all social sectors to the extent and in the manner to be specified by the State Government from time to time;
- (vii) the power to control over local plan and resources or such plans including tribal sub-plan to the extent and in the manner to be specified by the State Government from time to time.

**4. Power to make rules :** (1) The State Government may make rules, by notification in the Official Gazette, to carry out generally the purposes of this Act.

(2) All rules made under this Act shall be laid, as soon as may be, after they are so made, before the State Legislature, while it is in session, for a period of not less than fourteen days which may be comprised in one session or into successive sessions, and if, before the expiry of the session in which they are so laid or of the session immediately following, the State Legislature makes any modifications in any of such rules, or resolves that any such rules should not be made, such rules shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done thereunder.

**5. Repeal and Savings :** (1) The Rajasthan Panchayati Raj (Modification of provisions in their Application to the Scheduled Areas) Ordinance, 1999 (Ordinance No.4 of 1999) is hereby repealed.

(2) Notwithstanding such repeal, all actions taken or orders made under the Ordinance referred in sub-section (1) shall be deemed to have been taken or made under this Act or any other law as modified by this Act.