

# Manipur Registration of Forest Contractors Rules, 1992

MANIPUR

India

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### Rule

## MANIPUR-REGISTRATION-OF-FOREST-CONTRACTORS-RULES-1992 of 1992

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Manipur Registration of Forest Contractors Rules, 1992Published vide Notification No. 56/3/77-For, dated the 29th July, 1992Last Updated 7th February, 2020Notification No. 56/3/77-For, dated the 29th July, 1992. - In Supersession of all previous orders in this regard, the Governor of Manipur is pleased to make the Manipur Registration of Forest Contractors Rules, 1992 as appended below :

### 1. Title and application of rules.

(1)These rules may be called the Manipur Registration of Forest Contractors Rules, 1992.(2)They shall come into force with immediate effect.(3)They shall be applicable to all the works carried out in the Forest Department through the agency of contractors, but shall not be applicable to works carried out departmentally.

### 2. Definition.

(1)In these rules, unless there is anything repugnant in the subject or context:-(i)"Government" means the State Government;(ii)"Conservator" means the conservator of Forests and includes Chief Conservator of Forests and the Principal Chief Conservator of Forests also;(iii)"Divisional Forest Officer" means the forest officer in charge of a forest division or a Deputy Conservator of Forests ;(iv)"Contractor" means the contractor registered as such under the Forest Department;(v)"Mahal" means a compact defined area wherefrom certain types of forest produces are sold or to be collected ;(vi)"Lot" means a collection of forest produce meant for disposal.(2)All words and expressions used but not defined in these rules, shall have the meaning assigned to them in the India Forest Act, 1927, the General Clauses Act and Indian Contract Act, 1872.

### **3. Classification of Forest Contractors.**

(1)Class A:-Timber Contractors:- shall be entitled to participate in sale of timber mahals/lots.(2)Class-B:-Fuelwood & MFP Contractors"-shall be entitled to participate in sale of Fuelwood & MF mahals/lots.(3)Class-C: Civil Contractors:-shall be entitled to participate in contracts of Civil works.(4)Class-D:- Permit holders for Timber/MFP:-persons registered in this class shall be entitled to take permit for extraction of timbers//MFP, for the quantity for which the estimated total royalty on the produce is more than Rs. 10,000/- but less than 1,00,000-in each case from mahals not sold by public auction or from areas not included in mahals.(5)In the case of Grass Mahals and Tera Mahals sold by public auction on enlistment would be required.(6)For persons desiring to take permits for small quantity of timber/MFP, on which the total royalty on the produce is less than Rs. 10,000/-in each, no enlistment would be required.(7)No person other than registered Forest Contractors will be allowed to tender for any Forest Work or bid in any auction conducted by the Forest except what is permitted in sub-rules (5) and (6) of this rule.

### **4. Application for Enlistment.**

(1)A person/Society/Firm desirous to get itself registered as a Forest Contractor in any one particular class should submit the application to the Dy. Conservator of Forests (HQ) in the prescribed application form as in schedule I annexed herewith at the rate fixed by the Principal Chief Conservator of Forests from time to time.Explanation. - The application made and the rates fixed earlier before this rule came into existence shall be deemed to have been done under this rule.The application form shall be accompanied with the following documents :(i)Upto date Income-tax clearance certificate.(ii)Documents evidencing financial soundness of the applicant.Explanation. -For the purpose of this rule a person who has not been declared insolvent during preceding two years of registration and having an annual income of Rs. 30,000/- for class A & B contractors, Rs. 15,000/- for class C & D contractors shall be deemed to be financially sound.(iii)in case of Registered Co-Op. societies, in addition to the requirement of (i) and (ii) above, copy of the Bye-laws along with the name addresses of office bearers and authorised signatories.(iv)In case of a partnership firm/company in addition to the requirement of (i) and (ii) above a certified copy of the registration certificate granted by the Registrar of Firms under the Indian Partnership Act/Indian Companies Act and authorisation to at least one of the partners to act.(2)A person desirous to get registered as a forest contractor in more than one class, should submit separate application forms for registration in different classes.(3)Complete application forms thus received will be periodically reviewed by the Registration Committee and enlistment orders issued if considered fit.(4)No person of ill repute shall be eligible for registration.Explanation. - A person who has been convicted in any court of law or who has any vigilance or police case pending against him shall be treated as a person of ill repute for the purpose of this rule.

### **5. Registration Committee and Review of Registration.**

(1)The registration and review of registration of contractors shall be done by a committee consisting of:-(i)Principal Chief Conservator of Forests-Chairman.(ii)Nominee of Commissioner/Secretary-Forests-Member.(iii)One Chief Conservator of Forests/Conservator of

Forests-Member.(iv)Dy. Conservator of Forests (FIQ): Member Secretary.(2)The Dy. Conservator of Forests (HQ) will put up to the Committee all applications received by his office after the last meeting of the committee for scrutiny and approval.(3)The Committee shall meet once a year.

## **6. Validity period of registration and renewal of registration.**

(1)The Contractors considered fit for enlistment in a particular class by the Registration Committee shall be registered for a period of five years and a registration certificate in the prescribed form as in Scheduled II annexed herewith shall be issued to him.(2)The registered forest contractor may apply for renewal of his registration certificate to the Dy. Conservator of Forests (HQ) in the prescribed application form as in Schedule III annexed herewith. The application may be scrutinised by the Principal Chief Conservator of Forests and if the contractors name is not in the list of defaulters maintained as per Rule 8, the registration shall be renewed for a further period of five years by him.(3)All the existing registered forest contractors shall renew their registration certificates as per Rule 6(2) from office of the Principal Chief Conservator of Forests within 90 days from the date of publication of these rules.

## **7. Review of the list of Forest Contractors and removal from the list.**

(1)The list of registered Forest Contractors will be reviewed at least once a year with a view to remove from the list such contractors who are found guilty of malpractices or otherwise undesirable to be retained as a registered forest contractor.(2)Any registered forest contractor who does not tender or bid in the auction for any work or sale of mahal/lot for a period of two years shall be liable to be removed from the list of registered contractors.

## **8. List of defaulters.**

(1)When a contractor has been terminated either for default of payment or for breach of working condition a full statement of the case, should be submitted by the Divisional Forest Officer to the Principal Chief Conservator of Forests through the Conservator of Forests.(2)The Principal Chief Conservator of Forests shall maintain a list of defaulters in his office, and on receipt of a report under the preceding paragraph he shall decide whether the defaulter's name should or should not be entered in the list. The Principal Chief Conservator of Forests may delete any name from the list on cause being shown.(3)Copies of the list shall be sent to every Divisional Forest Officer, and amendments thereof shall be sent from time to time as they are made.(4)No forest contract should be given to any person whose name appears on the current list of defaulters.

## **9. Maximum member of mahals a registered contractor may get.**

(1)Maximum numbers of mahals registered forests contractor in a particular class i.e. class-A, class-B may get should not be more than 5 at a given point of time.(2)Maximum number of Civil works a class-C contractor may get should not be more than 5 at a given point of time.(3)Maximum number of permits a class-D contractor may get should not be more than five at a time for all types

produce combined.Explanation. - The maximum number of mahals/lots/permits prescribed under this rule shall be for the mahals/plots/permits sold/issued after this rule come into force and shall not be applicable to mahals under current lease.

#### **10. Working inside the same mahals by other forest contractors.**

- The settlement of a mahal for a particular forest produce shall be without prejudice to the working of other produce inside the same mahal by other forest contractors during the same period.

#### **11. Earnest Money deposit and production of Income-tax Clearance Certificate.**

(1)The Contractor before tendering should deposit earnest money as mentioned in the Tender Notice of different kinds of Mahals or Forest produce, and Civil works.(2)Registered contractors will be required to produce Income-Tax Clearance Certificate when they apply for joining in any open competition in a Forest sale either by auction or by tenders, or for submitting tenders for civil works.

#### **12. Rights of private persons to be respected.**

- The forest contractor shall respect all rights lawfully vested in private persons relating to access to the forest and appropriation of Forest Produces.

#### **13. Unsuitable persons to be employed.**

- A forest contractor shall not employ, for any purpose connected with his forest contract any person of ill repute or any person who has been dismissed from the Forest Department and he shall discontinue, the employment of any person objected to by the Divisional Forest Officer as unsuitable for such employment.

#### **14. Forest Contractor to provide his servants and agents with badges.**

- If so required in writing by the Divisional Forest Officer, the forest contractor shall provide his servants and agents with a badge, signed warrant or other device approved by the Divisional Forest Officer, whereby they may be readily identified. Failure to wear such device in the contract area shall make an agent liable to be treated as a trespasser.

#### **15. Assignment of Forest contract.**

- A forest contractor may assign the forest produce purchased by him from his contract area but such assignment shall not be valid unless it is made with the previous sanction in writing of the forest officer who executed the contract, who shall have power to refuse sanction if, in his opinion the assignment is likely to be prejudicial to the interest of the Government or to the public revenue.

## **16. Time to be essence of forest contracts.**

(1) Where by the terms of any forest contract, it is agreed that the extraction of the forest produce purchased under the contract may be carried out only during a specified period, time shall be deemed to be the essence of such contract and upon completion of the specified period the contractor's rights under the contract shall cease, and any forest produce not removed across the boundaries of the contract area shall become the absolute property of

Government. (2) Extension-Provided that the forest officer empowered to execute the agreement relating to such contract on behalf of the Government shall have power to extend the period of a contract, for reasons to be recorded by him, on such terms, including the payment of a premium or extension fees as he may think fit. This power to grant extension shall be subject to the condition that the forest officer is, under the standing orders, competent to make a contract for the entire period including the extension.

## **17. Forest contractor to keep accounts and to file abstract.**

- The forest contractor shall keep accounts of the amount of the various kinds of forest produce removed by him from the contract area in such form as the Divisional Forest Officer may prescribe or approve, and such accounts shall be open to inspection at any time by the Divisional Forest Officer or by any forest subordinate duly authorised in this behalf by the Divisional Forest Officer. The forest contractor shall file abstracts of such accounts in the office of the Range Officer as the Divisional Forest Officer may specify, at such intervals, which shall not be less than one month, as may be specified in his forest contract.

## **18. Liability of Forest contractor for damages.**

(1) A forest contractor shall be responsible for any damage that may be done in a forest area by himself or his servants and agents. The compensation for such damage shall be assessed by the Divisional Forest Officer, whose decision shall be deemed to be that of an arbitrator and shall be final and binding on the parties, except to the extent it shall be subject to an appeal to the Conservator of Forests. Explanation. - For the purpose of this sub-rule an agent shall be deemed to include a sub-contractor and any person to whom the forest contractor has given a licence or permit entitling him to take a portion of the forest produce sold under the forest contract. (2) Any sum assessed as damages under this rule shall be recoverable as arrears of land revenue or any other payment due from the Government and a certificate under the hand of the Divisional Forest Officer that such sum is due shall be presumed to be correct by the concerned officer empowered to collect.

## **19. Government indemnified against natural calamities and acts of third parties.**

- The Forest contractor shall not be entitled to any compensation whatsoever for any loss that may be sustained by reason of fire, disease, pest, flood, drought- or other natural calamity or by reason of any wrongful act committed by any third party or by reason of unsoundness or breakage or loss of

utility of any forest produce purchased under the contract.

**20. Amount payable to be recovered as arrears of land revenue or from any other payment due from the Government.**

- All amounts payable by the Forest contractor on account of the contract including the damages and penal interest, if any, due to the Government, if not paid, shall be recovered as an arrear of land revenue or any other payment due from the Government either after the contract is terminated or after the period of contract expires.

**21. Forest Contractor not to sub-let any contract work.**

- No contractor is allowed to sub-let any contract work which has been assigned to him.

**I**

Application Form for Registration(Under Rule 4 (1) of Manipur Registration of Forest Contractors Rules, 1992)

**1. Name of applicant & address in full (in block letter) :**

**2. Whether the firm is a private or public limited concern of undivided Hindu Family Individual or a Registered partnership firm (Attested copies of deeds or Articles of Association to be enclosed).**

**3. Name of person holding the Power of Attorney (Attested copy to be enclosed).**

**4. Name of partner with their liabilities (Attested copies of partnership deed to be enclosed).**

**5. Name of Bankers and full address of the Bank.**

**6. Place of business.**

**7. Category in which registration is sought.**

**8. Whether the applicant has a properly fitted wood workshop with sufficient large stocks of timber, paints, polished and other finishing equipment and employs designers capable of producing well throughout schemes for large**

**buildings (full details and location of their workshop may be furnished).**

(for category A Contractors only).

**9. (a) Whether the applicant is already enlisted as Forest Contractor in the Forest Department, if so, in which class and category.**

(b) Whether enlisted with any other Department. If so, in which class and category; showing amount up to which qualified to tender.

**10. Whether the applicant is share holder or partner of any firm enlisted in this Department.**

**11. Has the applicant or any of his partner or share holder been blacklisted or removed from the approved list of contractor or demoted to a lower class or other by any Department in the past.**

**12. Whether the contractor has read the rules for registration of contractors and is prepared to abide by the rules.**

**13. (i) I/We certify that I/We will not get myself/ourselves registered as contractor(s) in the department under more than one name.**

(ii) I/We certify that I am/may of our partners or share holders are not related to any gazetted officer employed in the Forest Department. (iii) I/We certify that none of the partners/Directors retired as a Forest Officer of Gazetted rank or as any other Gazetted officer employed in Forest Department during the last two years. I/We also certify that I/We have not employed any such persons within two years of his retirement except with prior permission of the Government. (For limited companies and partnership firms). Date : Signature of the Applicant

**Important Notes :**

**1. All relevant certificates under rules should be attached with the application.**

**2. Income Tax Clearance Certificate for the latest assessment year should be sent alongwith the application form. Without Income Tax Clearance Certificate, the registration shall not be made.**

**II**

Contractor Registration Certificate Issued under Rule 6 (1) of Manipur Registration of Forest

Contractor This is to certify that Shri-----of is registered as a Forest Contractor in class-----in the Forest Department, Manipur. Dated, Imphal the-----Principal Chief Conservator of Forests, Government of Manipur. This certificate is renewed upto-----Dated, Imphal the-----Principal Chief Conservator of Forests Government of Manipur.

**III**

Application Form for Renewal of Registration (Under Rule 6 (2) of Manipur Registration of Forest Contractors, Rules, 1992)

**1. Name of applicant & address in full (in block letter):**

**2. Registration No. & Class :**

**3. Name of person holding the Power of Attorney (Attested copy of partnership deed to enclosed).**

**4. Name of partner with their liabilities :**

**5. Name of Bankers and full address of the Bank :**

**6. Place of business :**

**7. List of works executed :-**

(1)Name of work(2)Amount(3)Year of execution, authority under which carried out. To be Shown in A Separate Statement Notes. - Original or attested copies of certificates of officer under whom works were carried out to be enclosed.

**8. Whether the applicant is share holder or partner of any firm enlisted in this Department:**

**9. Has the applicant or any of his partner or shareholder been blacklisted or removed from the approved list of contractors or removed to a lower class or other, by any Department in the past.**

**10. Whether the contractor has read the rules for Registration of contractors and is prepared to abide by the rules.**



**11. (i) I/We certify that I/We will not get myself/ourselves register as contractor(s) in the department under more than one name.**

(ii)I/We certify that I am/any of our partners or shareholders are not related to any gazetted officer employed in the Forest Department.(iii)I/We certify that none of the partners/Directors retired as a Forest Officer of Gazetted rank or as any other Gazetted Officer employed in Forest Department during the last two years. I/We also certify that I/We have not employed any such person (s) within two years of his retirement except with prior permission of the Government (For companies and partnership firms).Date-----Signature of the ApplicantImportant Notes :

**1. All relevant certificates should be attached with the application.**

**2. Income Tax Clearance Certificate for the latest assessment year should be sent along with the application form. Without Income Tax Clearance Certificate the enlistment shall not be made.**