The Maharashtra Minor forest Produce (Regulation of Trade in Apta leaves) Rules, 1971

MAHARASHTRA India

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Rule

THE-MAHARASHTRA-MINOR-FOREST-PRODUCE-REGULATION-OF-T of 1971

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The Maharashtra Minor forest Produce (Regulation of Trade in Apta leaves) Rules, 1971Published vide Notification No. MFP. 1569/6297-U, dated 7th July, 1971No. MFP. 1569/6297-U. - In exercise of the powers conferred by sub-section (1) and clauses (a), (b), (c), (d), (e), (f) and (g) of sub-section (2) of section 19 of the Maharashtra [Minor] [The word 'Minor' is deleted from Act under these rules are framed. But amendment to these rule deleting the word 'minor' not noticed.] Forest Produce (Regulation of Trade) Act, 1969 (Maharashtra LVII of 1969), and of all other power enabling it in that behalf, the Government of Maharashtra hereby makes the following rules, in respect of regulation of trade in Apta Leaves, the same having been previously published as required by sub-section (1) of section 19 of the said Act, namely:-

1. Short title.

- These rules may be called the Maharashtra [Minor] [The word 'Minor' is deleted from Act under these rules are framed. But amendment to these rule deleting the word 'minor' not noticed.] Forest Produce (Regulation of Trade in Apta Leaves) Rules, 1971.

2. Definitions.

- In these rules, unless the context otherwise requires,-(1)"Act" means the Maharashtra [Minor] [The word 'Minor' is deleted from Act under these rules are framed. But amendment to these rule deleting the word 'minor' not noticed.] Forest Produce (Regulation of Trade) Act, 1969;(2)"Apta Leaves" means leaves of the plant known as Apta (Bauhinia Racemosa);(3)"Divisional Forest

1

Officer" means the Forest Officer-in-charge of a Forest Division or an independent Forest Sub-Division in which the unit formed under section 3, is situate. Explanation. - For the purposes of this definition a Forest Division or an independent Forest Sub-Division includes any area transferred to the Forest Sub-Development Board (being, the Board, set up under Government Resolution, Revenue and Forest Department, No. FCT. 1568/257958-Y, dated the 13th February 1969), from a Forest Division or Sub-Division;(4)"Exporter of Apta Leaves" means a person who sells Apta Leaves to any other person having business at a place outside the State of Maharashtra; or who exports Apta Leaves for the manufacture of bidis by himself, at any place, outside the State of Maharashtra;(5)"Form" means a form appended to these rules;(6)"Manufacturer of bidis" means a person who manufacturers bidis using Apta Leaves as raw material or gets them manufactured for the purpose of trade therein;(7)"Purchaser" means a person to whom Apta Leaves have been sold or otherwise disposed of by the State Government;(8)"Section" means a section of the Act;(9)"Transport permit" means a permit issued under clause (b) of sub-section (2) of section 5, for transport of Apta Leaves;(10)[Words and expressions used in these rules but not defined shall have the meaning respectively assigned to them in the Act.] [Added by G. N. dated 31.3.1973.]

3. Appointment of agents.

(1) The State Government shall, for enabling it to appoint an agent or agents for the purpose of purchase of, and trade in, Apta Leaves in respect of any unit under sub-section (1) of section 4, [publish] [Substituted for the word 'published' by G. N. dated 31.3.1973.] a notice in such manner as it may think fit, specifying the terms and conditions of agency and inviting applications for such appointment.(2) Every application for agency, shall be made to the State Government in Form A, which may be obtained from the office of the Divisional Forest Officer on payment of [rupee one] [Substituted for the words 'rupees five', by G. N., dated 31.3.1973.] for each form.(3) Every such application for agency shall be accompanied by a receipted treasury challan showing a cash deposit by the applicant of rupees five hundred made under the head "Revenue Deposit" or Bank Draft on a Schedule Bank of equal amount in the name of the Divisional Forest Officer, as earnest money.(4)No person shall be allowed to apply, on behalf of another person unless he holds a power of attorney from such another person empowering him to act on his behalf. A copy of such power of attorney shall accompany the application for agency, and the original thereof shall be produced before the Divisional Forest Officer on demand by him, (5) The application for agency duly completed in all respects, shall be submitted to the State Government before such date and in such manner as may be specified in the notice issued under sub-rule (1).(6)The applicant shall not withdraw his application except with the permission of the State Government until another person is appointed as agent for the unit to which the application relates. (7) The State Government may accept the application or reject it without assigning any reasons therefor. The earnest money shall be refunded to the applicant whose application is rejected. The amount deposited under sub-rule (3) by the applicant appointed as an agent shall, subject to the provisions of sub-rule (9), be adjusted against the security deposit required to be deposited under sub-rule (10).(8)If, in the opinion of the State Government, it is not possible to select a suitable agent for any unit from amongst the applicants for appointment as an agent, or where an agency is terminated and it is considered necessary to make a fresh appointment immediately in the interest of the trade in Apta Leaves, the State Government may appoint any person as an agent who in its opinion is suitable to work as an agent.(9)Every

Person on his appointment as an agent shall execute an agreement in such form as the [Additional Chief Conservator of Forests Evaluation and Nationalisation, Maharashtra State, Nagpur [Substituted for the words 'Conservator of Forest Tendu Leaves Circle, Maharashtra Nagpur' by G. N. dated 14.3.1984.] may approve in this behalf, within 15 days of the date of receipt of the order of appointment. Where any such person fails to execute the agreement, his appointment as an agent shall be liable to be terminated.(10)(a) Every agent appointed under this rule for any unit shall, before signing the agreement deposit as security for the proper execution and performance of the agency, a sum to be calculated at the rate of rupees five per quintal for the quantity shown against the unit applied for, in the notice under sub-rule (1) inviting applications for agency.(b) the security deposit shall be either -(i)in cash and credited to Government Treasury under the head "Revenue Deposit" in the name of the Divisional Officer; or(ii)in the form of a Bank Draft on a [Scheduled] [Substituted for the word 'Schedule' by G.N. dated 31.3.1973.] Bank; or (iii) in the form of a Bank Guarantee, in the form in which guarantees are offered by Scheduled Banks to the Departments of the Government of Maharashtra under the Bank Guarantee Scheme of the Reserve Bank of India; or-(iv)in the form of National Savings Deposit Certificate or 12-Year National Defence Certificate, duly transferred in the name of the Divisional Forest Officer.(11)(a)Unless otherwise directed by the Divisional Forest Officer, the agent shall purchase Apta Leaves from persons mentioned in item (b) of sub-clause (ii) of clause (d) of section 2 and collect Apta Leaves from Government land at the depot or depols set up in accordance with the provisions of section 8 and these rules, and in accordance with the terms and conditions of the agreement entered into by the agent under these rules. The Divisional Forest Officer may from time to time, give him appropriate directions in this behalf, not inconsistent with the provisions of the Act, these rules and the said agreement.(b)The agent shall not slacken or stop the work of purchase and collection in any of the depots within the unit except under and is accordance with prior orders in writing of the Divisional Forest Officer or an Officer authorised by him in this behalf.(12)The agent shall maintain such accounts and submit such periodical returns, as may be directed by the State Government. Such accounts shall be submitted to the Divisional Forest Officer or to any other officer authorised by him in this behalf.(13)Nothing in the foregoing provisions shall be construed to confer on the agent the exclusive right to purchase and collect Apta Leaves in the unit for which he is appointed as an agent and the State Government shall have the right to purchase and collect Apta Leaves in that unit through any officer authorised by it in writing in that behalf.

4. Transport permits.

(1)Every person desiring to transport Apta Leaves whether for use within the State of for sale outside the State shall make an application in Form B to the Divisional Forest Officer or any Officer authorised by him in that behalf (hereinafter referred to as the "permit Officer").(2)On receipt of an application under sub-rule (1) the Permit Officer may make such inquiries as he may deem necessary and if he is satisfied that there is no objection to grant the permit applied for, he may grant to the applicant a permit in Form C where the Apta Leaves are to be transported within the State and also a permit in Form D, where such leaves are to be transported outside the State.(3)If the Permit Officer has reason to believe that the Apta Leaves, in respect of which the application has been made have not been purchased from the State Government or the authorised Officer or Agent, he may, after giving the applicant an opportunity of being heard, reject such application by an order

in writing, after recording his reasons for such rejection.(4)Notwithstanding anything contained in sub-rule (2), the Divisional Forest Officer may authorise any person not being an Officer, to issue a transport permit in Form C and may for good and sufficient reasons cancel such authorisation to issue permits. Such authorisation shall be issued in Form E.(5)All transport permits shall be subject to the following conditions, namely:-(a)Each consignment of Apta Leaves during transit by any mode of transport, that is to say, by road, rail, water or air, shall be accompanied by the appropriate transport permit;(b)The Apta Leaves shall be transported only by the route specified in the permit and shall be produced for checking at checking depots established for checking of forest produce in transit;(c)Except with the permission in writing of the Permit Officer, the Apta Leaves shall not be transported at any time after sunset and before sunrise;(d)The permit shall be valid for such period as may be specified therein; (e) The transport permit in Form C or Form D shall be liable to be cancelled by the Divisional Forest Officer if he has reason to believe that it has been misused. An appeal against an order of such cancellation shall lie to the Conservator of Forests concerned and shall be made within one month from the date of such order.(f)All transport permits after transporting the Apta Leaves or after the expiry of the period mentioned therein, whichever is earlier, shall be returned within a fortnight to the nearest Range Forest Officer.

5. Procedure for conducting business of the Advisory Committee.

(1) The State Government shall, subject to the provisions of section 6, publish the names of the members of each Advisory Committee constituted under that section in respect of Apta Leaves, appointing one member as the Chairman and another as the Convener. (2) Every meeting of the Committee shall be presided over by the Chairman, and in his absence, the Convener. If both the Chairman and the Convener are absent, the members present shall elect one of the members present as the Chairman and proceed with the meeting.(3)The Chairman of the Committee shall fix the date, time and place of the meeting. Advance notice of the meeting (of not less than seven days in case of an ordinary meeting and not less than three days in case of an emergent meeting), shall be given to all the members of the Committee.(4)Four members of the Committee shall constitute the quorum.(5)The Committee's advice shall be conveyed to the State Government through the proceedings of the meeting, which shall be sent so as to reach the Secretary to the Government in charge of the Revenue and Forests Department, before the expiry of the period specified by the Government under sub-section (5) of section 6, or within the period extended by the State Government under the proviso to section 7. The request for extension of time on behalf of the Committee shall be made well in advance by the Convener. (6)(a) The non-official members of the Committee who are members of the State Legislature or of the Parliament shall be entitled to draw travelling and daily allowances in accordance with the law relating to allowances of Members of the State Legislature or, as the case may be, of the Parliament. All other non-official members of the Committee, shall be entitled to travelling and daily allowances in accordance with the scale I given below clause (b) of sub-rule (1) or rule 1 under Section 1 of Appendix XLII-A of the Bombay Civil Services Rules, 1959.(b) The travelling allowance bills shall be presented to the Convener who shall, after scrutiny thereof countersign the bills, and disburse the allowances.

6. Other manner of publication of price under section 7.

- The price fixed in respect of Apta leaves under section 7 shall be published, in addition to the publication in the Official Gazette, also in such newspapers having circulation in such Revenue Commissioner's Division or Divisions, as the State Government may deem appropriate.

7. Registration of growers.

(1) Every grower of Apta Leaves (other than the State Government) shall, if the quantity of Apta Leaves grown by him during any year is likely to exceed 50 kilograms, get himself registered under section 10.(2)An application for registration as a grower shall be in Form F, and be presented to the Range Forest Officer within whose jurisdiction the grower's land on which Apta plants grow is situate. The Range Forest Officer, shall, after due verification, grant a certificate in Form G, or reject the application after recording his reasons therefor. (3) The certificate of registration shall be valid till such time as it is cancelled by the Range Forest Officer for reasons to be recorded by him in writing, or till the time the applicant is in possession of the land in respect of which the certificate of registration has been obtained, whichever is earlier.(4)If the certificate is lost, destroyed or mutilated, a certified copy thereof may be obtained from the Divisional Forest Officer on payment of rupee one for each copy thereof. (5) The certificate of registration shall, when Apta Leaves are offered for depot set up in the unit under section 8, be produced before the authorised officer or agent purchasing the Apta Leaves for entries being made of the quantity of Apta Leaves purchased by him.(6)If so required by the State Government, every grower of Apta Leaves holding a certificate of registration shall furnish, not later than the 30th day of November each year, information as to the total quantity of Apia leaves collected by him and its disposal during the preceding year ending on the 31st day of October in such form as the State Government may direct. In the event of failure to submit the said information on or before the aforesaid date, the certificate of registration shall be liable to be cancelled.

8. Procedure of enquiry about rejected Apta Leaves.

(1)On receipt of a complaint under sub-section (2) of section 9, the officer holding the enquiry shall, as soon as possible, intimate the place, date and time fixed for holding the enquiry to the complainant.(2)On the date fixed or on any subsequent date to which the enquiry may be adjourned, such officer shall, after hearing the complainant or his duly authorised representative who may appear before him, and after making such further enquiry as he may deem necessary, pass such orders in terms of sub-section (3) or (4) of section 9 as he may consider fit.(3)If the complainant does not appear either personally or through his duly authorised representative, the enquiry officer shall take decision ex-parte making such enquiry as he may deem necessary.(4)Any compensation ordered to be paid as a result of the enquiry or any collection charges so ordered to be paid under sub-section (4) of section 9 shall be paid within one month from the communication of the orders to the person concerned.

9. Registration of manufacturers of bidis.

(1) Every manufacturer of bidis and every exporter of Apta Leaves shall get himself registered under section 11 in the manner hereinafter provided on payment of a registration fee of rupees fifty.(2)An application for registration shall be in Form H and shall be presented to the Divisional Forest Officer within whose jurisdiction the manufacturer of bidis or as the case may be, the exporter of Apta Leaves resides, or the principal place of his business is situate. If the manufacturer of bidis or, as the case may be, the exporter of Apta Leaves resides outside the State of Maharashtra, he may submit his application to any Divisional Forest Officer within the State. The application shall specify the calendar year for which registration is required, and shall be accompanied by evidence of payment of the registration fee. The Divisional Forest Officer may, after making such enquiry as he deems necessary, grant a certificate of registration in Form I or reject the application after recording his reasons therefor.(3)The registration shall be valid for the calendar year for which the certificate of registration is issued.(4) Every registered manufacturer of Bidies or every exporter of Apta leaves shall maintain a register of accounts of Apta Leaves in Form J. He shall submit to the Divisional Forest Officer returns of stocks of Apta Leaves in Form K twice every year in respect of stocks as on the 31st March and the 31st August not later than such date or dates as the Divisional Forest Officer may direct.(5)On receipt of the certificate of registration granted by the Divisional Forest Officer under sub-rule (2) every manufacturer of bidis and every exporter of Apta Leaves shall furnish a declaration in Form L to the Divisional Forest Officer on or before the 31st March or such other date as may be specified by the State Government. (6) If a certificate is lost, [destroyed] [Substituted for the word 'destroyed' by G. N. dated 31.3.1973.] or mutilated, a certified copy thereof may be obtained from the Divisional Forest Officer on payment of rupees five for each copy thereof.(7)(a)Where any manufacturer of bidis or exporter of Apta Leaves has committed any breach of these rules, or has been prosecuted under section 15 of the Act and found guilty, the certificate of registration granted to him shall be liable to be cancelled by the Divisional Forest Officer: Provided that, before the certificate of registration is cancelled on the ground of breach of any rule, the manufacturer or exporter concerned shall be given an opportunity of being heard.(b)An appeal shall lie to the Conservator of Forests against an order of the Divisional Forest Officer cancelling the certificate of registration, which shall be made within three months from the date of such order.

10. Certificate of sale.

- The State Government or the authorised officer or an agent who sells or delivers Apta Leaves to the purchaser shall grant him a certificate of sale in Form M. Any person who claims to have purchased Apta Leaves from the State Government or its authorised officer or agent shall be required to produce such certificate in support of his claim, failing which his claim shall not be accepted. Form A[See rule 3(2)]Form of Application to The State Government for Appointment as Agent in Respect of Apta LeavesI/We hereby apply for appointment as Agent for the purposes of purchase from growers, and collection for Government land of Apta Leaves in respect of unit No. (Name of Unit) of. Forest Division for the period ending. The required particulars are as follows:

...... State and stored at to by rail/road/air/sea route (place of storage) via...... The transported goods will be stored at (place of storage)The

certificate of sale issued by Forest Officer is enclosed. Necessary transport permit for the transport of above goods may please be issued. Yours faithfully,
Name of Permit holder Description of produce Quantity Value Rs. Period allowed for transport
Signature of Permit Officer or authorised person.Place:
1. 2. 3.
(6)Place or placeswhere Apta leaves will be stored temporarily till delivery. Certificate of record of rights proving ownership of the above land/s is enclosed. Place:
Village Details of holding Place of storage
The certificate is granted subject to the condition that the person named herein shall abide by the provisions of the Maharashtra Minor Forest Produce (Regulation of Trade in Apta Leaves) Rules, 1971. Seal Divisional Forest Officer Division Place: Form H[See rule

Full name and address of the applicant.

Location survey number and area of the plots on whichmanufacture of finished goods is done.

Name and trade mark, if any of the finished goods using AptaLeaves as raw material.

(a) Annual production of finished goods and the quantity of Apta Leaves consumed for last three years:- Year Quantity Consumed Quantity of finished goods manufactured.

- 1.
- 2.
- 3.

Or

(b) Quantity of Apta leaves Year exported outside the State forlast three years. Year Quantity Consumed Quantity of finished goods manufactured.

- 1.
- 2.
- 3.

Estimated annual requirement Apta leaves for purpose of :

- (i) exports
- (ii) manufacture.

Name of places of godowns where applicant's stock of Aptaleaves is stored.

6.

5.

2.

3.

4.

7.

Quantity

imported form

outside the

How last three years

were obtained:

requirement of Apta leaves

State of Maharashtra Quantity within the State of Year Maharashtra Since when the applicant is 8. in the trade as -(i) manufacturer of Bidis (ii) exporter of Apta leaves Quantity (in quintals) of Apta leaves for which 9. registration isrequired. (10) [Entry serial number 10 was deleted by G.N. dated] 31.3.1973.] 10. [] [Entries at serial number Whether the applicant was 11, 12 and 13 were re-numbered previously registered and, as entries 10, 11 and 12, 13 were of so, inwhat year and in re-numbered as entries 10, 11 which division and for what and 12, by G.N. dated quantity. 31.3.1973.] 11. [] [Entries at serial number Any other information the 11, 12 and 13 were re-numbered applicant desire to give as as entries 10, 11 and 12, 13 were anevidence that he is a re-numbered as entries 10, 11 bona fide manufacturer or and 12, by G.N. dated exporter. 31.3.1973.] 12. [] [Entries at serial number 11, 12 and 13 were re-numbered Evidence of payment of as entries 10, 11 and 12, 13 were registration fee of rupees re-numbered as entries 10, 11 fifty. and 12, by G.N. dated 31.3.1973.] Manufacturer of Bidis and/or Exporter of Apta LeavesThis is to certify that Shri/Sarwashreeyear.....as manufacturer of bidis and/or exporter of Apta leaves for purpose of section 11 of the Maharashtra Minor Forest Produce (Regulation of Trade) Act, 1969 and the rules made thereunder. Estimated quantity of Apta leaves handled annually for manufacture of bidis/export of

Apta leaves is abo Storage	outqui	ntals stored at one, m	ore or all of	the follow	ving place	es :Place of	f
		25					
	• • •						
Conservator of Fo	orests	Divisional Forest O Circle for information orter of Apta LeavesN Registrati	n.Form J[Se ame of Godo	e rule 9(4 wn	ı)]Form o	f Register	of
Date Stock on ha	nd Quantity a	dded Source from wh	ich brought	Quantit	y Total St	ock	
1 2	3			4	5		
Quantity remove	d Quantity ren	dered useless and des	stroyed Bala	ance Ren	narks		
1	2		3	4			
Statement of Perion	odical Return of the control of the	e separately kept for of Manufacturer/Export of Manufacturer/Export at the time of flastreturn or Stock et time of registration	orter of Apta oorter Stock addec interval bet	LeavesRR d during to	eturn for egistration the mission o	period end on No Total Sto	ding ock
Purchase from Government	Imported from	n other States					
1	2		3			4	5
Stock utilised dur of the return(in q		Balance stock on the submission of return		Remark	ïS		
Consumed for ma	anufacture	Exported		Sold to Govern	ment	Destroyed	L
6		7		8		9	10 11
Manufacturer/Ex Manufacturer/Ex shown below are	porter of Apta porter in actually in my/	sion of return :Form I LeavesI/We Forest Division, h our possession at the Stock on hand on	who is/a ereby declar places show	are registere that the range of the register o	ered as e stock of		es as

All the details given above are correct to the best of my/our knowledge and I/We shall be able to
produce evidence in their proof.Place Date of declarationSignature of
Manufacturer/Exporter.Presented in duplicate on theto the Divisional Forest Officer .
Signature of Manufacturer/Exporter.Copy submitted to the Conservator of Forest,
Circle.Form M[See rule 10]Form of Certificate of Sale of Apta LeavesPlace :
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