

# The M.P. Van Upaj (Vyapar Viniyaman) Adhiniyam, 1969

MADHYA PRADESH

India

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### Act 9 of 1969

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The M.P. Van Upaj (Vyapar Viniyaman) Adhiniyam, 1969(M.P. Act No. 9 of 1969)[Dated 31st July, 1969]Received the assent of the President on the 31st July, 1969; assent first published in the "Madhya Pradesh Gazette" (Extraordinary), dated the 2nd August, 1969.An Act to make provision for regulating in the public interest the trade of certain forest produce by creation of State monopoly in such trade.Be it enacted by the Madhya Pradesh Legislature in the Twentieth Year of the Republic of India as follows :-

### 1. Short title, extent and commencement.

(1)This Act may be called the Madhya Pradesh Van Upaj (Vyapar Viniyaman) Adhiniyam, 1969.(2)It extends to the whole of Madhya Pradesh.(3)It shall come into force,-(i)at once in such areas and in respect of such forest produce as have been specified by notification issued under sub-section (3) of Section 1 of the Madhya Pradesh Van Upaj (Vyapar Viniyaman) Adhyadesh, 1969 (9 of 1969), repealed under Section 23; and(ii)in such other area or areas and in relation to such other forest produce and on such date or dates as the State Government may, by notification, specify in this behalf.

### 2. Definitions.

- In this Act, unless the context otherwise requires,-(a)"agent" means an agent appointed under Section 4;(b)"Code" means the Madhya Pradesh Land Revenue Code, 1959(c)[x x x] [[Omitted by M.P. Act No. 16 of 2002. Prior to omission it read as under:](c) 'Committee' means an Advisory Committee constituted for each Revenue Commissioner's division under sub-section (1) of Section 6;](d)"forest produce" means [[Kastha] [Substituted by M.P. Act No. 28 of 1983 (w.e.f. 15-9-1983).] of any of the species specified in clause (o)], [Bamboos of all species] [Inserted by M.P. Act No. 5 of 1974 (w.e.f. 8-11-1973).], Khair Catechu (Katha), Catechin (Cutch), Kulu gum, Dhawara

gum, Khair gum, Babool gum, Sal resin, Salai resin (Cheed gum), Rosha grass, Rosha grass oil, Lac in all forms, Shellac, Mahua flowers, Tori or Gulli (Mahua seeds), Chironji Gulhli, Chironji, [sal seeds] [Inserted by M.P. Act No. 7 of 1975 (w.e.f. 5-5-1975).], Harra and Kacharia, Mahul leaves and Mahul bark and phool-bahari grass or phool bahari;(e)"Government lessee" means a person holding land from the State Government under Section 181 of the Code;(f)"grower of forest produce" means-(i)in respect of forest produce grown or found in areas as may from time to time, be constituted as reserved or protected forests under the Indian Forest Act, 1927 (16 of 1927) the State Government, and(ii)in respect of forest produce grown or found in areas not covered under (i) above,(a)the State Government, where the forest produce is grown or found on unoccupied land as defined in clause (z-3) of sub-section (1) of Section 2 of the Code;(b)the tenure holder or a tenant or a Government lessee of the holding or a holder of a service land, as the case may be, in a unit on which the forest produce grows or is found and includes every person who, from time to time, claims title to such forest produce through him; and(c)the Bhoodan holder, under the Madhya Pradesh Bhoodan Yagna Adhiniyam, 1968 (28 of 1968) in a unit on which the forest produce grows or is found and includes every person, who from time to time, claims title to such forest produce through him;(g)"holding" means-(i)a parcel of land separately assessed to land revenue and held under one tenure; and(ii)in reference to land held by a tenant or Government lessee a parcel of land held from a Bhumiswami or the State Government, as the case may be, under one lease or set of conditions;(h)holder of a service land" means a person holding land on the condition of rendering service as a village servant;(i)"licensed vendor" in relation to a specified forest produce means person to whom a licence is issued under Section 13 for retail sale of such forest produce;(j)"retail sale" means a sale of any specified forest produce not exceeding such quantity as the State Government may, by notification, specify in respect of such specified forest produce;(k)"specified area" in relation to a specified forest produce means the area specified in notification under sub-section (3) of Section 1 for such specified forest produce;(l)"specified forest produce" in relation to a specified area means the forest produce specified in notification under sub-section (3) of Section 1 for such specified area;(m)"tenant" means a person holding land from a Bhumiswami as an occupancy tenant under Chapter XIV of the Code;(n)"tenure holder" means a person who holds land from the State Government and who is or is deemed to be a Bhumiswami under the provisions of the Code;(o)[ "Kashlha" means all wood, whether cut up, fashioned or hollowed cut for any purpose or not, standing or felled of the following species :-] [Substituted by M.P. Act No. 28 of 1983 (w.e.f. 15-9-1983).]

Teak	<i>Tectora grandis</i>
Sal	<i>Shorea roubusta</i>
Bija	<i>Pterocarpus Marsupium</i>
Tinsa	<i>Ouginia dalbargoides</i>
Shisham	<i>Dilbergis latifolia</i>
Dhawra	<i>Annogeissus latifolia</i>
Saj	<i>Terminalia tomentosa</i>
Mahua	<i>Madhuca latifolia</i>
Bhirra	<i>Chloroxy on swietenia</i>

Karanj    Pongamia glabra  
Tendu    Diospyros meleroxylon  
Lendia    Lagerstrosmia parviflra  
Salai    Boswellia serrata.]

(p)"unit" means a sub-division of a specified area constituted into a unit under Section 3;(q)words and expressions used but not defined in this Act and defined in the Indian Forest Act, 1927 (16 of 1927), shall have the meanings assigned to them in that Act.

### **3. Constitution of units.**

- The State Government may divide every specified area in such number of units as it may deem fit :Provided that a specified area may be divided into different units for different specified forest produce.

### **4. Appointment of agents.**

(1)The State Government may, for the purchase of and trade in, specified forest produce on its behalf appoint one or more agents in respect of different units for all or any specified forest produce and any such agent may be appointed in respect of more than one unit.(2)[ A co-operative society, a Gram Panchayat or a Janpada Panchayat may be appointed as an agent under sub-section (1) for one or more units and only in the event of none of the aforesaid forthcoming for appointment as agent, an individual may be so appointed as agent.] [Substituted by M.P. Act No. 28 of 1983 (w.e.f. 15-9-1983).](3)The terms, conditions and the procedure for appointment of agent shall be such as may be prescribed.

### **5. Restriction on purchase of transport of specified forest produce.**

(1)On the issue of a notification under sub-section (3) of Section 1 with respect to any area, no person other than,-(a)the State Government;(b)an officer of the State Government authorised in writing in that behalf; or(c)an agent in respect of the unit in which the specified forest produce is grown or found;shall purchase or transport such specified forest produce in such area.Explanation I. - Purchase shall include purchase by barter.[Explanation II. [Substituted by M.P. Act No. 16 of 1990 (w.e.f. 21-8-1990).] - Purchase of specified forest produce from the State Government or the aforesaid Government Officer or Agent or a licensed Vendor or purchase under Section 12-A shall not be deemed to be a purchase in contravention of the provisions of this Act.]Explanation III. - A person having no interest in the holding who has acquired the right to collect the specified forest produce grown or found on such holding shall be deemed to have purchased such produce in contravention of the provisions of this Act.(2)Notwithstanding anything contained in sub-section (1),-(a)a grower of forest produce other than Mahua may transport his produce from any place within the unit wherein such produce is grown or is found to any other place in that unit; and a grower of Mahua may possess and transport Mahua from any place within the district where such Mahua is grown or is found to any place within that district;(b)any person any transport the specified forest produce not exceeding the quantity as may be prescribed from the place of purchase

of such produce to the place where such produce is required for his bona fide use or for consumption;(c)[ specified forest produce purchased from the State Government or any officer or agent specified in the said sub-section by any person for manufacture of goods within the State in which such specified forest produce is used as raw material or by any person for sale outside the State or by the licensed vendor may be transported by such person in accordance with the terms and conditions of a transit pass to be issued in that behalf by such authority in such manner and on payment of such fee as may be prescribed. Different rate of fee may be prescribed for different types of transport vehicle; and] [Substituted by M.P. Act No. 15 of 1987.](d)any person having right of nistar in any forest in respect of any specified forest produce under any law for the time being in force, may transport such produce for his domestic use or consumption in such quantity and subject to such terms and conditions as may be prescribed.(3)Any person desiring to sell the specified forest produce may sell them to the aforesaid Government officer or agent at any depot situated within the said unit:Provided that the State Government, the Government Officer or agent shall not be bound to repurchase the specified forest produce once sold.

**6. [ [Omitted by M.P. Act No. 16 of 2002. Prior to omission it read as under:**

'6. Constitution of Advisory Committee. -(1) The State Government shall for each calendar year constitute in respect of each specified forest produce an Advisory Committee for each Revenue Commissioner's Division in the State consisting of not more than nine members as may be notified by the State Government from time to time for the purpose of advising the State Government in the matter of fixation of a fair and reasonable price of each specified forest produce at which such produce may be purchased by the State Government or its authorized officer or agent as are offered for sale in such division in accordance with the provisions of this Act:Provided that,-(i)two of the members shall be from amongst the traders of such specified forest produce or manufacturers of goods in which such specified forest produce is used as raw materials;(ii)at least two members shall be from amongst the growers of such specified forest produce other than the State Government;(iii)one member shall be from amongst the members of Parliament representing the State and belonging to Scheduled Tribes; and(iv)one member shall be from amongst the members of State Legislature belonging to Scheduled Tribes.(2)It shall also be the duty of the Committee to advise the State Government on such other matters as may be referred to it by the State Government.(3)The business of the Committee shall be conducted in such manner as may be prescribed.(4)The members of the Committee shall be entitled to such allowances as may be prescribed.(5)The Committee shall tender its advice to the State Government within such period as the State Government may, for each Committee, specify in this behalf.']]Omitted.]

**7. [ Government to fix price. [[Substituted by M.P. Act No. 16 of 2002 (w.e.f. 30-8-2002). Prior to substitution it was as under:**

**7. Government to fix price in consultation with Committee. - The State Government shall after consultation with the Committee constituted under Section 6, fix the price at which specified forest produce shall be purchased by it or by any of its authorised officer or agent from growers of specified**

**forest produce in the Revenue Commissioner's division and shall publish the same in the Gazette and in such other manner as may be prescribed not later than the 30th day of June of the calendar year for which the Committee is constituted and the price so fixed shall remain in force up to the end of such calendar year and shall not be altered during that year;**

Provided that if the Committee fails to tender advice within the period specified under sub-section (5) of Section 6 or such further period not exceeding fifteen days as the State Government may allow, the State Government may proceed to fix the price without consultation of the Committee :Provided further that different prices may be fixed for different units, and in so doing regard shall be had amongst other things to, -(a)prices of specified forest produce obtained or fixed under this Act or any other enactment during the preceding three years in respect of the area comprised in the unit;(b)quality of the specified forest produce in the unit;(c)transport facilities available in the unit;(d)the cost of transport; and(e)general level of wages for unskilled labour prevalent in the unit.'])- The State Government shall fix the price at which specified forest produce shall be purchased by it or by any of its authorised officer or agent from growers of specified forest produce in such manner as may be prescribed :Provided that different prices may be fixed for different units, and in so doing regard shall be had amongst other things to,-(a)prices of specified forest produce obtained or fixed under this Act or any other enactment during the preceding three years in respect of the area comprised in the unit;(b)quality of the specified forest produce in the unit;(c)transport facilities available in the unit;(d)the cost of transport; and(e)general level of wages for unskilled labour prevalent in the unit.]

## **8. Opening of depots and publication of price list, etc., at the depot.**

- There shall be set up in each unit such number of depots and at such places as the State Government may, taking into consideration the convenience of the growers of specified forest produce, direct and a price list of specified forest produce fixed by the State Government under Section 7 and the hours of business shall be prominently displayed on the notice board kept for the purpose at every such depot.

## **9. State Government or agent to purchase specified forest produce.**

(1)The State Government or their authorised officer or agent shall be bound to purchase at the price fixed under Section 7 specified forest produce offered for sale at the depot during the hours of business :Provided that it shall be open to the State Government or the authorised officer or the agent to refuse to purchase any specified forest produce which in their opinion is not fit for the purpose of consumption or use as raw material for manufacture or for trade.(2)Any person aggrieved by rejection of his specified forest produce by an authorised officer or agent under proviso to sub-section (1) may, within fifteen days therefrom, refer the matter to the [Officer-in-charge of Forest Division] [Substituted for 'Divisional Forest Officer' by M.P. Act No. 11 of 2009.], or such other officer who may be empowered by the State Government in this behalf, having jurisdiction over the unit in which the specified forest produce has been grown or found.(3)On receipt of a

complaint under sub-section (2), the [Officer-in-charge of Forest Division] [Substituted for Divisional Forest Officer' by M.P. Act No. 11 of 2009.], or such other officer, as the case may be, shall hold an enquiry in the prescribed manner and after hearing the parties concerned shall pass such orders as he may deem fit and in case finds the rejection of the specified forest produce to be improper, he may, - (a) if he considers the specified forest produce in question still suitable for the manufacture in which specified forest produce is used or for trade direct the authorised officer or agent, as the case may be, to purchase the same and may also award to the person aggrieved such further compensation not exceeding twenty per centum of the price of the specified forest produce payable to him as he may deem fit. (b) if he considers that the produce in question has since become unsuitable for the manufacture in which such specified forest produce is used or for trade, direct the payment to the person aggrieved of any amount not less than the price of such produce payable to him under sub-section (1) and such further compensation not exceeding twenty per centum of such price as he may deem fit by way of damages for the loss suffered by such person. (4) Nothing in this section shall be construed so as to debar the appropriation of the produce offered for sale if the State Government or their authorised officer or the agent has reason to believe that the produce appertain to forests or lands belonging to the State Government and paying only such collection charges if any, as the State Government may from time to time determine : Provided that in case of any dispute, the [Officer-in-charge of Forest Division] [Substituted for 'Divisional Forest Officer' by M.P. Act No. 11 of 2009.], or such other officer who may be specifically empowered in this behalf as specified in sub-section (2) shall hear and dispose of the same in the manner provided therein.

## **10. Registration.**

- Every grower of specified forest produce shall if the quantity of a specified forest produce grown by him during a year is likely to exceed such quantity as may be prescribed, get himself registered in the prescribed manner.

## **11. Registration of manufacturers, traders and consumers of specified forest produce.**

(1) Every manufacturer who uses any specified forest produce as a raw material and every trader or a consumer whose annual use, requirement or consumption, as the case may be, exceeds such quantity as may be prescribed, shall get himself registered within such period, on payment of such fee and in such manner as may be prescribed. (2) Every such manufacturer, trader or consumer shall submit such declarations, accounts and returns and in such forms and to such officer and at such intervals as may be prescribed.

## **12. Disposal of specified forest produce.**

- Specified forest produce purchased by the State Government or by its officer or agent under this Act shall be sold or otherwise disposed of in such manner as the State Government may direct.

## **12A. [ Re-sale of excess specified forest produce by manufacturer, trader or consumer. [Inserted by M.P. Act No. 15 of 1987.]**

(1) Any manufacturer who uses any specified forest produce as a raw material, or any trader or consumer of specified forest produce with whom such produce is left over in excess after his use, requirement or consumption, shall not re-sell the same without the permission, of the State Government or any officer authorised by the State Government in this behalf (hereinafter referred to in this section as authorised officer). The manufacturer, trader or consumer intending to sell the specified forest produce left with him in excess shall apply in writing, for permission, to the State Government or the authorised officer clearly stating therein, - (i) the quantity of specified forest produce intended to be sold; (ii) the rate at which such produce is offered for sale; and (iii) the person to whom, the offer is made. (2) Any registered manufacturer, trader or consumer of specified forest produce who intends to purchase such forest produce mentioned in sub-section (1) shall not purchase the same without the permission in writing, of the State Government or the authorised officer. Such registered manufacturer, trader or consumer shall apply in writing for permission to State Government or the authorised officer clearly stating therein, the name of the seller, the quantity of such forest produce to be purchased and the rate agreed therefor. (3) [ On receipt of application under sub-section (1) for reselling the specified forest produce and application under sub-section (2) for the purchase of such specified forest produce, the State Government or the authorised officer may, on payment of such consideration by the purchaser, as may be prescribed, grant the permission in writing to both of them] [Substituted by M.P. Act No. 16 of 1990 (w.e.f. 21-8-1990).].

## **13. Retail sale of specified forest produce.**

(1) No person shall engage himself in retail sale of a specified forest produce except under a licence granted under this section. (2) The State Government may, for the purpose of facilitating retail sale of a specified forest produce within the State, grant licenses to as many persons as it may deem fit. (3) Any person who desires to engage himself in retail sale of a specified forest produce shall make an application in such form, to such authority and in such manner as may be prescribed. (4) The prescribed authority may, on receiving such application, and on payment of such fee as may be prescribed, grant or renew a licence subject to such terms and conditions as may be prescribed.

## **14. Delegation of powers.**

- The State Government may, by order, delegate any of its powers or functions under this Act or the rules made thereunder to any officer or authority not below the rank of an Assistant Conservator of Forests who shall exercise or perform the same, subject to such conditions and restrictions as the State Government may specify in the order.

## **15. [ Search and seizure of property liable to confiscation and procedure therefor. [Substituted by M.P. Act No. 15 of 1987 (w.e.f. 21-11-1986).]**

(1)[Any Forest Officer as may be notified by the State Government or any Police Officer not below the rank of an Assistant Sub-Inspector] or any other person authorised by the State Government may, with a view to securing compliance with the provisions of this Act or the rules made thereunder or to satisfying himself that the said provisions have been complied with,-(i)stop and search any person, boat, vehicle or receptacle used or intended to be used for the transport of specified forest produce;(ii)enter and search any place.(2)When there is reason to believe that any offence under this Act has been committed in respect of any specified forest produce, [any Forest Officer as may be notified by the State Government or any Police Officer not below the rank of an Assistant Sub-Inspector] [Substituted by M.P. Act No. 16 of 1990 (w.e.f. 21-8-1990).] or any person authorised by the State Government in this behalf may, seize such specified forest produce alongwith all tools, boats, vehicles, ropes, chains or any other articles used in committing such offence under the provisions of this Act.(3)Any officer or person seizing any property under this section shall place on all such properly a mark indicating that the same has been so seized and shall, as soon as may be, either produce the property seized before the officer not below the rank of an Assistant Conservator of Forest authorised by the State Government in this behalf, by notification (hereinafter referred to as the authorised officer) or where it is having regard to quantity or bulk or other genuine difficulty, not practicable to produce the property seized before the authorised officer, make a report about the seizure to the authorised officer, or where it is intended to launch criminal proceedings against the offender immediately make report of such seizure to the Magistrate having jurisdiction to try the offence on account of which seizure has been made :Provided that, when the specified forest produce with respect to which such offence is believed to have been committed is the property of Government and the offender is unknown, it shall be sufficient if the officer makes as soon as may be a report of the circumstances to his official superior.(3A)[ Any forest officer of a rank not interior to that of a Ranger, who or whose subordinate, has seized any tools, boats, vehicles, ropes, claims or any other article as liable for confiscation, may release the same on the execution by the owner thereof, of a security in a form as may the prescribed, of an amount equal to double the value of such property, as estimated by such officer, of the production of the property so released, when so required, before the officer authorized to order the confiscation or the Magistrate having jurisdiction to try the offence on account of which the seizure has been made.] [Inserted by M.P. Act No. 14 of 2007.](4)Subject to the provisions of sub-section (6), where the authorised officer upon production before him of the specified forest produce or upon receipt of report about the seizure, as the case may be, is satisfied that offence has been committed in respect thereof, he may, by order in writing and for reasons to be recorded confiscate the specified forest produce so seized together with all tools, vehicles, boats, ropes, chains or any other articles used in committing such offence. A copy of order of confiscation shall be forwarded without any undue delay to the [Officer-in-charge of Forest Circle] [Substituted for 'Conservator of Forest of the Circle' by M.P. Act No. 11 of 2009.] in which the specified forest produce has been seized.(5)No order confiscating any property shall be made under subsection (4) unless the authorised officer,-(a)sends an intimation in forms prescribed about initiation of proceedings for confiscation of property to the Magistrate having jurisdiction to try the offence on account of which the seizure has been made;(b)issues a notice in writing to the person from whom the property is seized, and to any other person who may appear to the



authorised officer to have some interest in such property;(c)affords an opportunity to the persons referred to in clause (b) of making a representation within such reasonable time as may be specified in the notice against the proposed confiscation; and(d)gives to the officer or person effecting the seizure and the person or persons to whom notice has been issued under clause (b), a hearing on the date to be fixed for such purpose.(5A)[ When the authorised officer having the jurisdiction over the case is himself involved in the seizure of investigation, the next higher authority may transfer the case to any other officer of the same rank for conducting proceedings under this section.] [Inserted by M.P. Act No. 14 of 2007.](6)No order of confiscation under sub-section (4) of any tools, vehicles, boats, ropes, chains or any other articles (other than specified forest produce seized) shall be made if any person referred to in clause (b) of sub-section (5) proves to the satisfaction of authorised officer that any such tools, vehicles, boats, ropes, chains or other articles were used without his knowledge or connivance or as the case may be, without the knowledge or connivance of his servant or agent and that all reasonable and necessary precautions had been taken against use of objects aforesaid for commission of an offence under this Act.(6A)[ The seized forest produce or any other property, if ordered to be released by the authorised officer, shall continue to be under custody until confirmation of the order of the authorised officer by the Appellate Authority or until the expiry of the period for initiating "suo motu" action by him, whichever is earlier, as specified under Section 15-A.] [Inserted by M.P. Act No. 14 of 2007.](7)[ The provisions of Sections 102 and 103 of the Code of Criminal Procedure, 1973 (No. 2 of 1974) relating to search and seizures shall so far as may be apply to searches and seizures under this section] [Inserted by M.P. Act No. 16 of 1990 (w.e.f. 21-8-1990).].

### **15A. Appeal against [order of authorised officer] [Substituted for 'order of confiscation' by M.P. Act. No. 14 of 2007.].**

(1)Any person aggrieved by [any order of authorised officer] [Substituted for 'any order of confiscation' by M.P. Act No. 14 of 2007.] may within thirty days of the order, or if fact of such order has not been communicated to him, within thirty days of date of knowledge of such order, prefer an appeal in writing accompanied by such fee and payable in such form as may be prescribed, and by certified copy of [order of authorised officer] [Substituted for 'order of confiscation' by M.P. Act No. 14 of 2007.] to the [Officer-in-charge] [Substituted for 'Conservator of Forest' by M.P. Act. No. 14 of 2007.] (hereinafter referred to as Appellate Authority) of the forest circle in which the forest produce, has been seized.Explanation. - The time requisite for obtaining certified copy of the order of confiscation shall be excluded while computing period of thirty days referred to in this sub-section.(2)The Appellate Authority referred to in sub-section (1), may, where no appeal has been preferred before him, "suo motu" within thirty days of date of receipt of copy of [order of authorised officer] [Substituted for 'order of confiscation' by M.P. Act No. 14 of 2007.] by him, and shall on presentation of memorandum of appeal issue a notice for hearing of appeal or, as the case may be, of "suo motu" action to the officer or person effecting seizure and to any other person (including appellant, if any) who in the opinion of the Appellate Authority, is likely to be adversely affected by the [order of authorised officer] [Substituted for 'order of confiscation' by M.P. Act No. 14 of 2007.] and may send for the record of the case :Provided that no formal notice of appeal need be issued to such amongst the appellant officer or person effecting seizure and any other person likely to be adversely affected as aforesaid, as may waive the notice or as may be informed in any

other manner of date of hearing of appeal by the Appellate Authority.(3)The Appellate Authority shall send intimation in writing of lodging of appeal or about "suo motu" action, to the authorised officer.(4)The Appellate Authority may, pass such orders of "interim" nature for custody, preservation or disposal (if necessary) of the subject-matter of confiscation, as may appear to be just or proper in the circumstances of the case.(5)The Appellate Authority, having regard to the nature of the case of the complexities involved, may permit parties to the appeal to be represented by their respective legal practitioners.(6)On the date fixed for hearing of the appeal or "suo motu" action, or on such date to which the hearing may be adjourned, the Appellate Authority peruse the record and hear the parties to the appeal if present in person, or through any agent duly authorised in writing or through a legal practitioner, and shall thereafter proceed to pass an order of confirmation, reversal or modification of [order of authorised officer] [Substituted for 'order of confiscation' by M.P. Act No. 14 of 2007.] :Provided that before passing any final order, the Appellate Authority may, if it is considered necessary for proper decision of appeal or for proper disposal of "suo motu" action, make further inquiry itself or cause it to be made by the authorised officer, and may also allow parties to file affidavits for asserting or refuting any fact that may arise for consideration and may allow proof of facts by affidavits.(7)The Appellate Authority may also pass such orders of consequential nature, as it may deem necessary.(8)Copy of final order or of order of consequential nature, shall be sent to the authorised officer for compliance or for passing any other appropriate order in conformity with the order of Appellate Authority.

## **15B. Revision before Court of Sessions against order of Appellate Authority.**

(1)Any party to the appeal, aggrieved by final order or by order of consequential nature passed by the Appellate Authority, may within thirty days of the order sought to be impugned, submit a petition, for revision to the Court of Sessions within the Sessions divisions whereof the headquarters of the Appellate Authority are situate.Explanation. - In computing the period of thirty days under this sub-section, the time requisite for obtaining certified copy of the order of Appellate Authority shall be excluded.(2)The Court of Sessions may confirm, reverse or modify any final order of consequential nature passed by the Appellate Authority shall be excluded.(3)Copies of the order passed in revision shall be sent to the Appellate Authority and to the Authorised Officer for compliance or for passing such further order or for taking such further action as may be directed by such Court.(4)For entertaining, hearing and deciding a revision under this section, the Court of Sessions shall, as far as may be, exercise the same powers and follow the same procedure as it exercises and follows while entertaining hearing and deciding a revision under the Code of Criminal Procedure, 1973 (No. 2 of 1974).(5)Notwithstanding anything to the contrary contained in the Code of Criminal Procedure, 1973 (No. 2 of 1974) the order of the Court of Sessions passed under this section shall be final and shall not be called in question before any Court.

## **15C.**

Bar of jurisdiction of Court etc. under certain circumstances. -(1)On receipt of intimation under sub-section (5) of Section 15 about initiation of proceedings for confiscation of property by the Magistrate having jurisdiction to try the offence on account of which the seizure of property which is subject matter of confiscation, has been made, no Court, Tribunal or Authority (other than the

authorised officer, Appellate Authority and Court of Sessions referred to in Sections 15, 15-A and 15-B as the case may be), shall have jurisdiction to make orders with regard to which proceedings for confiscation are initiated under Section 15, notwithstanding anything contained in this Act, or any other law for the time being in force :Provided that before passing any order for disposal of property, the Magistrate shall satisfy himself that no intimation under sub-section (5) of Section 15 has been received by his Court or by any other Court having jurisdiction to try the offence on account of which the seizure of property has been made. Explanation. - Where under any law for the time being in force, two or more Courts have jurisdiction to try offence under this Act, then receipt of intimation under sub-section (5) of Section 15 by one of the Court of Magistrate having such jurisdiction shall be construed to be receipt of intimation under that provision by all the Courts and the bar to exercise jurisdiction shall operate on all such Courts. (2) Nothing hereinbefore contained shall be deemed to prevent any officer authorised in this behalf by the State Government from directing at any time the immediate release of any property seized under Section 15.

## **15D. Confiscation of property when the produce is not the property of Government.**

- All specified forest produce which in either case is not the property of the Government and in respect of which a contravention of any provision of the Act or the rules made thereunder has been committed and all tools, boats, vehicles, ropes, chains or any other articles, in each case used in committing such contravention shall, subject to the provisions of Sections 15, 15-A, 15-B and 15-C be liable to confiscation upon conviction of the offender for such contravention.

## **16. Penalty.**

- If any person contravenes any of the provisions of this Act or the rules made thereunder, -(a) [ he shall be punishable with imprisonment which may extend to two years or with fine which may extend to [twenty-five thousand rupees] [Substituted by M.P. Act No. 16 of 1990 (w.e.f. 21-8-1990).] or with both]. (b) the specified forest produce in respect of which such contravention has been made or such part thereof as the Court may deem fit shall be forfeited to the Government: Provided that if the Court is of the opinion that it is not necessary to direct forfeiture in respect of the whole, or as the case may be, any part of the specified forest produce it may, for reasons to be recorded, refrain from doing so.

## **17. Attempts and abatement.**

- Any person who attempts to contravene or abets the contravention of any provision of this Act or the rules made thereunder shall be deemed to have contravened such provision.

## **18. Cognizance of offences.**

- No Court shall take cognizance of any offence punishable under this Act except on a report in writing of the facts constituting such offence made by any Forest Officer not below the rank of a

[Officer-in-charge of forest division] [Substituted for 'Divisional Forest Officer' by M.P. Act No. 11 of 2009.] or any other officer as may be authorised by the State Government in this behalf.

## **19. [ Composition of offences. [[Substituted by M.P. Act No. 14 of 2007. Prior to substitution it read as under.**

'19. Composition of offences. -(1) The State Government may, by notification, empower a Forest Officer, -(a)to accept from any person against whom a reasonable suspicion exists that he has committed an offence punishable under this Act, a sum of money by way of compensation for the offence which such person is suspected to have committed; and(b)when any property other than a specified forest produce has been seized as liable to confiscation, to release the same on payment of the value thereof as estimated by such officer.(2)On the payment of such sum of money, or such value, or both, as the case may be, to such officer, the suspected persons shall be discharged, the property, other than the specified forest produce if any, seized shall be released, and no further proceedings shall be taken against such person or property.(3)A Forest Officer shall not be empowered under this section unless he is a Forest Officer of a rank not inferior to that of a Divisional Forest Officer, and the sum of money accepted as compensation under clause (a) of sub-section (1) shall in no case exceed the sum of one thousand rupees.'](1)The State Government may, by notification, empower a Forest Officer, -(a)to accept from any person against whom a reasonable suspicion exists that he has committed an offence punishable under this Act, or the rule made thereunder, a sum of money by way of compensation for the offence which such person is suspected to have committed; and(b)when any property other than a specified forest produce has been seized as liable to confiscation, to release the same, at any time before an order of confiscation is passed by an appropriate authority, on payment of the value thereof as estimated by such officer.(2)On the payment of such sum of money, or such value, or both, as the case may be, to such officer, the suspected persons shall be discharged, the property, other than the specified forest produce, if any, seized shall be released, and no further proceeding shall be taken against such person or property.(3)A Forest Officer shall not be empowered under this section unless he is a Forest Officer of a rank not inferior to that of a Ranger, and the sum of money accepted as compensation under clause (a) of sub-section (1) shall in no case be less than two times the value of the forest produce :Provided that in case the forest produce in respect of which an offence has been committed is not the property of the Government or in case the value of the forest produce is less than one thousand rupees, and if the offender has committed the offence for the first time, the suspected person may be discharged and the property other than the forest produce, if any, seized may be released on payment of the sum of ten thousand rupees or the value of such reized property, whichever is less, the seized forest produce may be released only if it is not the property of the Government or on the payment of the value thereof, as the ease may be.]

## **20. Savings in respect of acts done in good faith.**

(1)No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done in pursuance of this Act, or the rules made thereunder.(2)No suit or other legal proceedings shall lie against the State Government for any damage caused or likely to be caused or any injury suffered or likely to be suffered by virtue of the

provisions of this Act, or by anything which is in good faith done or intended to be so done in pursuance of this Act, or the rules made thereunder.

## **21. Power to make rules.**

(1)The State Government may, subject to the condition of previous publication, make rules to carry out all or any of the provisions of this Act.(2)In particular and without prejudice to generality of the foregoing powers such rules may provide for all or any of the following matters, namely,-(a)the terms, conditions and the procedure for appointment of agents under Section 4;(b)(i)the quantity of specified forest produce which may be transported by a consumer under Section 5 (2)(b);(ii)[ the terms and conditions of a transit pass subject to which specified forest produce may be transported, the authority by which, the manner in which and the fee on payment of which such transit pass shall be issued under clause (c) of sub-section (2) of Section 5] [Substituted by M.P. Act No. 15 of 1987 (w.e.f. 21-11-1986).];(c)(i)the manner of conduct of business of the committee under Section 6 (3);(ii)the allowances to which the members of the Committee shall be entitled under Section 6 (4);(d)the publication of the price list under Section 7;(e)the manner of holding enquiry under Section 9 (3);(f)(i)the prescription of quantity of specified forest produce under Section 10;(ii)the manner of registration under Section 10;(g)(i)prescription of the quantity of specified forest produce under sub-section (1) of Section 11;(ii)the period within which, the fee on payment of which and the manner in which the registration under sub-section (1) of Section 11 shall be made;(iii)declaration, accounts and returns which shall be submitted under sub-section (2) of Section 11 and the form in which, the officer to whom and the intervals at which they shall be submitted;(gg)[ the [consideration] [Inserted by M.P. Act No. 15 of 1987 (w.e.f. 21-11-1986).] on payment of which permission may be granted under sub-section (3) of Section 12-A].(h)(i)the form in which, the authority to whom and the manner in which an application under sub-section (3) of Section 13 shall be made;(ii)the fee for issue and renewal of a licence and the terms and conditions subject to which licence shall be granted under sub-section (4) of Section 13;(hh)[ the form in which the intimation of proceedings for confiscation of property shall be sent under sub-section (5) of Section 15; [Substituted by M.P. Act No. 15 of 1987 (w.e.f. 21-11-1986).](hhh)the form in which the appeal shall be preferred and the fee which shall be accompanied with such appeal and the form in which it shall be paid under sub-section (i) of Section 15-A].(i)any other matter which is either expressly or impliedly required to be prescribed under this Act.(3)All rules made under this Act shall be laid on the table of the Legislative Assembly.

## **22. [For other matters the provisions of Indian Forest Act shall apply] [Substituted by M.P. Act No. 15 of 1987 (w.e.f. 21-11-1986).]**

. - [(1)] [Substituted by M.P. Act No. 15 of 1987 (w.e.f. 21-11-1986).] The matters relating to the specified forest produce not provided for in this Act and provided for in the Indian Forest Act, 1927 (No. 16 of 1927) shall be governed by the provisions of that Act.(2)Nothing contained in any other law, rule, order or any other thing having a force of law in any region of the State shall apply to the specified forest produce in respect of matters for which provisions are contained in this Act.

## 22A. [ Power to exclude specified forest produce from the operation of the Act. [Inserted by M.P. Act No. 16 of 1972 (w.e.f. 2-6-1972).]

(1)The State Government may, from time to time, by notification, direct that from a date specified therein, a forest produce specified in the notification mentioned in or issued under sub-section (3) of Section 1 shall cease to be a specified forest produce in relation to the area or areas as may be specified in the said notification.(2)The State Government may, from time to time, by a like notification direct that from a date specified therein the specified forest produce which ceased to be so under sub-section (1) shall be specified forest produce in relation to the area or areas as may be specified in the said notification.(3)Even notification issued under sub-section (1) or sub-section (2) shall, as soon as may be, after it is issued, be laid on the table of the Legislative Assembly],

## 23. Repeal.

- As from the date specified in the notification issued under sub-section (3) of Section 1, the provisions of any law, rule, order or any other thing having a force of law in any region of the State immediately before the date aforesaid shall, in so far as such provision relates to matters provided in this Act, cease to apply in respect of the specified forest produce specified in the said notification. Notifications Notification dated 1-8-1969, published in M.P. Rajpatra (Asadharan), dated 1-8-1969 at pages 1918-1919. - The State Government under the section has delegated its powers specified in column (2) of the Schedule below to the officers specified in the corresponding entries in column (3) thereof who shall exercise the same subject to the conditions and restrictions, if any, specified in the corresponding entries in column (4) of the said Schedule.

## Schedule

Serial	Powers	Officers	Conditions and restrictions
(1)	(2)	(3)	(4)
1.	Power to constitute units under Section 3 of the Ordinance.	Conservator of Forests, Forest Produce, Bhopal.	The power shall be exercised with the prior approval of the State Government.
2.	Power to appoint agents under Section 4 of the Ordinance.	Conservators of Forests, Incharge of Territorial Units.	The power shall be exercised with the prior approval of the State Government.
3.	Power to direct opening of depots under Section 8 of the Ordinance.	Divisional Forests Officers	
4.	Power for composition of offences under Section 19 (1) of the Ordinance.	Conservators of Forests, Incharge of Territorial Units and Divisional Forest Officers.	

Notification dated 12th June, 1972, published in M.P. Rajpatra (Asadharan), dated 12-6-1972 at page 1735. - The State Government has directed that from 12-6-1972 the forest produce Mahua

flower and Mahua seed in the whole of Madhya Pradesh and Saj (*Terminalia tomentosa*) Timber in the revenue districts of Sidhi, Shahdol, Surguja (only Changbakhari Forest Division), Hoshangabad, Betul, Raipur, Durg and Bastar shall cease to be a specified forest produce.