

M.P. Vrikshon Ka Parirakshan (Nagriya Kshetra) Niyam, 2002

MADHYA PRADESH

India

M.P. Vrikshon Ka Parirakshan (Nagriya Kshetra) Niyam, 2002

Rule

M-P-VRIKSHON-KA-PARIRAKSHAN-NAGRIYA-KSHETRA-NIYAM-2002 of 2002

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M.P. Vrikshon Ka Parirakshan (Nagriya Kshetra) Niyam, 2002Published vide Notification No. F-30-4-2001-10-3, dated 11-4-2002, M.P. Rajpatra, Part 4 (Ga), dated 19-4-2002 at pp. 55-58In exercise of the powers conferred by Section 24 of the Madhya Pradesh Vrikshon Ka Parirakshan (Nagriya Kshetra) Adhiniyam, 2001 (No. 20 of 2001), the State Government hereby makes the following rules for the purpose of preservation and replanting of trees in Urban areas of Madhya Pradesh, namely :-

1. Short title, extent and commencement.

(1)These rules may be called the Madhya Pradesh Vrikshon Ka Parirakshan (Nagriya Kshetra) Niyam, [2002] [Substituted by Notification No. 38-F-1-52-03-XVIII-3, dated 19-8-2003.](2)They shall extend to the whole of the State of Madhya Pradesh.(3)These rules shall apply in all urban areas of the State from the date of their publication in the Madhya Pradesh Gazette.

2. Definitions.

- In these rules, unless the context otherwise requires,-(a)"Adhiniyam" the Madhya Pradesh Vrikshon Ka Parirakshan (Nagriya Kshetra) Adhiniyam, 2001 (No. 20 of 2001);(b)"Forest Act" means the Indian Forest Act, 1927 (No. XVI of 1927);(c)"Section" means a section of the Adhiniyam;(d)"Transit Rules" means Madhya Pradesh Transit (Forest Produce) Rules, 2000.

3. Procedure for obtaining permission.

(1) Any person desiring to fell, remove, uproot or sever stem from the root system, or dispose of by any means a tree (s) shall apply to the Tree Officer having jurisdiction on concerning urban area in Form I, alongwith a processing Fee of Rs. 100/- per application. The application shall be accompanied by the following documents :-(a) details of land where the tree is standing (Khasra No., Plot No., Ward No. etc. along with location map);(b) proof of ownership of land or lease documents or any other documents which can substantiate that the applicant has got ownership rights in the land in question;(c) details of tree (s) species, height, girth at basal area, condition of tree (sound, diseased, dying, dead, damaged, wind fallen, girdled or with any other peculiarity);(d) undertaking for compensatory plantation.(2) The permission granted under sub-section (2) of Section 6 of the Adhiniyam shall be subject to the condition that the applicant shall plant another tree or trees of the same or other suitable species on the same site or the premises and where this is not possible shall make a cash contribution of Rs. 500/- per tree within 30 days from the date the tree is felled or within such extended period as the Tree Officer may allow.

4. Power to release the property seized under Section 10.

- if the owner of the land executes a bond in Form-II the Tree Officer may release the seized property for the production of seized material whenever required.

5. Disposal of confiscated property.

- The Tree Officer, shall apply to the Magistrate first class, having jurisdiction for the disposal of the confiscated property. The application shall contain the details of the confiscated property and the order of the confiscation.

6. Power to compound offence.

- If the offender agrees in writing for compounding of the offence and the Tree Officer is also satisfied that the case is not fit for challan in the Court, he may compound the offence by imposing the penalty which may not exceed Rs. 5000/- per tree in respect of offence, which the person is suspected to have committed. In addition to above, the value of the produce will also be realised and seized property and person if in custody shall be released.

7. [Mode of deposit of recovered amount. [Inserted by Notification No. 38-F-1-52-03-XVIII-3, dated 19-8-2003.]

- Any amount recovered under these Niyam shall be deposited in the treasury of Municipal Corporation or Municipal Council or Nagar Panchayat, as the case may be, established in the Urban Area.]Form-I[See Section 6 (i)]Form of Application for Seeking Permission to Fell Tree (S)(submit application by hand in 2 copies)Registered To, The Tree Officer Urban Area.....District.....M.P.Sub. - Application for seeking permission to fell tree (s) in the

urban area of.....Dear Sir,I (Name of applicant), aged years, resident of (Address), do hereby submit application under provisions of the Section 6 (i) of the M.P. Vrikshon Ka Parirakshan (Nagriya Kshetra) Adhiniyam, 2001 to fell tree (s) at aforementioned site. The details are as follows :-

1. Name of the applicant :.....
2. Father's/Husband's Name :.....
3. Address of applicant :.....
4. Telephone :.....
5. E-mail, if any :.....
6. Location of tree (s) which require felling

House/Plot No.....
 Road.....
 Colony.....
 Khasra No.....
 Patwari Halka No
 Municipal Ward No.
 District
7. Details of tree (s)
 - (a) Number oftrees with girth
 - (b) Species
 - (c) Stalecondition of tree (s) (Whether dead, dying, diseased, Moribund,broken, Lightening, affected, wind fallen, uprooted, unsound, halvesound, sound etc.)
8. State reasons in detail why applicant wants to fell tree (s)
9. Details of land proposed for compensatory plantation
- (a) Locationof the site (House/Plot No. Street, Colony, R.I. Circle No.,Patwari Halka No., Tehsil, District and Ward No.)
- (b) Areaavailable for planting
- (c) Enclosemaps of land
- (d) Enclosewritten consent of the owner of land, if applicant is not theowner of land.
10. Nature of ownership of the land Bhumiswami patla, lease,tenancy etc.)
11. If the land is not available for compensatory plantation,willingness of the applicant to contribute Rs. 500/tree.
12. Specify documents enclosed with the application

(a)
 (c)
 (e)

(b)
 (d)
 (f)

13. Details of payment of fee (enclose receipt D.D., Challanetc.):

No.
Bank/Treasury.....
Amount Rs.....

UndertakingI..... S/o/W/o aged years, permanent resident of do hereby swear that the particulars provided in this application arc true to the best of my knowledge & belief and nothing material has been suppressed or distorted therein.I, further confirm that I shall raise and maintain the compensatory plantation as stipulated by the Tree Officer while granting permission to me.I, further confirm that I shall contribute Rs.....for compensatory plantation as directed by the Tree Officer.SignatureName of the Applicant.....Address.....For Office use Only

1. Case No. :.....
2. Date and Time of receipt :.....
3. Acknowledgment No. issued to applicant :.....
4. Sent to Assistant Tree Officer/Ward Officer for inquiry. :.....
5. Date of receipt of inquiry report :.....
6. Decision of the "Tree Officer" :.....
7. Date and despatch No. of order :.....

(Incharge of section)Form-II[See Rule 4]Surety BondI, (name), S/o Aged Years, Permanent resident of.....do hereby certify that the (details of property)has/have been seized by the competent officer under the provisions of the Section 10 of the M.P. Vrikshon ka Parirakshan (Nagriya Kshetra) Act, 2001. I, the owner of land in question, have taken over the possession of said property from the Tree Officer and I hereby furnish irrevocable bond to produce seized movable property before the Investigation Officer/Court,'or elsewhere required.DeponentVerificationI,.....(name), S/o Aged Years, permanent resident of do hereby verify that contents of this bond are true to my best belief & knowledge and nothing material has been suppressed in the bond, I again verify that I am bound by the conditions of this bond.Deponent*To be executed on stamp papers as per provisions of the Stamp Act, and verified by notary public/Oath Commissioner.