

The M.P. Adim Jan Jatiyon Ka Sanrakshan (Vrakshon Me Hit) Rules, 2000

MADHYA PRADESH

India

The M.P. Adim Jan Jatiyon Ka Sanrakshan (Vrakshon Me Hit) Rules, 2000

Rule

THE-M-P-ADIM-JAN-JATIYON-KA-SANRAKSHAN-VRAKSHON-ME-HIT of 2000

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The M.P. Adim Jan Jatiyon Ka Sanrakshan (Vrakshon Me Hit) Rules, 2000Published vide Notification No. F.23-4-99-25-5, dated 14th July, 2000, M.P. Rajpatra Part 4 (Ga) dated 21-7-2000 pages 225-235In exercise of the powers conferred by sub-section (1) of Section 11 of the Madhya Pradesh Adim Jan jatiyon ka Sanrakshan (Vrakshon me Hit) Adhiniyam, 1999 (No. 12 of 1999), the State Government hereby makes the following rules, namely :-

1. Short title, extent and commencement.

(1)These rules may be called The Madhya Pradesh Adim Jan Jatiyon Ka Sanrakshan (Vrakshon Me Hit) Rules, 2000.(2)They shall come into force with effect from the date of their publication in the "Madhya Pradesh Gazette."(3)They shall be applicable to whole of the Madhya Pradesh.

2. Definitions.

- In these rules, unless the context otherwise requires,-(a)"Act" means the Madhya Pradesh Adim Jan Jatiyon Ka Sanrakshan (Vrakshon Me Hit) Adhiniyam, 1999 (No. 12 of 1999);(b)"Code" means the Madhya Pradesh Land Revenue Code, 1959 (No. 20 of 1959);(c)"Bhumisioami" shall have the same meaning as assigned to it in the Code.

3.

The Bhumiswami shall submit an application on plain paper in Form I alongwith a copy of Rin Pustika to cut the trees from his holding to the Collector. The Collector shall register the application in accordance with the provisions of the Code. No application on behalf of the Bhumiswami by way of power of attorney or any other mode of authorisation shall be entertained.

4.

The Collector shall register and send one copy of the application so received to the Sub-Divisional Officer (Revenue) alongwith a letter in Form II, indicating the time limit by which the report should be sent, which shall not more than 25 days.(1)The Sub-Divisional Officer (Revenue) concerned shall forward the letter of the Collector alongwith enclosures to the Tahsildar who shall inspect the spot with land record staff as early as possible and firstly demarcate the area and verify the facts mentioned in the application. He shall also count the tree(s), which are proposed to be cut and record the species wise measurement of their girth at breast height and place serial number on each tree. A copy of the demarcation and measurement record shall be enclosed with the report.(2)The Tahsildar shall specifically examine the reasons specified in the application to cut the tree(s) and shall report any important and pertinent matter coming to his notice during the course of inquiry. He shall specifically inquire the requirement of fuel and timber by Bhumiswami for his bonafide personal use and record the same in his report. It shall be clarified to the Bhumiswami that the timber allowed for bonafide use shall be subject to a limit of one cubic meter and for which no transit pass shall be issued. He will also opine if the trees in general or any particular tree is required to be retained in public interest, preventing erosion of soil or ecology, etc. The report to be submitted in Form III shall indicate the date/dates on which the spot was inspected by him and the names and designation of staff associated with demarcation and measurement of trees. Members of such staff shall also record a certificate about the work done by them and put dated signature on it. The spot inspection and local inquiry shall be done in the presence of two independent witnesses and the Kotwar of the village and their signature, shall also be obtained on the Panchnama, which shall be enclosed with the report.(3)The Sub-Divisional Officer (Revenue) on receipt of report of the Tahsildar in Form III shall satisfy himself to the correctness of the report and shall particularly ensure that there is nothing under cover which will lead to the exploitation of the Bhumiswami. He shall also visit the spot at least in 25% of the cases being forwarded to the Collector. He shall particularly ascertain that the demarcation is based on the revised and latest settlement records and in case the latter differ substantially with the old records, he shall further do necessary inquiry himself to verify the facts :Provided that in all cases where the Khasra number is adjoining Reserve or Protected Forests, or village forests, it shall be mandatory for the Sub-Divisional Officer to make local inquiries after spot inspection and to ensure that the Government or village Forests has not been included in the demarcation.(4)In case the Sub-Divisional Officer differs with any observation of the Tahsildar, he shall record his reasons therefor and clearly indicate the date on which he inspected the spot. Thereafter, he shall forward the total report to the Collector. He will put his dated signature alongwith his full name on this report.

5.

On receipt of report from the Sub-Divisional Officer (Revenue), the Collector shall forward the same alongwith the application of the applicant, demarcation document sent by the Tahsildar and a copy of his report to the Divisional Forest Officer with a letter in Form IV appended to these rules for his opinion about felling of the tree(s) in question. The Collector shall indicate the time limit for submission of the report, which shall not be more than 25 days.

6.

(1)The Divisional Forest Officer on receipt of letter from Collector shall forward it to concerned Range Officer for inquiry and report after spot inspection, covering all these points mentioned in Form IV in which the Divisional Forest Officer has to report back to Collector.(2)The Range Officer along with his subordinate staff shall inspect the site and verify the demarcation of the said land of the applicant on the field and determine on the basis of departmental documents and maps whether or not the land in question is part of the Reserved or Protected Forests. If the land is included in the Reserved/Protected Forests, the Range Officer shall record his finding to the effect and submit a report accordingly through the concerned Sub-Divisional Officer (Forest) without making any further inquiry.(3)In case the land on the spot does not come within any Reserved/Protected Forests, he shall proceed further to ascertain, for each tree proposed to be cut,-(a)If according to forestry principles it will be proper to cut the tree for which an application is made. All such trees will be numbered.(b)Name of species, girth and condition of each such tree and site quality of the area.(c)Assumed volume of the produce, i.e., fuel and timber separately, and estimated market value thereof.He will specifically mention the dates on which he inspected the spot, the names of the subordinate staff and put dated signatures alongwith his full name. Subordinate staff shall also put their dated signatures alongwith their names.(4)The Range Officer shall submit the report within 10 days to Sub-Divisional Officer (Forests) who shall satisfy himself to the correctness of the report and valuation of the tree(s). In at least 25% of the cases, he shall visit the spot himself and verify the facts reported by the Range Officer. It will be in question is adjacent to the boundary of Reserved/Protected Forests Block. In case he differs with the Range Officer on any point, he shall record reasons therefor and submit report within 7 days with dated signature and name in full.(5)The Divisional Forest Officer after receiving the report from the Sub-Divisional Officer (Forests) shall himself visit the site in at least 10% of such cases. Cases in which there is difference of opinion between the Range Officer and the Sub-Divisional Officer (Forests), spot shall invariably be inspected by the Divisional Forest Officer to ascertain the correct position. Thereafter, he shall prepare a report in Form IV and submit it to the Collector positively within a period of 25 days from the date of the first communication from Collector in this regard. He will put his dated signature alongwith his full name.

7.

(1)The Collector after going through the report of the Divisional Forest Officer and that of the Sub-Divisional Officer (Revenue) minutely observe if there is any major difference of opinion in which case he shall personally inspect the spot alongwith the Divisional Forest Officer and the

Sub-Divisional Officer (Revenue) and from his own opinion about the point of difference.(2)In case the Collector is satisfied that permission to cut the specified tree(s) may be granted without prejudice to public interest, he shall' grant permission for only such number of specified tree(s) in a year which is within the value prescribed under sub-division (3) of Section 4 of the Act.(3)The Collector shall refuse to grant permission to cut the specified tree(s) if it is not expedient to do so in public interest or from the standpoint of principles of forestry.(4)Every order passed by the Collector shall be a speaking one and shall contain reasons therefor. The order shall also specify the quantum of timber (subject to the limit of one cubic meter) and fuel-wood, permitted for the bona fide personal consumption of the Bhumiswami.(5)The Collector shall ensure that the final orders in each case are passed within sixty days from the date of receipt of application.

8.

The Collector shall endorse a copy of the permission alongwith a letter to the Divisional Forest Officer asking him to complete the task of cutting the specified tree(s) and transporting the produce thereof to the nearest sale depot, within a period of two months. For this purpose the period between July to October shall not be reckoned.

9.

(1)On receipt of intimation from the Collector, the Divisional Forest Officer shall immediately direct Sub-Divisional Officer (Forests) and Range Officer by name to complete the task of felling and transportation within a specified period.(2)The Range Officer shall ensure that the Bhumiswami is informed in advance and is present at the time of cutting and shall keep a record thereof. Stocks of timber and fuel-wood obtained from the cut tree(s) shall be prepared and their list in triplicate shall be prepared in Form VI and signed by the Range Officer and the Bhumiswami concerned. A copy of this shall be handed over to the Bhumiswami on the spot and his dated acknowledgment alongwith signatures of two witnesses shall also be obtained.(3)If the Bhumiswami so requires the quantity of fuel wood specified by the Collector and such part of timber, including poles which may be adequate to meet his bona fide personal requirements, shall handed over to him on the spot and his acknowledgment obtained and enclosed with the list, subject to the conditions that the quantity of such timber, including poles, shall not exceed one cubic meter and that no transit shall be issued in respect of such timber. A copy of this acknowledgment shall also be given to him and the rest of the produce, shall be transported by the Range Officer to the nearest sale depot and the Divisional Forest Officer shall be informed in writing accordingly. The list prepared under sub-rule (2) shall also be forwarded to the Divisional Forest Officer.

10.

The cost of cutting, stacking and transportation shall be calculated and initially borne by the Forest Department. In case the services of the Bhumiswami have been taken in any process, he shall be paid for it immediately at the current rates and acknowledgment shall be obtained thereof.

11.

The Divisional Forest Officer shall estimate the market value of the produce received in the sale depot. This estimation will be done as per the procedure laid down by the Forest Department. After deducting actual harvesting and transportation cost from the total market value of the entire produce, in each case, the balance amount shall be remitted to the Collector through cheque/draft within 7 days of receipt of report about delivery of produce to the sale depot. A copy of the valuation sheet regarding the net value of the produce shall be given to Bhumiswami so that he/she knows about the value of his/her tree(s). An acknowledgment receipt will be obtained from the Bhumiswami for the same.

12.

(1) The Collector shall immediately deposit this amount in the joint account of the Collector and the Bhumiswami in a Nationalised Bank or Central Co-operative Bank branch, which is nearest to the place of residence of the Bhumiswami. The Collector shall immediately release amount considered adequate to meet the expenses of the express purpose, if any, for which permission to cut the trees was sought. Thereafter, the Bhumiswami shall be authorised to draw a maximum of Rs. 5000/- (Rupees Five thousand) per month from this amount for which an authority on behalf of Collector shall be sent to the concerned branch of the Bank. (2) If for meeting any specific contingency, the Bhumiswami wants to withdraw an amount more than that specified in sub-rule (1) at a time, he shall apply to the Collector in writing for the same spelling out the details of the contingency. The Collector shall quickly make necessary inquiry about the requirement, and on being satisfied about the genuineness of the need, shall authorise withdrawal of such large amount as is considered appropriate by him. While assessing the needs of the applicant, the Collector shall also see if such need of the applicant can be otherwise satisfied under any beneficiary oriented welfare schemes available to the applicant, and if so, he shall be helped accordingly and his application for larger withdrawal be rejected / amended.

13.

As the objective of the Act and these rules is to protect the interest of the Bhumiswami, as well as to prevent illegal felling under the Malik Makbuja, it shall be the duty of the Collector to take all possible measures as prescribed in the Act and the rules and for the purpose and he shall utilise all such staff and resources as may be necessary to fulfil the objectives.

14. Repeal and Savings.

- All rules corresponding to these rules and in force immediately before the commencement of these rules are hereby repealed in respect of the matter covered by these rules : Provided that any order made or any action taken under the rules so repealed shall be deemed to have been made or taken under the corresponding provisions of these rules. Form 1 (See Rule 3) To, The Collector, Subject-Permission to cut trees on Bhumiswami land. Sir I wish to cut trees

standing on my land. Please give me permission to cut the trees. The details are as under :-

1. Name of the applicant and full address
2. Species and number of trees proposed to be cut
3. Reasons for cutting the trees

Copy of the Rin Pustika is enclosed.

.....Signature of the ApplicantForm IICourt of The Collector/additional
Collector.....District.....

No..... Date.....

To, The S.D.O. (Revenue) District..... Subject. - Permission to cut specified tree(s) standing
on the land of Bhumiswami. Reference. - This Court's Revenue Case No

.....A-62/.....Applicant.....Son/Daughter/Wife of.....Resident of
village.....Patwari Circle No..... Tahsil.....District.....A revenue case, as
noted under reference, has been registered in this Court. A copy of the application is enclosed
herewith and you are called upon to get an inquiry made on the application through the Tahsildar
having jurisdiction. The report shall inter alia, particularly and specifically give verification of facts,
opinion and recommendation on the following points:-(i) Verification about the tribe of the
applicant, title and possession of the land in question. Authenticated copies of the record to be
enclosed.(ii) Demarcation of the land, list of specified tree(s) standing thereon and girth, height and
condition of the specified tree(s) proposed to be cut.(iii) Whether the holding of the applicant is
adjoining or is situated nearby Reserved Forests, Protected Forests or Revenue Forests
('Bade/Chhote Jhar Ka Jungle').(iv) Whether the permission to cut tree(s) will in anyway adversely
affect public interest, ecology, watercourse of aggravate soil erosion.

2. The applicant has applied for permission to cut the tree(s) for reasons mentioned in the application. You are called upon to make such inquiry as may be necessary to ascertain genuineness or otherwise' of the reasons mentioned and also to find out and suggest if the aforesaid requirement of the applicant could be met with through any beneficiary oriented welfare schemes of the Government. The bona fide needs of the Bhumiswami for personal consumption of the wood should also be ascertained-

3. Utmost care and caution may be exercised during the inquiry and while giving the recommendations in the case relevant provisions of MPLR Code, 1959, the Madhya Pradesh Adim Jan Jatiyon Ka Sanrakshan (Vrakshon Me Hit) Adhiniyam, 1999 and the rules thereunder shall be strictly followed.

4. All concerned are expected to be aware of the punitive provisions of the Madhya Pradesh Adim Jan Jatiyon Ka Sanrakshan (Vrikshon Me Hit) Adhiniyam, 1999.

5. Any other pertinent or important information, detail or point which, in the opinion of Tahsildar and the S.D.O. is relevant for the protection of the interest of the applicant or save him from exploitation or may save property or interest of the Government shall also be specifically reported.

6. Please note that the report on above lines should reach the undersigned by.....(date).

Issued on this.....day..... month.....year under my seal and signature.

Date..... Signature.....

Place..... Name in full.....

of the Presiding Officer

Designation

Form IIICourt of Tahsildar.....Tahsil.....District.No.....To,The Collector/Additional Collector.....Through : S.D.O. (Revenue).....Subject: Report of inquiry in the Collector/Addl. Collector Court's Revenue Case

No.....Applicant.....Son/Daughter/Wife of..... Resident of village.....Tahsil.....District.....Reference : The Collector/Additional Collector's Court Memorandum NoDated.....In compliance to the order under reference, a revenue case, had been registered in this Court and I have made local inquiries and inspected the spot on.....(date) at village.....P.C. No.....RI Circle..... under my local jurisdiction.

2. The following were present to assist and stand witness to the inquiry:-

(a) Name of applicant and his relations/companion, if any

(b) Name & Address of the two independent witnesses. 1.....2.....

(c) Name in full, designation & charge held, of the fieldstaff

3. I have recorded the statement on oath of the applicant, Patwari, Kotwar & other relevant local witnesses to ascertain facts regarding-

(i)Title & possession of the land.(ii)That the applied tree(s) are actually standing on the holding of the Bhumiswami and for this purpose demarcation was made on the field & latest Bandobast records have been referred to.After careful & impartial inquiry my recommendations/report is as under

:-.....
of Khasra, Kistbandi B-I, Map and demarcation report, list of tree(s) to be cut, statements recorded, and certificates of the official in possession of the revenue record of the holding are enclosed. A panchnama with signature of the independent witnesses is also enclosed.

4. I have further carefully inquired about the genuineness or otherwise of the reasons for cutting of tree(s) and the quantity of timber including poles and fuel wood required for the bona fide personal consumption of the Bhumiswami, My findings are as under :

5. After due and careful inquiry, I also affirm that there is no contractor, timber businessman of any middleman involved in moving the application to cut the tree(s). I am satisfied that applicant has not been exploited in any manner in this case.

6. I further affirm that no material fact, information or document has been concealed, misrepresented or misconstrued.

7. Following documents as required are enclosed with the report:-

1. 2.
3. 4.
5. 6.
7. 8.
9.

8. Any other point or observation to be made :-

..... Is
under my signature & Seal of the Court.

Date.....

Place..... Signature.....

Name in full.....

Designation.....

Form IV(Requisition for Forest Department's Report)In The Court of Collector/additional Collector.....District.....Madhya PradeshNoTo,The Divisional Forest Officer,.....Division,District.....Madhya Pradesh.Subject - Requisition for a report in the case of permission to cut specified tree(s) on the holding of a Bhumiswami belonging to Scheduled Tribes.Reference : Revenue Case

No...../A-62/A-63/.....registered in this Court.Whereas, applicant.....S/o..... Resident of.....PC No.....Tahsil.....has applied to this Court for cutting of tree(s) from his holding as below-

- (i) Number of tree(s) applied to be cut specieswise
- (ii) Details of holding

- (a) Khasfa Number
- (b) Area
- (c) Village
- (d) P.C. Number
- (e) R.I. Circle
- (f) Tahsil
- (g) Total number of trees standing on the holding

2. A revenue case noted under reference has been registered in this Court and a report from the Tahsildar/S.D.O. (Revenue) has also been obtained. Copy of the application and report of the Tahsildar alongwith enclosures and the comments of S.D.O. (Revenue) is attached herewith.

3. Whereas, your opinion and report is required for final disposal of the case, you are hereby called upon to submit a report on the following points, in accordance with the relevant provisions of the Madhya Pradesh Land Revenue Code, 1959 and the Madhya Pradesh Adim Jan Jatiyon Ka Sanrakshan (Vrikshon Me Hit) Adhiniyam, 1999 and rules thereunder and also keeping in view the principles of forestry, as may be applicable in the case :-

(i) To ascertain particularly and specifically that the land said to be the holding of applicant does not belong to the Protected or Reserved Forests of the Government. Any doubt on this point should be clearly and candidly reported. In case of any doubt on this point, reasons therefore should be recorded and case returned without making any further inquiry. (ii) Whether tree(s) applied for to be cut should be permitted or not in view of soil erosion, ecology or other such consideration, which may be specified. (iii) Whether age maturity and condition of the tree(s) is appropriate to be permitted to cut. (iv) Whether the proposed permission to cut tree(s) will in anyway attract or will violate any provisions of the Forest (Conservation) Act, 1980. (v) Treewise details of the tree(s) recommended to be cut:- (a) Species. (b) Girth of the tree(s). (c) Condition of the tree(s). (d) Site quality. (vi) Estimated volume of the produce (and fuel separately) (vii) Estimated value of the tree(s), on the basis of the valuation at the depot after deducting harvesting cost. (viii) Any other pertinent or important information, detail or point which will be, in the opinion of the D.F.O., relevant for protection of the interest of the applicant or save him from exploitation or may protect the property or save him from exploitation or may protect the property or interest of the Government.

4. Under the provisions of the Madhya Pradesh Adim Jan Jatiyon Ka Sanrakshan (Vrikshon Me Hit), Adhiniyam, 1999 and rules thereunder, it is mandatory that the report be submitted within 25 days from the date of receipt of this requisition.

**5. In the report, you are required to clearly state the full name, designation and the charge held by the subordinate officers and staff who have inspected the spot, have verified the facts and have made inquiries in the case, please note that the report on above lines should reach the undersigned by
.....(Date).**

6. This may also be brought to the notice of all concerned that any act of omission or commission in reporting wrong and incorrect facts, concealing information or not submitting report in the prescribed time period is a cognizable offence punishable under Section 9(3) of the Act, and would also render the person concerned liable for action under disciplinary rules as may be applicable to him.

Issued on this..... day..... month..... year..... under my seal and signature.

Date..... Signature.....

Place..... of the Presiding Officer

Designation.....

Seal.....

Form V(Form for Report of The D.F.O.)Office of The Divisional Forest

Officer.....Division Head Quarter..... District.....

No..... Dated.....

To,The Collector /Additional Collector,.....District.....Subject. - Report in the case of permission to cut specified tree(s) on the holding of a Bhumiswami belonging to Scheduled Tribes.Reference. - Requisition No.....dated.....inRevenue Case No.....
Applicant.....S/o.....of Village.....P.C.

No.....Tahsil.....DistrictWhereas requisition for a report in the Revenue case of your Court noted under reference with following particulars has been received in this office on.....(date) :-

1. Name of applicant

2. Father's name

3. Tribe to which the applicant belongs

4. Village, P.C. Number and Tahsil

.....

.....

5. Khasra Number and area

.....

6. Tree(s) applied to be cut

2. That I have got the necessary inquiries as per the provisions of the MPLR Code, 1959, Madhya Pradesh Adim Jan Jatiyon Ka Sanrakshan (Vrikshon Me Hit) Adhiniyam, 1999 and rules thereunder, and other laws, rules and general executive instructions of the Government which may be attracted in this case. My report on the requisite points is as under :-

- To ascertain particularly and specifically
that the land, said to be the holding of
applicant, does not belong to
the Protected/Reserved Forests of the
- (i) Government. (In case of any doubt on this
point, reasons therefor should be clearly
and candidly recorded and case be
returned without making any
further inquiry)
- Whether the holding in question of the
applicant is adjoining or so close to the
boundary of the Reserved or Protected
- (ii) Forests or any other Forests that the
permission to cut tree(s) is likely to cause
damage to the adjoining or nearby Forests.
.....
- Whether tree(s) applied for to be cut
should be permitted or not in view of soil
- (iii) erosion, ecology or other
such considerations, which may be
specified.
- Whether age, maturity and condition of
- (iv) the tree(s) is appropriate to be permitted to
cut.
- Whether the proposed permission to cut
- (v) tree(s) will in any way violate any
provisions of the Forest (Conservation)
Act, 1980.
- Tree-wise details of the tree(s)
- (vi) recommended to be cut:-
{|

S. No. of the tree(s)	Species	Girth of the tree(s)	Condition of tree(s)	Site quality of the area	Estimated height of the tree(s)
(1)	(2)	(3)	(4)	(5)	(6)

|-| (vii)| Estimated volume of the produce timber and fuel, separately. ||-| (viii)|
Estimated value of the produce on the basis of the current valuation at the depot after deducting
harvesting costs. ||-| (ix)| Any other pertinent or important information, details of
point which, in the opinion of the D.F.O., may be relevant for protection of the interest of the
applicant or save him from exploitation or may protect the property or interest of the Government. |
.....|}

3. I have satisfied myself that the report is factually correct and complete and that no material or relevant fact has been concealed, misrepresented or misconstrued. In my sincere and impartial opinion tree(s) applied for to be cut should be permitted/not permitted to be cut for the following reasons :-

4. Copy of the application and report of the Tahsildar along with enclosures thereto, as received with the requisition are returned herewith. Copy of the report of the Range Officer, S.D.O. (Forests) is enclosed herewith. Measurement sheet and valuation chart of the tree(s) proposed to be cut are also enclosed. Names, designations and charges held by the officers/officials who have submitted report or inspected spot in case is also enclosed. They have put their dated signature, along with full names under their signature, on the relevant documents of the inquiry.

I have taken utmost care and caution that the report is complete, correct and true and that the interest of the Government and the applicant are protected. Issued under my signature and seal of my office on this.....day of.....month
of.....year. Date.....Place.....

Date..... Signature.....

Place..... Name in full.....

Designation.....

Seal of the office.....

Form VII
List of Produce Obtained on Cutting Specified Trees
Name of Bhumiswami.....Name of village.....P.C.

No.....Tahsil.....District.....

Kh. No.	Area	Details about produce			Estm. value							
		Species	obtained on cutting of specified tree(s)									
S.No. of tree(s) cut	Produce											
Timber	Measurement	Fuel										
S.No. of log	Girth	Length	Volume			No. of stacks	Estm. volume					
(1)	(2)	(3)	(4)			(5)	(6)	(7)	(8)	(9)	(10)	(11)

Total

Estm.-EstimatedRemarks

:-.....

Bhumiswami: Range Officer.....
Signature/Thumb Impression. Signature.....
Name..... & date.....
Name.....

Witnesses:

Signature/Thumb Impression Name Dy. Ranger/Fr.....
1..... Signature.....
2..... & date.....
Name.....
Forest Guard.....
Signature.....
& date.....
Name.....