

# **The M.P. Van Upaj Ke Kararon Ka Punrikshan Adhiniyam, 1987**

MADHYA PRADESH

India

## **The M.P. Van Upaj Ke Kararon Ka Punrikshan Adhiniyam, 1987**

### **Act 32 of 1987**

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The M.P. Van Upaj Ke Kararon Ka Punrikshan Adhiniyam, 1987(M.P. Act No. 32 of 1987)[Dated 31st July, 1987]Received the assent of the President on the 31st July, 1987; assent first published in the "Madhya Pradesh Gazette" (Extraordinary) dated the 12th August, 1987.An Act to take power to revise certain agreements, from time to time, to get fair price for forest-produce sold or supplied by Government to purchasers for long term, period and to prevent loss of income and to enforce the revised agreements and to provide for certain other matters.Be it enacted by the Madhya Pradesh Legislature in the Thirty-eighth 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 Ke Kararon Ka Punrikshan Adhiniyam, 1987.(2)It extends to the whole of the State of Madhya Pradesh.(3)It shall [come into force on such date] [W.e.f. 2-5-1988; vide Notification No. 1301-X-III-88, dated 29-4-1988.] as the State Government may, by notification, appoint.

### **2. Definitions.**

- In this Act, unless the context otherwise requires,-(a)"agreement" shall include any contract, licence, bond, deed or other document, whereby the State Government agrees to sell or supply any forest produce to any person or to permit any forest produce to be collected and removed by any person for consideration, for a long term period, on terms and conditions specified in such document;(b)"forest-produce" shall have the meaning assigned to it in the Indian Forest Act, 1927 (No. 16 of 1927) in its application to the State of Madhya Pradesh;(c)"long term period" means any period exceeding twelve months;(d)"purchaser" means any person, including any company or association or body of individuals, whether incorporated or not, who purchases or is supplied or obtains any forest produce from the State Government under any agreement.

### **3. Power of Government to revise agreements for sale or supply of forest produce.**

- Notwithstanding anything contained in any law for the time being in force and in any agreement subsisting on the date of commencement of this Act, or in any agreement which may be entered into by the State Government with any purchaser on or after the date of commencement of this Act, it shall be lawful for the State Government, from time to time, by order published in the Gazette, to add to or to substitute, delete or otherwise amend any of the terms and conditions of any such agreement, for one or more of the following purposes, namely,-(a)to provide for a revision or a periodical revision of the price or rate for sale or supply of forest-produce to the purchaser, where such agreement does not provide for any such revision or periodical revision as the case may be, and where such periodical revision is provided in the agreement, to provide for reducing or enhancing the period of revision :Provided that the price or rate once fixed shall not be liable to be revised by the State Government for a period of at least twelve months from the date on which such price or rate has come into force;(b)to provide for the removal or any modification of any ceiling imposed in any such agreement on the increase, at the time of revision in the price or rate at which the forest-produce is to be sold or supplied to the purchaser;(c)to provide for the adjustment or change in the unit of weight or measure in which the forest-produce is to be weighed, measured or counted, for the purpose of its sale or supply to the purchaser or for the purposes of charging or recovery of the price or rate therefore, without, however, materially or substantially changing the quantity of forest produce agreed to be sold or supplied to the purchaser;(d)to modify and reallocate the quantity of the forest-produce agreed to be sold or supplied to the purchaser under agreement by suitable re-adjustment of catchment areas.

### **4. Price or rate of forest produce sold or supplied to purchasers not to exceed market value.**

(1)The price or rate for sale or supply of the forest-produce, to be fixed at the time of any revision of the price or rate under Section 3 shall not exceed the market value of the forest-produce at the time of such revision, as may be determined by the State Government in the prescribed manner.(2)Where the price or rate is fixed at the time of revision, for a period exceeding twelve months at a time, the State Government may provide for an annual increase in the price or rate towards the anticipated escalation in the market value of the forest-produce during the period the revised price or rate is to remain in force.

### **5. Power of Government to terminate agreements for breach of terms and conditions.**

(1)Notwithstanding anything contained in any law for the time being in force and in any agreement subsisting on the date of commencement of this Act, or in any agreement which may be entered into by the State Government with any purchaser on or after the commencement of this Act, the State Government may terminate any such agreement at any time for breach by the purchaser, of any of the terms and conditions of the agreement as amended from time to time, after giving him a

reasonable opportunity to show cause why the agreement should not be terminated and after giving him a notice of one month for such termination.(2)The decision of the State Government in such cases shall be final.

## **5A. [ Cessation of agreements and contracts. [Inserted by M.P. Act No. 19 of 1996.]**

(1)Notwithstanding anything contained in any law for the time being in force and in any agreements subsisting on the date of commencement of the Madhya Pradesh Van Upaj Ke Kararon Ka Punrikshan (Sanshodhan) Adhiniyam, 1996 or in any agreement which may be entered into by the State Government with any purchaser on or after such commencement, any lease or agreement or any other document for the supply of tree, wood, limber or other forest produce granted or entered into by the State Government shall cease to be in force on the expiry of two years from the date of commencement of the Madhya Pradesh Van Upaj Ke Kararon Ka Punrikshan (Sanshodhan) Adhiniyam, 1996.(2)The decision of the State Government in such cases shall be final.(3)No suit or other legal proceedings shall lie against the State Government in a Court or Tribunal in respect of the cessation of agreements, contracts or leases under sub-section (1).]

## **6. Purchaser may terminate agreement after giving one month's notice.**

- If any amendment made in the terms and conditions of an agreement under Section 3, or any revision made in the price or rate for sale or supply of forest produce under that section, if not acceptable to the purchaser, he may, at his option, by giving to the State Government one month's notice in writing within a period of six months from the date on which the amendment in the terms and conditions or the revision in the price or rate, as the case may be, is communicated to him, terminate the agreement, and accordingly the agreement shall stand terminated at the end of the notice period.

## **7. Power to make rules.**

(1)The State Government may, by notification, and subject to the condition of previous publication, make rules for carrying out the purposes of this Act.(2)In particular and without prejudice to the generality of the foregoing provision, such rules may be made for all or any of the following matters, namely,-(a)for giving notice of the amendment proposed to be made in the agreement or of any revision of price or rate proposed to be made under Section 3 and for affording the purchaser an opportunity of showing cause against the proposal;(b)the principles on which, the manner in which and the authority by which, the market value shall be determined for the purposes of Section 4;(c)any other matter which is required to be or may be prescribed.(3)All rules made under this Act shall be laid on the table of the Legislative Assembly.