

The Maharashtra Forest Produce (Regulation Of Trade) Act, 1969

MAHARASHTRA

India

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Act 26 of 1969

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The Maharashtra Forest Produce (Regulation Of Trade) Act, 1969[26th December, 1969]MAHARASHTRA ACT No. LVII OF 1969An Act to make provision for regulating in the public interest the trade of certain forest produce by creation of a State monopoly in such trade in the State of Maharashtra.WHEREAS, it is expedient to provide for regulating in the public interest the trade of certain forest produce by creation of a State monopoly in such trade in the State of Maharashtra; and for matters connected therewith; It is hereby enacted in the Twentieth Year of the Republic of India as follows :-

1. Short title, extent, commencement and application.

(1)This Act may be called the Maharashtra Forest Produce (Regulation of Trade) Act, 1969.(2)It extends to the whole of the State of Maharashtra.(3)It shall come into force in such area or areas, and on such dates or dates as the State Government may, by notification in the Official Gazette, specify.(4)It shall apply in respect of the forest produce specified in the Schedule.

2. Definitions.

In this Act, unless the context otherwise requires:—(a)"agent" means an agent appointed under Section 4;(b)"Code" means the Maharashtra Land Revenue Code, 1966;(c)"Committee" means an Advisory Committee constituted under sub-section (1) of Section 6 ;(d)"grower of forest produce" means :—(i)in respect of forest produce grown in areas as may, from time to time, be constituted, as reserved or protected forests under the Indian Forest Act, 1927, the State Government; and(ii)in respect of forest produce grown in areas not covered by sub-clause (i)—(a)the State Government, where the forest produce is grown on unoccupied land as defined in Clause (41) of Section 2 of the

Code;(b)the occupant or a tenant or a Government lessee of the holding or a superior holder, as the case may be, in a unit on which the forest produce grows; and includes every person who, from time to time, claims title to such produce through him;(e)"Forest Produce" means such forest produce as defined under the Indian Forest Act, 1927 as are specified in the Schedule appended to this Act, and the State Government may, from time to time, by notification in the Official Gazette, add to or modify the Schedule in the public interest, and the provisions of sub-section (3) of section 19 is so far as they relate to laying before and modification, as they apply in relation to any-rule made under that Section shall apply in relation to such Notification;(f)"Specified area" means the area specified in the notification under sub-section (3) of Section 1;(g)"tenant" includes—(i)a tenant as defined in sub-section (40) of Section 2 of the Code, and(ii)a tenant as defined in—(a)the Bombay Tenancy and Agricultural Lands Act, 1948, in relation to the Bombay area of the State of Maharashtra;(b)the Hyderabad Tenancy and Agricultural Lands Act, 1950, in relation to the Hyderabad area of the State of Maharashtra ;(c)the Bombay Tenancy and Agricultural Lands (Vidarbha Region) Act, 1958, in relation to the Vidarbha Region of the State of Maharashtra ;(h)"unit" means a sub-division of a specified area constituted into a unit under Section 3;(h1)"Village Forest Management Committee" means the Joint Forest Management Committee or any such Committee by whatever name called constituted under section 49 of the Maharashtra Village Panchayats Act to manage and protect the reserved forests or protected forests or any part thereof where the rights of the Government to or over any land which has been constituted as a reserved forest or called a protected forest are assigned, by order of the State Government issued in this behalf, under the Indian Forest Act, 1927, in its application to the State of Maharashtra and the rules made thereunder, as a village forest to any village community or the Village Panchayat ;(i)Words and expressions "Government lessee", "holding", "occupant" and "superior holder" shall have the meanings, respectively, assigned to them in the Code;(j)Words and expressions used but not defined in this Act, and defined in the Indian Forest Act, 1927, shall have the meanings, respectively, assigned to them in that Act.

3. Constitution of units.

The State Government may divide every specified area into such number of units as it may deem fit in respect of each forest produce. Provided that, the areas earmarked or assigned to the Village Forest Management Committees shall, from the date of the commencement of the Maharashtra Forest Produce (Regulation of Trade)(Amendment) Act, 2014, be excluded from such units.

4. Appointment of agents.

(1)The State Government may, for the purpose of purchase of and trade in any forest produce on its behalf, appoint agents in respect of different units, and any such agent may be appointed in respect of more than one unit.(2)The terms, conditions and the procedure for appointment of agents shall be such as may be prescribed.

5. Restriction on purchase or transport of forest produce.

(1)On the issue of a notification under sub-section (3) of section 1 in 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 forest produce has grown ;shall purchase or transport the forest produce to which this Act applies.Explanation I.— Purchase of forest produce from the State Government, or the aforesaid Government Officer or agent, shall not be deemed to be a purchase in contravention of the provision of the Act.Explanation II. — A person having no interest in the holding who has acquired the right to collect any forest produce grown 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 any forest produce may transport such produce belonging to him from any place within the unit wherein such produce has grown, to any other place in that unit: and(b)forest produce purchased from the State Government or any officer or agent specified in the said sub-section by any person for manufacture of finished goods using such produce within the State or by any person for sale outside the State may be transported by such person outside the unit in accordance with the terms and conditions of a permit, to be issued in that behalf by such authority and in such manner as may be prescribed.(2a)Notwithstanding anything contained in sub-section (1), the Village Forest Management Committee shall, subject to the provisions of the Indian Forest Act, 1927 and the rules made thereunder, be entitled to transport and store the forest produce collected from the area earmarked or assigned to it.(3)Any person desiring to sell forest produce may sell it to the aforesaid Government Officer or agent at any depot situated within the said unit.

6. Constitution of Advisory Committee.

(1)The State Government shall, for each year commencing on the 1st day of July and ending on the 30th day of June next following, constitute, in respect of each forest produce, an Advisory Committee for one or more Revenue Commissioners' divisions 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, from time to time, of a fair and reasonable price at which such produce may be purchased by the State Government or its authorised officer or agent, as is offered for sale in such division or divisions in accordance with the provisions of this Act:Provided that, two of the members shall be from amongst the traders of the respective forest produce, or manufactures of finished goods using such produce and four members shall be from amongst the growers of the respective forest produce other than the State Government.Provided further that, one member shall be the representative of the Village Forest Management Committee, as recommended by the concerned Chief Conservator of Forest.(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 :Provided that, a member of the State Legislature, while holding the office of member of the Committee shall not be entitled to receive any allowances other than travelling allowance, daily allowance or such other allowance which is paid to the holder of such office for the purpose of meeting the personal expenditure incurred in attending the meeting of the Committee or in performing any other functions as holder of such office.(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

7. State Government to fix price in consultation with Committee.

The State Government shall after consultation with the Committee, constituted under section 6 in respect of any particular forest produce, fix the price at which such produce shall be purchased by it or by any of its authorised officer or agent, from growers of that produce and shall publish the same in the Official Gazette and in such other manner as may be prescribed not later than the 31st day of December ; and the price so fixed shall not be altered during the year to which the price relates :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 with the Committee:Provided also that, for the forest produce collected from the area earmarked or assigned to the Village Forest Management Committee, the price shall be fixed by the Village Forest Management Committee and the provisions of this section shall apply, mutatis mutandis, for fixation of price.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 the respective forest produce obtained or fixed under this Act, or any enactment during the preceding three years in respect of the area comprised in the unit ;(b)the quality of the forest produce grown in the unit :(c)transport facilities available in the unit ;(d)the cost of transport ; and(e)the general level of wages for unskilled labour prevalent in the unit.

8. Opening of depot and Publication of price list etc., at 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 the respective forest produce, direct; and a price list of such produce fixed by the State Government under section 7 and the hours of business shall be prominently displayed on a notice board kept for the purpose at every such depot.Provided that, for the forest produce collected from the area earmarked or assigned to the Village Forest Management Committee, the place of such depot shall be fixed by such Committee and the hours of business shall be prominently displayed on a notice board kept for the purpose at every such depot.

9. State Government or agent or Village Forest Management Committee to purchase forest produce.

(1)The State Government or its authorised officer or agent-shall be bound to purchase at the price fixed under section 7 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 forest produce which in their opinion is not fit for the purpose of manufacture of finished goods using such produce, or for any other commercial purpose.Provided further that, the Village Forest Management Committee shall purchase the forest produce collected from the area earmarked or assigned to it, at the price fixed by such Committee and the Committee shall not be competent to purchase the forest produce from the area other than the areas earmarked or assigned to it.(2)Any person aggrieved by the refusal to purchase forest produce by an authorised

officer or agent under the proviso to sub-section (1) may, within fifteen days therefrom, refer the matter to the Divisional Forest Officer, or such other officer who may be empowered by the State Government in this behalf, having jurisdiction over the unit in which the forest produce has grown.(3)On receipt of a complaint under sub-section (2), the Divisional Forest Officer or such other officer, as the case may be, shall hold an enquiry on the spot or at the headquarters, in the prescribed manner; and after hearing the parties concerned or their authorised agent shall pass such orders as he may deem fit; and in case he finds the refusal to purchase the forest produce to be improper, he may,—(a)if he considers the forest produce in question still suitable for the manufacture of finished goods, or for any other commercial purpose 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 forest produce payable to him, as he may deem fit ;(b)if he considers that the forest produce in question has since become unsuitable for manufacture of finished goods or for any other commercial purpose, direct the payment to the person aggrieved of any amount not less than the price of such forest 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 as to debar the appropriation of any forest produce offered for sale, if the State Government or its authorised officer or the agent has reason to believe that such produce appertains to forest or lands belonging to the State Government and paying only such collection charges, if any, at the State Government may from time to time determine:Provided that, in the case of any dispute, the Divisional Forest Officer 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.(5)Any person aggrieved by the decision of any officer referred to in the proviso to sub-section (4) may within a period of thirty days from the date of receipt of such decision, prefer an appeal to the State Government : and the decision of the State Government on such appeal shall be final.

10. Registration.

Every grower of forest produce other than the State Government shall, if the quantity of such produce grown by him during a year is likely to exceed such quantity as may be prescribed, get himself registered in the prescribed manner.Provided that, it shall not be necessary for the Village Forest Management Committee to get itself registered.

11. Registration of manufacturers of finished goods using forest produce and exporters of forest produce

(1)Every manufacturer of finished goods using forest produce, and every exporter of forest produce shall get himself registered within such period, on payment of such fee and in such manner, as may be prescribed.(2)Every such manufacturer and exporter registered under sub-section (1) shall furnish a declaration in such form by such date, and in such manner, as may be prescribed.

12. Disposal of forest produce.

Any 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. Provided that, subject to the terms and conditions as may be imposed by the State Government for assigning the village forest, any forest produce purchased or collected by the Village Forest Management Committee shall be sold or otherwise disposed of in such manner as it deems fit .

13. Delegation of powers.

The State Government may, by order, in the Official Gazette 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.

14. Power of entry, search, seizure, etc.

(1) Any police officer not below the rank of a 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 a forest produce ;(ii) enter and search any place ;(iii) seize forest produce in respect of which he suspects that any provision of this Act, or the rules made thereunder has been, is being or is about to be contravened along with the receptacle containing such produce or the vehicles or boats used in carrying such produce.(2) The provisions of sections 102 and 103 of the Code of Criminal Procedure, 1898, relating to search and seizure shall, so far as may be, apply to searches and seizures under this section.

15. Penalty.

If any person contravenes any of the provisions of this Act or the rules made thereunder:—(a) he shall be punished with imprisonment which may extend to one year or with fine which may extend to one thousand rupees, or with both:(b) the 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 State Government; Provided that, if the Court is of the opinion that it is not necessary to direct forfeited in respect of the whole, or as the case may be, any part of the forest produce it may, for reasons to be recorded, refrain from doing so.

16. Attempts and abetment.

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 provisions.

17. 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 Divisional Forest Officer or by any other officer as may be authorised by the State Government in this behalf.

18. 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 so 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.

19. Power to make rules.

(1) The State Government may make subject to the condition of previous publication, rules to carry out all or any of the provisions of this Act. (2) In particular and without prejudice to the generally of the foregoing provisions such rules may provide for all or any of the following matters, namely:—(a) procedure to be followed in making appointment of agents : (b) publication of the price lists of forest produce : (c) manner of holding enquires under this Act : (d) the authority by whom the manner in which and the conditions subject to which, permits may be issued. (e) the manner of registration under Section 10; (f) (i) manner of registration, the period within which such registration shall be made and fee payable therefore, under Sub-section (1) of Section 11: (ii) form of declaration, authority to whom, date by which and the manner in which the declaration shall be furnished under Sub-section (2) of Section 11: (g) any other matter which is either expressly or impliedly required to be prescribed under this Act. (3) Every rule made under this section shall be laid, as soon as may be, after it is made, before each House of the State Legislature while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if, before the expiry, of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, and notify such decision in the Official Gazette, the rule shall, from the date of publication of such notification, have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done or omitted to be done under that rule.

20. Act XVI of 1927 not to apply to forest produce for purposes covered under this Act.

Nothing contained in the Indian Forest Act 1927, shall apply to forest produce in respect of matters for which provisions are contained in this Act.

21. Removal of difficulties.

If any difficulty arises in giving effect to the provisions of this Act the State Government may by order, do anything not inconsistent with such provisions, which appears to it to be necessary or expedient for the purpose of removing the difficulty.

22. Repeal and saving.

(1)The Maharashtra Minor Forest Produce (Regulation of Trade) Ordinance, 1969, is hereby repealed.(2)Anything done or any action taken by or under the Ordinance so repealed, shall be deemed to have been done or taken under this Act as if this Act had come into force on the 22nd day of October 1969.

(1) Temburni (or tendu) leaves.

(2)Apta (Bauhinia recemesa) leaves.