

# The M.P. Lok Vaniki Adhiniyam, 2001

MADHYA PRADESH

India

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## Act 10 of 2001

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The M.P. Lok Vaniki Adhiniyam, 2001M.P. Act No. 10 of 2001Received the assent of the Governor on 9-4-2001, assent first published in the "Madhya Pradesh Gazette (Extraordinary)" dated 12-4-2001.An Act to regulate and facilitate management of tree-clad private and revenue areas in the State of Madhya Pradesh and for matters connected therewith or incidental thereto.Be it enacted by the Madhya Pradesh Legislature in the Fifty-first Year of the Republic of India as follows ;-

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

(1)This Act may be called the Madhya Pradesh Lok Vaniki Adhiniyam, 2001.(2)It shall come into force on such [date] [Enforced on 1-8-2001 and 1-5-2003, in certain districts.] as the State Government may, by notification, appoint and different dates may be appointed for different areas of the districts.(3)It shall apply to such private and revenue areas which the Bhoomiswami, the Gram Panchayat or the Gram Sabha, as the case may be, intends to manage as tree-clad area.

### 2. Definitions.

- In this Act, unless the context otherwise requires :-(a)"Appellate Authority" means any authority notified by the State Government under Section 9;(b)"Code" means the Madhya Pradesh Land Revenue Code, 1959 (20 of 1959);(c)[ Omitted;] [Omitted by M.P. Act No. 25 of 2005.](d)"Competent Authority" means the authority notified by the State Government under Section 4;(e)"Forest Officer" means such officer as defined in the Indian Forest Act, 1927 (16 of 1927), but who shall not be below the rank of Divisional Forest Officer;(f)"Holding" and "Bhumiswami" shall have same meanings as assigned to them in the Code;(g)"Revenue Officer" means such revenue officer as specified in the Code, but who shall not be below the rank of Sub-Divisional Officer;(h)"Trees" shall have the same meaning as assigned to it in the Indian Forest Act, 1927 (16 of 1927), but shall not include bamboos, palms, brushwood and canes;(i)"Tree-clad area" means the area where there is tree growth and for which a management plan has been prepared under Section 3.

### **3. Preparation of Management Plan.**

- The Management Plan for the scientific management of the tree-clad area shall be prepared [x x x] [Omitted by M.P. Act No. 25 of 2005.] containing such particulars as may be prescribed.

### **4. Approval of Management Plan.**

- The Management Plan prepared under Section 3 shall be submitted to the competent authority as may be notified by the State Government from time to time. The competent authority may approve the Management Plan in such manner as may be prescribed. after having approved the management plan, the competent authority shall intimate to the revenue officer, the details of land and trees for the purpose of entry into the land record under sub-section (2) of Section 114-A of the Code.

### **5. Implementation of Management Plan.**

(1)Every Bhumiswami or Gram Panchayat or Gram Sabha as the case may be, after having received the approved management plan from the competent authority, shall implement the said plan according to the prescribed time schedule as mentioned in the said plan.(2)The Bhumiswami or the Gram Panchayat or the Gram Sabha, as the case may be, shall not require any permission under any other Act or the rules except the Madhya Pradesh Protection of Aboriginal Tribes (Interest in Trees) Act, 1999 (No. 12 of 1999), for the time being in force for felling of tree in the revenue or private tree-clad areas, where such felling has been permitted under the approved management plan.(3)Where the felling of trees in revenue or private tree-clad areas adjacent to Government Forest is permitted under the approved management plan, the competent authority shall prescribe necessary safeguards to protect Government forests from illicit felling.

### **6. Monitoring of Management Plan.**

- The State Government shall monitor the implementation of the approved Management Plan in such manner and by such authority as may be prescribed.

### **7. [ [Omitted by M.P, Act No. 25 of 2005.]**

Omitted.]

### **8. Punishment for contravention.**

- Any person who acts in contravention of the provisions of this Act or Rules made thereunder or who after having approved management plan for tree-clad areas, fells trees or removes trees or any logs of the trees from the holding included in the approved management plan shall be liable to such penalty which may extend to twice the value of the trees involved but not exceeding One Lakh Rupees, as the Sub-Divisional Officer (Revenue) may after giving such person an opportunity to be heard, deem fit and the Sub-Divisional Officer (Revenue) may further order confiscation of felled

trees or logs according to the procedure prescribed in the Code.

## **9. Appeal.**

(1) Any person aggrieved by any order of the Sub-Divisional Officer (Revenue), may within thirty days of the order or decision, or if such order or decision has not been communicated to him, within thirty days of knowledge of such order or decision, prefer an appeal in writing, in such manner accompanied by such fees as may be prescribed, to the Appellate Authority as may be notified by the State Government. (2) On the date fixed for hearing of appeal, the Appellate Authority shall hear the parties to the appeal in person or through any agent duly authorised in writing and shall thereafter proceed to pass an order of confirmation, reversal or modification of order or the decision. (3) Copies of the order passed by Appellate Authority, shall be sent to competent authority for compliance, or for passing such further order, as may be directed by Appellate Authority.

## **10. Protection of action taken in good faith.**

- No suit, prosecution or other legal proceeding shall lie against the State Government or any officer or authority for anything which is in good faith done or intended to be done in pursuance of this Act or rules made thereunder.

## **11. Power to make rules.**

(1) The State Government may, by notification, make rules for carrying out the purposes of this Act. (2) In particular and without prejudice to the generality of the foregoing power such rules may provide for all or any of the following matters, namely :- (a) the particulars which the management plan shall contain under Section 3; (b) the time within which management plan shall be implemented; (c) the manner in which the management plan shall be approved under Section 4; (d) the manner in which and the authority by which the management plan shall be monitored under Section 6; (e) [Omitted;] [Omitted by M.P. Act No. 25 of 2005.] (f) the manner in which and the fees on payment of which the appeal shall be preferred under Section 9; (g) any other matter which has to be or may be prescribed. (3) All Rules made under this Act shall be laid on the table of the Legislative Assembly.

## **12. Other Act not to apply.**

- Nothing contained in the Code shall apply to management of tree-clad areas in respect of matters for which provisions are contained in this Act.

## **13. Power to remove difficulty.**

- If any difficulty arises in giving effect to the provisions of this Act, the State Government may do anything not inconsistent with such provisions which appears to it to be necessary or expedient for the purposes of removing the difficulty : Provided that no such order shall be made after the expiry

of a period of two years from the date of commencement of this Act.