

Nagaland Settlement of Forest Coupes and Mahals by Auction Sale System Rules, 1969

NAGALAND

India

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Rule

NAGALAND-SETTLEMENT-OF-FOREST-COUPES-AND-MAHALS-BY-A of 1969

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Nagaland Settlement of Forest Coupes and Mahals by Auction Sale System Rules, 1969Published vide Notification No. For-5 (Misc) 43/67 (2) dated the 1st March, 1969Last Updated 18th February, 2020Notification No. For-V (Misc) 43/67 (II) dated the 1st March, 1969. - In exercise of the powers conferred by Sections 32, 33 and 72 (e) of the Nagaland Forest Act, 1968 (Act No. 3 of 1968), the Governor of Nagaland is pleased to make the following rules for settlement of forest coupes and mahals by auction sale in the State of Nagaland.

1. Short title, extent and commencement.

(1)These rules shall be called the Nagaland Settlement of Forest Coupes and Mahals by Auction Sale System Rules, 1969.(2)These rules shall apply to all areas to which the Nagaland Forest Act, 1968, applies.(3)They shall come into force with immediate effect.

1. Application. - (1) These rules shall be called the Nagaland Settlement of Forest Coupes and Mahals by Auction Sale System Rules, 1969.

(2)They shall come into force at once.(3)They shall extend to all areas to which the Nagaland Forest Act, 1968, applies.

2. Definitions.

- In these rules, unless there is anything repugnant in the subject of context-(a)"Conservator" means "Conservator of Forests" and includes "Chief Conservator of Forests" also ;(b)"Coupe" means a compact area wherein a number of trees are permarked for sale by auction or tender and for removal within a specified period;(c)"Mahal" means a defined area wherefrom certain types of forest produce are sold on condition of their removal within a specified period.

3. Proclamation for auction sale.

- As soon as a date for auction sale of any coupe or mahal is fixed, a proclamation to that effect shall be published in the manner of Rule 5 below not less than 15 days before the date fixed for auction.

4. Contents of the proclamation.

- The proclamation shall state-(1)The name of the coupe or the mahal;(2)The particulars necessary for its identification ;(3)The period for which it is proposed to be settled ;(4)The date and place of auction ;(5)The officer who will hold the auction ;(6)The earnest money that will have to be paid ;(7)The following conditions of auction sale, namely :(a)that the officer conducting the sale does not bind himself to accept the highest bid or any bid.(b)that the auction purchaser shall, immediately before taking part in an auction, have to produce the following documents before the officer conducting the sale, namely :(i)A copy of Treasury challan or Bank Draft evidencing deposit of prescribed earnest money ;(ii)an up-to-date income tax clearance certificate for those who are liable to pay income tax ;(iii)the certificate of registration in case of a co-operative society or firm or a joint stock company ;(iv)a certificate from a Deputy Commissioner or officer in-charge of a sub-division (Civil) in proof of belonging to scheduled castes, scheduled tribes or other backward classes, in case the auction purchaser claims to belong to one of these categories ;(v)documents evidencing his financial soundness ;(c)that the auction purchaser shall have to deposit 1 / 10th of the sale value on the spot, immediately after the acceptance of his bid ;(d)that the sale shall be subject to the provisions of these rules ;(e)any other matter deemed by the authority competent to settle the coupe or the mahal as necessary to be included in the proclamation.

5. Manner of publication of proclamation.

- The proclamation shall be published by pasting copies thereof on the notice boards of the office of-(i)the Conservator, the Divisional Forest Officer and the Ranger ;(ii)the Deputy Commissioner, the Sub-Divisional Officer and the Area Superintendent; and(iii)the Village Panchayat within whose local limits the coupe or the mahal situates.

6. Manner of conducting the sale.

(1)The authority competent to settle the coupe or the mahal may postpone the auction sale on reasonable grounds but shall, in such case, issue fresh proclamations in the manner of Rule 5

above publishing the new date fixed.(2)On the date fixed for auction, the officer authorised to hold the auction shall call for the bids from the persons present:Provided that if there is no bid or insufficient bid he may continue the sale from day to day informing the bidders on the spot.(3)It shall not be binding on the officer conducting the sale to accept the highest bid, or any bid.(4)Where according to limit of financial power under the Delegation of Financial and Cognate Powers Rules, 1964, the officer conducting the auction sale is not competent to pass orders of settlement, he shall send the name of the person whose bid has been provisionally accepted by him, along with the bid statement and with a report as to the compliance of these rules, to his next superior authority for obtaining confirmation of the acceptance of the bid from the competent authority.

7. Preference and concession in favour of scheduled castes, scheduled tribes and other backward classes.

(1)Notwithstanding anything contained hereinbefore, preference and concession in settlement of coupe or mahal shall, subject to suitability and ability of the person to perform the work satisfactorily, be admissible in the following manner to a person belonging to any of the scheduled castes, scheduled tribes or other backward classes recognised by the State Government, provided the recognised highest bid does not exceed Rs. 50,000-(a)if the offer from a member of the above mentioned categories of persons is within 7-1/2 per cent of the recognised highest offer the coupe or the mahal be settled with such person at his own offer ;(b)even if the offer from a member of the aforementioned categories of persons is not within 7-1/2 per cent of the recognised highest offer, the coupe or the mahal may at the discretion of the competent authority be settled with such person at an amount of 7 1/2 per cent less than the recognised highest offer.(2)(a)The preference and the concession mentioned in sub-rule (1) above shall also be admissible to a co-operative society, provided not less than 80 per cent of the members thereof are persons belonging to scheduled castes, scheduled tribes or other backward classes.(b)As between individual members of the categories mentioned in sub-rule (1) above and a co-operative society formed in the manner of (a) above, the co-operative society shall be given preference over the individuals.(3)No preferential treatment and concession as mentioned in (1) and (2) above shall be admissible when the recognised highest offer for the coupe or the mahal exceeds Rs. 50,000.

8. Deposit of 1/10th of bid value as security.

(1)The person declared to be the auction purchaser at an auction sale shall be required to deposit immediately on the spot 1/10th of the amount of such sale value as security money and if he fails to do so, the coupe or the mahal shall forthwith be again put up and sold.(2)In case of bidder belonging to any of the scheduled castes, scheduled tribes or other backward classes, the amount mentioned in the foregoing sub-rule shall be reduced by 50 per cent.

9. Appeal.

(1)An appeal shall lie, within 15 days from the date of sale-(a)against the order of the sale passed by the Divisional Forest Officer, to the Conservator whose order in appeal shall be final;(b)against the

order of sale passed by the Conservator, to the Governor of Nagaland whose order in appeal shall be final.(2)A petition shall lie to the Governor of Nagaland for review of his original (not appellate) order within 15 days from the date of issue of such order.(3)The appeal or review petition shall be in triplicate, two copies of which shall be submitted to the appellate or reviewing authority and one copy forwarded simultaneously by the appellant or the petitioner to the Divisional Forest Officer within whose jurisdiction the coupe or the mahal is situated.(4)Requisite court fee should be affixed to the principal copy of the appeal or the review petition.

10. Joint settlement.

- No coupe or mahal shall be settled jointly with more than one person except in the case of co-operative society or a firm or a joint stock company duly registered in the office of the appropriate registering authority in Nagaland.

11. Option to refuse settlement with defaulter.

- The authority competent to make settlement shall have the discretion to refuse settlement with a bidder who, though otherwise suitable, is a defaulter in respect of any forest revenue in any Forest Division in Nagaland.

12. Additional security deposit.

- The authority competent to make settlement may, in its discretion call on the bidder whose bid has been accepted to pay, within 15 days of the date of sale, an additional security which together with the amount mentioned in the Rule (1) or 8 (2) shall not exceed the total amount of the bid.

13. Instalments.

- The amount at which the coupe or the mahal is settled shall be paid in the following manner:
(1)Where it is settled for one year, in four equal instalments at interval of not more than 2 months each, the first instalment falling due on the same day on which the security deposit is required to be made under Rule 12 above.
(2)Where it is settled for less than one year in two equal instalments the first instalment falling due on the same day on which the security deposit is required to be made under Rule 12 above, and the second instalment not less than 2 months before the expiration of the period of settlement.
(3)Where it is settled for more than one year the total amount payable for each year shall be paid in four equal instalments at intervals of not more than 2 months each, the first instalment of the first year falling due on the same day on which the security deposit is required to be made under Rule 12 above, and the first instalment in succeeding years falling due at the beginning of each year.

14. Agreement.

- An agreement of settlement shall be executed within 21 days from the date of the sale.

15. Cancellation and resale.

- If the bidder whose bid has been accepted fails to pay on due dates the security mentioned in Rule 12 or to pay instalments mentioned in Rule 13, or to execute the agreement mentioned in the Rule 14 the settlement of the coupe or the mahal shall be liable to be cancelled and the coupe or the mahal may be resettled for the remaining part of the settlement period at the risk of such bidder as regards the loss to Government, and if the proceeds on resettlement are less than the value at which it was originally settled, the difference shall be realisable from him and further, the earnest money and the security money if already deposited shall be liable to be forfeited.

16. Mode of realisation of amount.

- Any amount due under these rules shall be recoverable as arrears of land revenue.

17. Power of attorney.

- No power of attorney or mortgage deed or any encumbrance shall be recognised in respect of the coupe or the mahal except when executed with previous permission in writing from the authority competent to make the settlement.

18. Right to withdraw coupe/mahal from sale.

- The authority competent to make settlement shall have the right to withdraw any coupe or mahal from settlement at any time before issue of final order of acceptance of bid.

19. Extension of time.

(1) No extension of the period of settlement shall ordinarily be admissible. (2) In case, however, there is delay in passing final order of settlement by more than 2 months beyond the date from which the period of settlement is to commence, the Divisional Forest Officer within whose jurisdiction the coupe or the mahal is situated may give extension by so much time as has been lost beyond the aforementioned 2 months, provided such delay was not caused by any lapses on the part of the bidder himself. (3) Where under exceptional circumstances, any extension beyond the time mentioned in sub-rule (2) above is found to be justified, such extension, settlement may be given on the following conditions : (i) extension under this sub-rule together with any extension given under sub-rule (2) shall not exceed one year ; (ii) extension under this sub-rule may be given only by the authority which passed the final order of acceptance of bid ; when such extension is granted by an authority other than the Governor, the special circumstances under which the extension is given should be immediately communicated to the next higher authority in writing, along with a copy of

the extension order ;(iii)an extension fee for any extension given under this sub-rule shall be payable at progressive rates, namely :(a)for the first 6 months under sub extension, 1 per cent of the total value at which the coupe is settled ;(b)beyond the first 6 months, 2 per cent of such total value.

20.

The settlement of a coupe or a mahal under these rules shall be without prejudice to the working of other forest produce or catching of elephants inside the coupe or the mahal by other coupe holders or mahaldars during the same period.