

The M.P. Forest (Form of Appeal) Rules, 1988

MADHYA PRADESH

India

The M.P. Forest (Form of Appeal) Rules, 1988

Rule THE-M-P-Forest-FORM-OF-APPEAL-RULES-1988 of 1988

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The M.P. Forest (Form of Appeal) Rules, 1988 Published vide Notification No. 18-3-88-10-3, dated 30-11-1988, Published in the M.P. Rajpatra (Asadharan), dated 1-12-1988 at page 2385 In exercise of the powers conferred by clause (a) of sub-section (4) of Section 52 and sub-section (1) of Section 52-A of the Indian Forest Act, 1927 (XVI of 1927), in its application to the State of Madhya Pradesh, the State Government hereby makes the following rules namely :-

1. Short title, extent and commencement.

(1) These rules may be called the Madhya Pradesh (Form of Appeal) Rules, 1988. (2) They shall extend to the whole of the State of Madhya Pradesh. (3) They shall [come into force on such date] [Came into force on 1-12-1988 vide Notification No. 18-3-88-X-3, dated 30-11-1988; published in the M.P. Rajpatra (Asadharan), dated 1-12-1988.] as the State Government may by notification, in the Official Gazette appoint.

2. Definitions.

- In these rules unless the context otherwise requires :-(a) "Act" means the Indian Forest Act, 1927 (XVI of 1927), in its application to the State of Madhya Pradesh; (b) "Appellate Authority" means the Conservator of Forests-in-charge of a circle; (c) "Authorised Officer" means an officer authorised by the State Government under sub-section (2) of Section 52 of the Act; (d) "Form" means a form appended to these rules.

3. Appeal against the order of confiscation.

(1) Every memorandum of appeal against the order of confiscation under sub-section (1) of Section 52-A shall-(a) be in writing; (b) specify the name and address of the appellant; (c) specify the date of the order against which it is preferred; (d) specify the date on which the order was communicated to the appellant; (e) contain a clear statement of the facts; (f) specify the grounds on which the appeal is

preferred without any argument or narrative and numbered consecutively;(g)state precisely the relief prayed for; and(h)be signed and verified by the appellant or an agent duly authorised by him in writing in this behalf in the following form, namely :-"I..... the appellant named in the above memorandum of appeal do hereby declare that what is stated therein is true to the best of my knowledge and belief.....Signature of the appellant(2)The memorandum of appeal shall either be presented to the appellate authority by the appellant or his duly authorised agent personally.(3)The memorandum of appeal shall bear a court-fee stamp worth Rupees fifty.

4. Intimation for initiation of proceeding for confiscation of property.

- The authorised officer shall send an intimation under clause (a) of sub-section (4) of Section 52 of the Act, in Form 'A', to the Magistrate having jurisdiction to try the offence on account of which the seizure has been made. Form 'A' (See Rule 4) Intimation to the Magistrate about initiation of proceeding for confiscation of the seized property

From :- Dated.....

Name of the Officer and his designation To The Judicial Magistrate.

1. Description of the property proposed to be confiscated with a brief account of the circumstances under which the same was seized.

2. Full particulars of the owner of the property proposed to be confiscated.

3. Name of the person from whose possession the property to be confiscated.

4. Date, time and place of its seizure.

5. Name of the officer, who has seized the property in question.

6. Estimated value of the property in question.

7. Particulars of offence/offences on account of which seizure was made.

8. Date of initiation of the proceedings for confiscation of the property in question.

Signature of the Authorised Officer with seal.