

# **The U.P. Tendu Patta (Vyapar Viniyaman) Niyamawali, 1972**

UTTAR PRADESH

India

## **The U.P. Tendu Patta (Vyapar Viniyaman) Niyamawali, 1972**

### **Rule**

### **THE-U-P-TENDU-PATTA-VYAPAR-VINIYAMAN-NIYAMAWALI-1972 of 1972**

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The U.P. Tendu Patta (Vyapar Viniyaman) Niyamawali, 1972Published vide Notification No. 22(4)-2-14-B-67, dated 17-3-1972

#### **1. Short title and commencement.**

(1)These rules may be called the Uttar Pradesh Tendu Patta (Vyapar Viniyaman) Niyamawali, 1972.(2)These rules shall come into force with effect from such date as the State Government may, by notification in the Gazette, direct.

#### **2. Definitions.**

- In these rules, unless the context otherwise requires,-(1)"Ordinance" means the Uttar Pradesh Tendu Patta (Vyapar Viniyaman) Adhyadesh, 1972;(2)"Committee" means the Advisory Committee constituted as such under Section 6 of the Ordinance;(3)"Chairman" means the Chairman of the Committee appointed as such under sub-rule (1) of Rule 5 of these rules;(4)"Convener" means the convener of the Committee appointed as such under sub-rule (1) of Rule 5 of these rules;(5)"Divisional Forest Officer" means the Forest Officer-in-charge of a "Forest Division";(6)"Exporter of tendu leaves" means a person who exports tendu leaves outside Uttar Pradesh for his own use or sells tendu leaves to another person carrying on trade in tendu leaves at a place outside Uttar Pradesh;(7)"manufacturer of bidis" includes a person manufacturing bidis through mazdoors by advancing to them either tendu leaves or tobacco or both;(8)"form" means a form appended to these rules;(9)"purchaser" means a person to whom tendu leaves have been sold by the State Government under Section 13;(10)"section" means a section of the Ordinance;(11)"standard bag" means a bag containing 1,000 standard gaddis of tendu leaves and

where the standard gaddis are not bagged, reference to standard bag shall be construed as a reference to 1,000 standard gaddis or 50,000 leaves;(12)"standard gaddi" means a bundle containing 50 tendu leaves;(13)"transport permit" means a permit issued under clause (c) (iii) of Section 5 for transport of tendu leaves;(14)all other words and expressions used in these rules but not defined therein, shall have respectively the same meaning as is assigned to them in the Ordinance.

### **3. Appointment of Agent.**

(1)To appoint agent for unit under sub-section (1) of section 4, the State Government shall publish a notice in the Gazette, and in such other manner as it may think fit, giving terms and conditions of agency and inviting applications for such appointment.(2)The application for agency shall be in Form 'A' which may be had from the office of any Divisional Forest Officer on payment of rupee one for each form.(3)An unrefundable fee of Rs. 10.00 (ten) shall be paid for each application for Agency. The amount shall be payable to the account of the Division in which the unit is situated in accordance with the Standing Order for acceptance of money by the Forest Department.(4)(i)The application for agency, complete in all respects, accompanied by the prescribed application fee shall be submitted to such authority, by such date, and in such manner as may be specified in the aforesaid notice.(ii)Any person applying on behalf of another person or as a partner of a firm shall enclose a copy of the power-of-attorney executed by such person empowering him to act on his behalf or as the case may be, the certificate of registration of the firm of which he claims to be a partner, with the application and produce the original thereof before the Divisional Forest Officer.(iii)The applicant shall not withdraw his application till orders of the competent authority accepting or rejecting his application are passed or another person is appointed as agent for that Unit. Breach of this provision will entail forfeiture of the security deposit prescribed by sub-rule (5).(5)(i)Every such application shall be accompanied by a Treasury challan showing a cash deposit of Rs. 500.00 (five hundred) by the applicant under the head "Revenue Deposit" in the name of the Divisional Forest Officer as security deposit, challan for making the deposit may be obtained from the Divisional Forest Officer concerned.(ii)In addition to the security deposit mentioned in clause (i) the applicant shall either deposit in cash an additional sum equivalent to the security deposit or furnish and enclose a surety bond of the amount specified in the aforesaid notice issued under sub-rule (1).(6)The State Government may accept or reject any application without assigning any reason therefor. The security deposit shall be refunded to the applicant whose application is rejected. The security deposit of the applicant appointed as an agent shall, subject to the provisions under sub-rule (9), be adjusted towards the security deposit required under sub-rule (10).(7)If in the opinion of the State Government, it is not possible to select suitable agents for the purpose out of the persons who had applied for the appointment as agent, or where an agency is terminated and there is not sufficient time for calling fresh applications, the State Government may appoint any person as agent who in their opinion is suitable for the work.(8)The person to be appointed as agent shall furnish a declaration in Form 'B'.(9)(i)On appointment as an agent the person so appointed shall execute an agreement in Form 'C' within fifteen days of the receipt of the order of appointment, failing which the appointment shall be liable to be cancelled and on such cancellation-(a)the security deposit shall be forfeited; and(b)the agent shall be liable to pay the loss if any, incurred by the State Government as a result of cancellation of the appointment. The loss will be a sum to be calculated as

under :A = Loss to State Government.B = The difference of the number of standard bags notified for the unit and the number of standard bags which are collected and delivered.Y = Purchase-rate per standard bag accepted by the State Government for the unit under Rule 9.Z = Cost of collection per standard bag as may be determined by the State Government for the unit.A = B [Y-Z]i.e., the difference between aforesaid purchase-price per standard bag and the aforesaid cost of collection per standard bag multiplied by the number of bags which are collected and delivered short of the number notified for the unit.(ii)The order of appointment of an agent shall either be delivered personally or communicated by registered post.(iii)The loss determined under clause (i) shall be recoverable from the agent of his surety as arrears of land revenue.(10)[ (i) The agent so appointed for a particular Unit shall, before signing the agreement, deposit as security for the proper exclusion and performance of the agency in accordance with the terms and conditions of the agreement and the provisions of the Ordinance and these rules, a minimum sum to be calculated as under :X = Number of standard bags of tendu leaves mentioned against the unit in the notice under sub-rule (1) or subsequently fixed by the Government or an officer authorised by it.Y = Purchase-rate per standard bag accepted by the State Government for the unit under Rule 9.Z = Cost of collection per standard bag determined by the State Government for the unit.A = Security Deposit.

$$A = | X (Y-Z) - 10 | 100$$

i.e., 10 per cent of the difference between the aforesaid purchase rate per bag and the aforesaid cost of collection per bag, multiplied by the aforesaid number of bags.The sum calculated as above shall be indicated in the order of appointment.] [Substituted by Notification No. 1908/XIV-2-70-72, dated 4-4-1972, published in U.P. Gazette, dated 5-4-1972, pp. 3-5.](ii)This security deposit will be in the shape of revenue deposit in the name of the Divisional Forest Officer concerned either in cash or in Post Office Cash Certificate, National Saving Certificate, 10 years Treasury Saving Deposit Certificate, 12 years National Saving Certificate, 10 years Defence Deposit Certificate or 12 years National Defence Certificate at surrender value, or in the other form of Government security recognised for the purpose of small Saving Schemes pledged to the Divisional Forest Officer concerned.(iii)The security deposit shall, either wholly or in part, as the case may be adjusted by the Divisional Forest Officer towards the recovery, if any, of the deduction made for short collection of leaves, compensation, damages and any other dues which may be recoverable under the provision of the agreement, these rules and the Ordinance, and if ordered by the Divisional Forest Officer in writing, all such deductions shall have to be made good by the agent by the deposit of an equivalent amount within fifteen days of the receipt of the notice to that effect.(iv)If the dues to be recovered exceed the amount of the security deposit, the amount in excess shall, unless shall, be made good within fifteen days from the date of receipt of the Divisional Forest Officer's notice to that effect, be recoverable as arrears of land revenue.(v)The security deposit or the balance, as the case may be, shall be refunded to the agent when the Divisional Forest Officer, is satisfied that all the obligations and formalities on the part of the agent under the terms of the agreement and the provisions of these rules and the Ordinance have been duly complied with and no amount is due against him.(11)(i)The agent shall purchase tendu leaves from persons mentioned in sub-clauses (iii), (iv) and (v) of clause (d) of section 2, and unless otherwise directed collected tendu leaves from the land of the State Government or Gaon Sabha or other local authority at the depot opened by him or ordered to be opened by the Divisional Forest Officer in accordance with the provisions of the Ordinance, these rules and the agreement. The Divisional Forest Officer may from time to time give

him appropriate directions in this behalf not inconsistent with the provisions of the Ordinance, the rules and the agreement.(ii)Unless ordered by the Divisional Forest Officer in writing or an officer authorised by him, in writing, the agent shall not slacken or stop the work of collection in any of the depots within the unit.(12)Subject and to the extent of the orders of the Divisional Forest Officer in writing for either withholding or for delivery to another person the specified quantity of leaves from specified depots, the agent shall deliver, immediately or as and in the manner ordered by the Divisional Forest Officer tendu leaves purchased or collected by him, to the purchaser appointed for the unit :Provided that the quantity withheld or ordered to be delivered to the person other than the purchaser shall not ordinarily exceed 10 per cent of the quantity notified for collection by the agent.(13)The agent shall maintain such account and submit such periodical return to the Divisional Forest Officer or any other officer authorised by the Divisional Forest Officer, as may be directed by the Divisional Forest Officer.(14)The agent shall furnish, a list of persons employed by him within the unit immediately as and when employment is made and all such persons as are object to the Divisional Forest Officer shall be forthwith removed from employment by the agent.(15)If agent during the period of agency has duly observed and performed all the terms and conditions of the agency to the satisfaction of the State Government and if the State Government is satisfied that he has done his best to collect maximum quantity of leaves from the unit, it may grant to the agent yearly renewal of agency for a period to be fixed by the State Government on such terms and conditions as may be decided upon each year.(16)Applicants from agency having previous experience of less than an year of the trade of tendu leaves will be required to deposit double the security required by the rules.(17)The agent shall be advanced such money for the performance of agency as may be directed by the State Government from time to time.

### **3A. [ Collection of Tendu leaves [Section 5-A]. [Inserted by Notification No. 8535/XIV-2-22 (4) 2-67, dated November 14, 1979.]**

(1)Notwithstanding anything contained in Rule 3, a person who has been appointed a purchaser as per provision of Rule 9 may be issued a permit in Form "Q" by the Divisional Forest Officer authorising him to collect tendu leaves from the grower(s) of the particular unit of which he is a purchaser. The permit will contain the name of the purchaser, the names of all growers of tendu leaves in the unit and estimated quantity of leaves to be collected. This said purchaser shall collect tendu leaves from the growers directly on the payment of price thereof of the State Government as offered/bid for the unit in this tender/auction, in the manner agreed to under Form 'R' and the tenure-holders, mortgagees, tenants, lessees, receivers and other holders as notified by the State Government under section 7 of the Act. The said purchaser shall also pay to such persons as are engaged in the collection of leaves, such collection charges as may have been notified in the official Gazette. He shall not be entitled to payment of any amount by way of commission or otherwise for the collection of tendu leaves.(2)The said purchase shall be deemed to be in agent for the purposes of clauses (a) and (b) of sub-section (1) of Section 5 of the Act.]

### **4. Transport permit. [Section 5 (c) (1)].**

- Transport permits shall be of the following four types and shall be issued by officers and/or persons mentioned against each of them :

	Type of transport permit	Authority to issue permit
(i)	For transport from collection depot to storage godown :	
	(a) Main permit, Form T.P.I. (Main)	Divisional Forest Officer or an officer authorised by him inwriting.
	(b) Subsidiary permit Form T.P.I. (Subsidiary) up to the extent of quantity mentioned in the main permit.	Divisional Forest Officer or any officer and/or person authorised by the Divisional Forest Officer in writing.
(ii)	For transport from one storage godown to another or to distribution centre, Form T.P. 2.	Divisional Forest Officer or any officer and/or person authorised by the Divisional Forest Officer in writing up to a specified quantity and period.
(iii)	For transport from distribution centre to Sattadars or Mazdoors, Form T.P.3.	Divisional Forest Officer or any person authorised by the Divisional Forest Officer in writing specifying the maximum quantity to be transported in each consignment.
(iv) [ [Substituted by Notification No. 8535/XIV-2-22 (4)-2-67, dated 14-11-1979.]	For transport outside the State or transport to any area in the State to which the Act does not apply from any area in the State to which the Act applies, Form T.P. 4.	Divisional Forest Officer or any officer not below the rank of Assistant Conservator of Forests authorised by Divisional Forest Officer in writing.]
(v)	For transport inside the State from an area outside the State or for transport to any area in the State to which the Act applies from any area in the State to which the Act does not apply, Form T.P.5.	Divisional Forest Officer or any officer not below the rank of Assistant Conservator of Forests authorised by the Divisional Forest Officer in writing.
(vi)	For transport to any place outside the State or outside the area to which the Act applies from another place outside the State or outside area to which the Act applies through the State or the area to which the Act applies, Form T.P. 6.	Divisional Forest Officer or any officer not below the rank of Assistant Conservator of Forests authorised by the Divisional Forest Officer in writing :

Provided that the Divisional Forest Officer if he has reason to believe that the officer or person authorised by him to issue permit is not suitable, shall forthwith cancel authorization.(2) Application for issue of transport permit of any of the aforesaid types shall be made in Form "D" and shall be submitted to the Divisional Forest Officer who shall issue the permit or shall authorise an officer or

person to issue the permit :Provided that the Divisional Forest Officer, if he has reason to believe that the leaves in respect of which the application has been made, have not been purchased from the State Government or its officer or agent, may after giving the applicant such opportunity of being heard as he may in the circumstances deem fit, reject such application by an order in writing, recording the reasons for such rejection.(3)All types of transport permits shall be subject to the following conditions :(a)Each consignment of tendu leaves during movement by any mode of transport by road, rail, water or air, shall be accompanied by a transport permit of the concerned type.(b)The leaves shall be transported only by the route specified in the permit and shall be produced for checking at such place as may be specified therein.(c)Except with the permission in writing of the Divisional Forest Officer or an officer authorised by him in this behalf, the leaves shall not be transported at any time after sunset and before sunrise.(d)The permit shall be valid for such period as may be specified therein.(e)The transport permit will be liable to be cancelled by the Divisional Forest Officer if he has reason to believe that it has been misused or is likely to be misused.(f)All transport permits after transporting leaves or after expiry of the period mentioned therein, whichever is earlier, shall be returned within a fortnight to the nearest Divisional Forest Officer or to the Range Officer.

## **5. Procedure for conducting business of the Committee [Section 6 (3)].**

(1)The State Government shall, subject to the provisions of Section 6, publish the names of the members of the committee of each Revenue Commissioner's Division, constituted under the said section appointing one member as its Chairman and another as Convener.(2 )The Committee shall hold its meeting at the headquarters of the Revenue Commissioner of the Division for which it is constituted.(3)Every meeting of the Committee, shall be presided over by the Chairman and in his absence by the Convener. If both the Chairman and the Convener are absent, the members present shall elect one of the members present as the Chairman and hold the meeting.(4)The Convener shall fix the date, time and place of meeting of the Committee and intimate the same in writing to all the members of the Committee. The acknowledgement of all the members of having received the intimation shall be kept on record.(5)Four members of the Committee shall constitute the quorum.(6)The proceedings of the meeting shall be prepared in Hindi written in Devnagri script so as to clearly bring out the Committee's recommendations regarding the fair and reasonable price at which tendu leaves may be purchased from the growers other than the State Government, Gaon Sabha, or other local authority and also its advice on such other matters including the labour rules to be paid to the labourers in connection with the collection of tendu leaves by agents or other agencies as may be referred to it by the State Government.(7)The proceedings shall be approved by the person presiding over the meeting and his approval shall be taken as final proof of the authenticity of the Committee's recommendations.(8)The Committee's advice shall be conveyed to State Government through the proceedings of the meetings, which shall be sent so as to reach the Secretary to the Government, Forest Department by the 15th December or such other date as the State Government may fix for a particular calendar year. The State Government may, however, in a special case allow a Committee such further time as may be considered proper. The request for further time on behalf of a Committee should be made well in advance by the Convener.(9)Prices fixed under section 7 shall be published in both Hindi and English in the Gazette and if deemed necessary in such newspapers also having circulation in the revenue division concerned, as may be

decided by the Conservator of Forests concerned.

## **6. Regulation of growers [Section 9 (1)].**

(1) Every grower of tendu leaves other than the State Government, or Gaon Sabha or other local authority, shall if the quantity of leaves grown by him during a year is likely to exceed one standard bag, get himself registered under sub-section (1) of Section 9. (2) An application for registration as grower shall be in Form 'E' and be filed before the Range Officer within whose jurisdiction the grower's land on which tendu plants grow, is situate. The Range Officer, after due verification shall forward the application within 30 days of its receipt to the Divisional Forest Officer, who, after making such enquiry as he may deem necessary may issue a certificate in Form 'F' or reject the application after recording reasons therefor. (3) The certificate of registration once issued shall be valid till the time it is cancelled or modified by the Divisional Forest Officer for reasons to be recorded by him in writing or till the time the holder is in possession of the land in respect of which the certificate of registration has been obtained whichever is earlier. (4) If a certificate is lost or is mutilated, a certified copy of the same can be obtained from the Divisional Forest Officer on payment of rupee one for each copy. (5) The aforesaid certificate shall be produced at the depot while offering leaves for sale and the person authorised to purchase leaves of grower shall make the entry of the quantity of leaves purchased by him. (6) If so required by the Divisional Forest Officer every grower of tendu leaves holding a certificate of registration shall furnish by 15th July each year, an account of total quantity of tendu leaves in standard bags collected by him and its disposal during the plucking season ending on the 30th June in the form specified by the Divisional Forest Officer. In the event of failure to submit the above account by the specified date, the certificate of registration may be cancelled.

## **7. Procedure of enquiry about rejected tendu leaves and guiding principles for determination of compensation [Section 8 (3) and 8 (4)].**

(1) On receipt of a complaint under sub-section (2) of Section 8, the officer holding the enquiry shall, as soon as possible, intimate the place, date and time fixed for holding the enquiry to the person concerned. (2) On the date fixed or on any subsequent date to which the enquiry may be adjourned, such officer shall, after hearing person or his duly authorised representative who may appear before him and after making such further enquiry as he may deem necessary, pass such orders in terms of sub-section (3) or (4) of Section 8 as he deems fit. (3) If the person, as the case may be, does not appear personally or through his duly authorised representative, the Enquiry Officer shall take decision ex parte after making such inquiry as he may deem necessary : Provided that if the Enquiry Officer is satisfied that the non-appearance of the person concerned was for sufficient cause, he may after such further enquiry, as he may deem fit, pass suitable order in supersession of the ex parte order. (4) The Enquiry Officer shall pass final orders within fifteen days of receipt of the complaint. (5) In case, tendu leaves offered for sale are rejected by the agent, he shall pay the compensation to the grower concerned in accordance with the orders of the Enquiry Officer and in case, tendu leaves offered for sale are rejected by an officer authorised by the State Government, the State Government shall pay the compensation to the grower concerned. (6) The guiding principles for determining the compensation to be paid under clause (a) or (b) of sub-section (3) of Section 8 shall

be based on the following considerations : (a) Enquiry Officer shall exercise his discretion in a just and equitable manner and it will be his bounden duty to ensure that there is no discrimination between the growers on any grounds whatsoever; (b) the nature and extent of harassment caused to the grower; (c) the expenses incurred by the grower in transporting tendu leaves; and (d) any other loss caused to the grower in this connection for reasons beyond his control.

**8. [ Registration of manufacturers of bidis and/or exporters of tendu leaves.  
[Substituted by Notification No. 8535/XIV-2-22-(4)-2-67, dated 14-11-1979.  
UPLA-(XII)-43.]**

(1) The manufacturer of bidis and/or exporter of tendu leaves shall be registered in the manner hereinafter provided after payment of an annual registration fee of Rs. 50.00 [fifty rupees]. Note. - Labourer manufacturing bidis are exempted from paying the above registration fee of Rs. 50.00 [fifty rupees] with the conditions that the labourer will keep only one standard bag of tendu leaves with him and will procure receipt for the purchase of the same and will produce the same on demand by a forest officer]. (2) An application for registration under sub-section (2) of section 9 shall be in Form 'G' and shall be filed before the Divisional Forest Officer within whose jurisdiction the manufacturer of bidis and/or exporter of tendu leaves resides, or his principal place of business is situate. If the manufacturer of the exporter resides outside the State, he may submit application to any Divisional Forest Officer whose jurisdiction falls in any of the areas notified under section 1 (3) of the Adhyadesh. The applicant shall mention the calendar year for which registration is desired. The annual registration fee shall be deposited in advance and receipt/challan of the amount having been deposited shall be enclosed with the application for registration. The Divisional Forest Officer may, after making such enquiry as he deems necessary, issue a certificate of registration in Form 'H' or reject the application after recording reasons therefor. (3) The registration shall be valid for the year which the certificate of registration is issued. (4) Every registered manufacturer of bidis and/or exporter of tendu leaves shall maintain a register of account for tendu leaves in Form T. He shall submit to the Divisional Forest Officer two returns of stock in Form 'J' one on the 31st March and the other on the 30th September each year. (5) On receipt of certificate of registration issued by the Divisional Forest Officer under sub-rule (2), every manufacturer of bidis and/or exporter of tendu leaves shall furnish a declaration in Form 'K' to the Divisional Forest Officer by 31st March or such other date as may be specified by the State Government. (6) If a certificate is lost or is mutilated, a certified copy of the same can be obtained from the Divisional Forest Officer on payment of Rs. 5.00 (five) for each copy. The certificate of registration of a manufacturer of bidis and/or an exporter of tendu leaves who has been punished under section 13 of the Ordinance or whose agreement has been terminated for committing any breach of the provisions of the Ordinance, these rules or the conditions of any agreement entered into with the State Government shall be liable to be cancelled by the Conservator of Forests and he may be refused registration for such further period as he deemed proper but not exceeding three years. (8) [ Every manufacturer of bidis and/or exporter shall submit the application for registration after getting the permanent address as written therein verified by the Revenue Authorities not below the rank of Naib Tehsildar] [Inserted by Notification No. 8535/XIV-2-22-(4)-2-67, dated 11-11-1979.].



## 9. Disposal of tendu leaves [Section 10].

(1)Tendu leaves purchased or likely to be purchased from persons mentioned in sub-clauses (iii), (iv), (v), and (vi) of clause (d) of Section 2 and collected or likely to be collected from land of the State Government or the land, for the time being vested in and held by a Gaon Sabha and other local authority, by the State Government or by its officer or agent shall ordinarily be sold or otherwise disposed off by tender on such terms and conditions as are specified in the tender notice issued by the State Government and in the tender form.(2)[ The tender notice shall be advertised in newspaper and in such other manner as the State Government may deem fit inviting sealed tenders from persons registered under sub-section (2) of Section 9 of the Act and desirous of purchasing tendu leaves on the terms and conditions specified in the aforesaid tender notice and form of tender.(3)The tender Form (Form 'N' or Form 'S' as the case may be) shall be available from the officer of the Divisional Forest Officer of the territorial division on payment of Rs. 25 for each form] [Substituted by Notification No. 8535/XIV-2-22-(4)-2-67, dated 11-11-1979.](4)Unless otherwise specified there shall be separate tender for each unit and every tender must be submitted to such authority and in such manner and on such date as may be specified in the tender notice.(5)[ Every tender shall be accompanied by the treasury challan showing each deposit under the head "Revenue Deposit" or a demand draft in favour of Conservator of Forests/Divisional Forest Officer concerned or any branch of State Bank of India or nationalised bank, equal to an amount specified in the tender notice to be deposited as earnest money. Treasury challan for making revenue deposit may be obtained from the Divisional Forest Officer concerned] [Substituted by Notification No. 1908/XIV-2-70-72, dated April 4, 1972.](6)The State Government may accept or reject all or any of the tenders so received without assigning any reason therefor. Earnest money deposited shall, in case of an unsuccessful tenderer, be refunded to him, and in case of a successful tender, it shall, subject to the provisions of sub-rule (10) be adjusted towards the deposit of security required by sub-rule (11).(7)If the tenders received for a unit is not considered acceptable, the State Government may appoint as purchaser for such unit any person on such terms and conditions as may be mutually agreed, and such appointment need not be limited to persons who have submitted tenders for such unit. All the rules applicable to a successful tenderer shall apply mutatis mutandis to person appointed as purchaser under this sub-rule.(8)Notwithstanding anything contained in the foregoing provisions the State Government may sell or otherwise dispose of tendu leaves collected or likely to be collected by it or by its officers or agents by auction on such terms and conditions as may be decided by it.(9)The successful tenderer or successful bidder, as the case may be, shall be appointed as purchaser for the particular unit and the entire quantity of tendu leaves collected or likely to be collected from such unit or such lesser quantity out of it, as may be offered to him by the State Government, its officer or agent in such unit, shall be purchased by him in such manner and on such terms and conditions as may be specified in the agreement to be executed by such purchaser under sub-rule (7).(10)[ The purchaser on being so appointed shall execute an agreement in Form 'M' or Form 'R' as the case may be, within 15 days of the receipt of the order of appointment, failing which the appointment shall be liable to be cancelled and on such cancellation, the amount deposited as earnest money shall be forfeited. In adding, the purchaser whose appointment has been cancelled shall bear the loss, if any, suffered by the State Government in the disposal of tendu leaves of the unit and his loss be recoverable from him or his surety as arrears to land revenue.] [Substituted by Notification No. 8535/XIV-2-22-(4)-2-67, dated 14-11-1979.](11)(i)Immediately after opening of the

tenders or completion of the bids, as the case may be, the successful tenderer/bidder shall furnish a security not less than 30% of the tendered/bid amount and then the Divisional Forest Officer will recommend him for appointment as purchaser to the Conservator of Forests who shall consider the recommendation and pass final orders. Any amount earlier deposited by such tenderer/bidder as earnest money or otherwise shall be adjusted against the security.(ii)The security deposit shall be in the shape of revenue deposit in cash or Post Office Cash Certificate, National Savings Certificate, 10 Years Treasury Saving Deposit Certificate or 12-Years National Savings Defence Certificate at surrender value or in other form of Government security recognised for the purpose of Small Savings Scheme pledged to the Divisional Forest Officer concerned.(iii)The security deposit, either wholly or in part, as the case may be shall be adjusted by the Divisional Forest Officer towards the amount if any, recoverable from the purchaser under the provisions of the agreement, rules and the Ordinance and all such deductions shall have to be made good by the purchaser by the deposit of an equivalent amount within 15 days of the receipt of the notice to that effect.(iv)If the dues to be recovered from the purchaser exceed the the amount of the security deposit, the amount in excess, shall, unless made good within 15 days from the date of receipt of Divisional Forest Officer's notice to that effect, be recoverable as arrears of land revenue.(v)The security deposit or the balance, as the case may be, shall be refunded to the purchaser after the expiry of the agreement.(vi)In addition to the security deposit mentioned above, the purchaser shall furnish a surety bond to the extent of four times of the cash security deposit as above.(12)The purchaser shall take delivery of tendu leaves at the collection centre or at such other place as are specified in the purchaser's agreement or are limited by the Divisional Forest Officer in writing from time to time during the currency of the purchaser's agreement.(13)[ The purchaser, if he desires to consume leaves within the forest division and/or removes the leaves delivered to him outside the forest division immediately or at any time before the 10th June, shall at the time of delivery pay the purchase-price in full for the quantity of leaves delivered to him, calculated at the rate specified in the purchaser's agreement. If the purchaser agrees in writing to keep the delivery of leaves, within the forest division under his supervision and risk but under the custody and control of the Divisional Forest Officer, he may, at the time of delivery of leaves pay only such part of the purchase price of the delivered leaves as may be specified in the purchaser's agreement. The balance of the purchase-price may be paid in instalments on dates specified in the purchaser's agreement or on any earlier date before the leaves or removed outside the forest division or are delivered to be consumed within the forest division. In no case the purchaser shall be allowed to remove all the leaves unless full price in respect thereof has been paid] [Substituted by Notification No. 1047/XIV-31-73, dated 28-3-1973 (w.e.f. 1st April, 1972).].(14)The purchaser shall maintain such account and submit periodical returns on such dates as may be specified in the agreement.(15)The purchaser shall furnish a list of persons employed by him within the unit and all such persons as are objected to by the Divisional Forest Officer shall be removed from employment by the purchaser.(16)[ The Conservator of Forests may, if he is satisfied that the purchaser on account of sufficient and sound reasons is unable to carry on the work, transfer the contract at the request of the original purchaser to a new purchaser who will execute a fresh agreement in the Form 'R' and deposit a fresh security which will be equal to double the amount of security deposited by the original purchaser] [Substituted by Notification No. 8535/XIV-2-22-(4)-2-67, dated 14-11-1979.],

## **10. Certificate of sale.**

- The State Government or its officer or the Agent who sells or delivers leave to the purchaser shall grant to him a certificate of sale in Form 'L'. Any person who claims to have purchased leaves from the State Government under Section 10 shall be required to produce such certificate of sale in support of his claim, failing which the claim shall not be accepted.