

# **The M.P. Van Upaj Ke Kararon Ka Punrikshan Niyam, 1987**

MADHYA PRADESH

India

## **The M.P. Van Upaj Ke Kararon Ka Punrikshan Niyam, 1987**

### **Rule**

### **THE-M-P-VAN-UPAJ-KE-KARARON-KA-PUNRIKSHAN-NIYAM-1987 of 1987**

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The M.P. Van Upaj Ke Kararon Ka Punrikshan Niyam, 1987Published vide Notification No. F 18-1-88-10-3, dated 11-8-1988, Madhya Pradesh Rajpatra (Asadharan), dated 16-8-1988In exercise of the powers conferred by Section 7 of Madhya Pradesh Van Upaj Ke Kararon Ka Punrikshan Adhiniyam, 1987 (No. 32 of 1987), the State Government hereby makes the following rules, the same having been previously published as required by sub-sections (1) and (2) of the said section, namely :-

#### **1. Short title.**

- These rules may be called the Madhya Pradesh Van Upaj Ke Kararon Ka Punrikshan Niyam, 1987.

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

- In these rules, unless the context otherwise requires,-(a)"Adhiniyam" means the Madhya Pradesh Van Upaj Ke Kararon Ka Punrikshan Adhiniyam;(b)"Agent" means an agent appointed by the State Government under Section 4 of the Madhya Pradesh Van Upaj (Vyapar Viniyaman) Adhiniyam, 1969 (No. 9 of 1969) or under Section 4 of the Madhya Pradesh lendu Patta (Vyapar Viniyaman) Adhiniyam, 1964 (No. 29 of 1964);(c)"Section" means a section of the Adhiniyam;(d)"Supply year" means a period of twelve months commencing from the 1st July of a calendar year and ending on the 30th June of next calendar year, but in case where the price or rate for sale or supply of a forest produce is revisable under an agreement from a date other than the 1st July, then the period of twelve months shall be deemed to commence from such other date.

### **3. Notice of amendment proposed in agreement.**

(1) Before amending any agreement under Section 3, the State Government shall give a written notice to the concerned purchaser in respect of the amendment proposed to be made in the agreement, calling upon the said purchaser to show cause within thirty days from the date of receipt of the notice, against the proposed amendment. The said notice shall also specify the proposed date of commencement of the amendment. (2) Where the amendment proposed to be made in the agreement relates to the revision of the price rate for sale or supply and/or quantity of forest produce fixed in an agreement, a note explaining the basis of determination of the market value under Section 4 shall be sent to the purchaser along with the notice. (3) The State Government shall consider the representation, if any, received by it from the purchaser within the stipulated period, in response to show cause notice under sub-rule (1) and decide whether the proposed amendment shall have effect with or without any modification : Provided that no modification, which is more unfavourable to the purchaser than the amendment proposed under sub-rule (1), shall be made without giving him a reasonable opportunity of being heard. (4) If the State Government decides to effect any amendment in the agreement, the decision to that effect shall be declared by an order to be published in the Official Gazette and a copy thereof shall be sent to the purchaser.

### **4. Determination of market value under Section 4.**

(1) The market value of a forest produce shall be determined by the State Government, after taking into consideration, the following factors, namely, - (a) the sale prices obtained in the open and negotiated sales of such forest produce effected by or on behalf of the State Government or its agent within the State during a period of twelve months preceding the date of commencement of the supply year : Provided that, where no such sale was held in the State of Madhya Pradesh during the period of twelve months, or the number or magnitude of sales transactions that have taken place during that period is not, in the opinion of the State Government, adequate for the purpose of determining the market value, the State Government shall take into consideration the sale prices obtained in such sales held during a period of twenty four months preceding the date of the supply : Provided further that if, in the opinion of the State Government, the quantity of forest produce involved in a sale is too small or insignificant to serve as a representative instance for the determination of the market value, the State Government may, having regard to the facts and circumstances of the case, ignore such sale; (b) the weightage to be given to the quality and quantities involved in the sales referred to in clause (a) where there is more than one sale; (c) the general trend in the price of the forest produce since the dates of sales referred to in clause (a); (d) the weightage to be given to the proximity or otherwise of the areas, where the sales referred to in clause (a) have taken place, to the areas, from where the supply of forest produce is to be made to the purchaser; and (e) any other factor which, in the opinion of the State Government, is relevant to the determination of market value. (2) Where no sale of a forest produce has taken place within the State, during the period referred to in a clause (a) of sub-rule (1), the market value of forest produce shall be determined by the State Government, taking into consideration the open and negotiated sales transaction of such forest produce effected in on or more of the States adjoining the State of Madhya Pradesh but keeping in view, as far as possible, the factors mentioned in sub-rule (1). Explanation. - For the purposes of this rule, "Open Sales" shall include sales effected by public auctions or by

inviting public or limited tenders, and "negotiated sales" shall exclude sales in which the price or the rate for sale or supply is fixed by the supplier under a pre-existing agreement.