

The M.P. Adim Jan Jatiyon Ka Sanrakshan (Vrakshon Me Hit) Adhiniyam, 1999

MADHYA PRADESH

India

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Act 25 of 1999

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The M.P. Adim Jan Jatiyon Ka Sanrakshan (Vrakshon Me Hit) Adhiniyam, 1999 (No. 25 of 1999) Received the assent of the Governor on the 21st April, 1999; published in the "Madhya Pradesh Gazette (Extra-ordinary)" dated the 24th April, 1999. An Act to consolidate and amend the law relating to protection of interest of Aboriginal Tribes in the trees standing on their holdings with a view to save them from exploitation and to bring the law in consonance with the other laws and the changed situations on the field. Be it enacted by the Madhya Pradesh Legislature in the Fiftieth Year of the Republic of India as follows :-

1. [Short title, extent and commencement and Applicability.] [Substituted 'Short title, extent and commencement' by M.P. Act No. 18 of 2017, dated 31.5.2017.]

(1) This Act may be called The Madhya Pradesh Adim Jan Jatiyon Ka Sanrakshan (Vrakshon Me Hit) Adhiniyam, 1999. (2) It shall come into force on such date as the State Government may, by notification, appoint. (3) It extends to the whole of Madhya Pradesh. (4) [The Provisions of this Act shall not be applicable to trees planted under the provisions of the Madhya Pradesh Lok Vaniki Adhiniyam, 2001 (No. 10 of 2001).] [Inserted by M.P. Act No. 18 of 2017, dated 31.5.2017.]

2. Definitions.

- In this Act, unless the context otherwise requires, -(a) "Aboriginal Tribes" means the tribes declared by the State Government as Aboriginal Tribes under sub-section (6) of Section 165 of the Madhya Pradesh Land Revenue Code, 1959 (No. 20 of 1959) and includes "Scheduled Tribes" specified as such with respect to the State of Madhya Pradesh under Article 342 of the Constitution of India; (b) "Code" means the Madhya Pradesh Land Revenue Code, 1959 (No. 20 of

1959);(c)"Collector" means the Collector of the district concerned and includes an Additional Collector of such district who is specifically empowered by the State Government by notification to exercise and perform the powers and functions of the Collector under this Act;(ca)["Commissioner" means the Commissioner of the revenue division concerned;] [Inserted by M.P. Act No. 18 of 2017, dated 31.5.2017.](d)"Holdings" means a parcel of land separately assessed to land revenue and held by a Bhumiswami belonging to an aboriginal tribe;(e)"Specified Trees" means species of trees specified in the Schedule;(f)The expression "Bhumiswami" shall have the same meaning as is assigned to it in the Code.

3. Protection of interest of Bhumiswami belonging to Aboriginal Tribes in specified trees on his holding.

(1)No trees of the specified species, standing on the holding of a Bhumiswami belonging to an Aboriginal Tribe shall be cut, girdled or pruned except as provided for hereinafter.(2)Any contract whatsoever entered into after the commencement of this Act or prior to it, either by the present Bhumiswami belonging to an Aboriginal Tribe, or his predecessors for the sale of wood of the specified trees on his holding, both with or without his land in which they stand shall be void.

4. Permission to cut the specified trees.

(1)Any Bhumiswami belonging to an Aboriginal Tribe, who intends to cut any specified tree standing on his holding shall apply for permission to the Collector, in the prescribed form, giving full and complete reasons thereof in such manner as may be prescribed.(2)[The Collector shall have the application enquired into in accordance with such rules as may be prescribed and grant or reject the application within the period of ninety days:Provided that no such permission shall be granted in a case where a period of five years has not elapsed after the date of acquisition of title in the land in any manner, except by succession.Explanation. - The date of acquisition of title shall be the date on which the transfer of title has registered by way of instrument.(3)The permission to cut trees in a year shall be restricted only to such number of specified trees as may fetch the Bhumiswami such amount of money not exceeding rupees ten lakh in a year as is considered by the Collector to be adequate to meet the purpose specified in the application :Provided that under special circumstances, the Collector may, after obtaining prior permission of the Commissioner, grant permission in a year for a value exceeding rupees ten lakh.] [Substituted by M.P. Act No. 18 of 2017, dated 31.5.2017.]

5. Valuation, cutting trees and sale of specified trees

(1)The valuation of the specified trees permitted to be cut shall be based on the report of the Divisional Forest Officer prepared in such manner, as may be prescribed.(2)The Collector shall endorse a copy of the permission granted under Section 4 to the Divisional Forest Officer who shall be responsible for cutting, stacking, transport and sale of the trees and shall remit consideration thereof to the joint account of the Bhumiswami and the Collector, in the prescribed manner.

6. Payment of consideration of the Bhumiswami.

- [(1) The amount of consideration payable to the Bhumiswami shall be deposited in the account of the Bhumiswami in any branch of a Scheduled Bank or Central Co-operative Bank.] [Substituted by M.P. Act No. 18 of 2017, dated 31.5.2017.](2)The Collector shall exercise utmost caution and care in withdrawals from the joint account ensuring that the same is done in the best interest of the Bhumiswami and for the sole purpose of meeting his bona-fide and genuine requirement.

7. Procedure.

- The proceedings under this Act, other than those under Section 9 shall for all purposes be deemed to be proceedings under the Code and the procedure laid down in the Code shall be followed.

8. Appeal, Revision, Review.

- The provisions of Appeal, Revision and Review as in the Code shall also apply to any order passed by the Collector under this Act.

9. Punishment for contravention.

(1)Any person who cuts, girdles, prunes or otherwise damages any specified trees standing on the holding belonging to the Aboriginal Tribes or removes any part thereof, in contravention of the provisions of this Act or the rules made thereunder, shall, on conviction be liable to rigorous imprisonment which may extend to three years and fine which may extend to ten thousand rupees.(2)[Wood of any specified trees constituting the basis of action under sub-section (1) shall be seized and stand forfeited to the State:Provided that if any conspiracy, fraud or deception is played on the Bhumiswami, the sale proceeds of the wood, so forfeited shall be given to the Bhumiswami under the order of the Collector, after disposal of the criminal case.] [Substituted by M.P. Act No. 18 of 2017, dated 31.5.2017.](3)Any Government servant or any other person who acts with malafide intention in contravention of any of the provisions of this Act or rules made thereunder or passes an order or submits an incorrect report provided under the rules or contravenes the express provisions of law or does not submit any report within a period of two months from the date of first communication shall on conviction be punishable with rigorous imprisonment which may extend to three years and fine which may extend to ten thousand rupees.(4)Without prejudice to the proceedings or punishment under subsection (3) the said Government servant shall also be liable for disciplinary action under the service rules applicable to him.

10. Offence to be cognizable.

- All offences under Section 9 shall be cognizable.

11. Power to make rules.

(1)The State Government may, by notification, make rules for carrying out the provisions of this Act.(2)All rules made under this Act shall be laid on the table of the Legislative Assembly.

12. Repeal and Saving.

- The Madhya Pradesh Protection of Aboriginal Tribes (Interest in Trees) Act, 1956 (No. 11 of 1956) and rules made thereunder shall stand repealed with effect from the commencement of this Act:Provided that any action taken, notification issued, report submitted or order passed under the repealed Act or Rules shall be deemed to have been taken, issued, submitted or passed, as the case may be, under this Act.The Schedule[See Section 2(e)]

List of Specified Trees	Species
1. Sagwan	(Tectona grandis)
2. Bija	(Pterocarpus Marsupium)
3. Shisham	(Dalbergia latifolia)
4. Sai	(Shorea robusta)
5. Tinsa	(Ougenia Oogeneries)
6. Saja	(Terminalia tomentosa)
7. Mahua	(Madhuca indica)
8. Bhirra	(Chloroxylon swietnia)
9. Karanj	(Pongama glabra)
10. Tendu	(Diospyros Melanoxylon)
11. Lendia	(Legerstoremia Parviflora)
12. Dhawra	(Anogeissus Latifolia)
13. Khair	(Acacia Catechu)
14. Khamar	(Gmelina arborea)
15. Chandan	(Santalum album)
16. Haldu	(Adina Cordifolia)
17. Aam	(Mangifera indica)
18. Jamun	(Eugenia eugenesis)
19. Imli	(Tamarind us indica)
20. Arjun	(Terminalia arjuna)