The M.P. Van Upaj (Vyapar Viniyaman) Kastha Niyam, 1973

MADHYA PRADESH

India

The M.P. Van Upaj (Vyapar Viniyaman) Kastha Niyam, 1973

Rule

THE-M-P-VAN-UPAJ-VYAPAR-VINIYAMAN-KASTHA-NIYAM-1973 of 1973

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1. Short title.

- These rules may be called the Madhya Pradesh Van Upaj (Vyapar Viniyaman) Kastha Niyam, 1973.

2. Definitions.

- In these rules, unless the context otherwise requires,-(a)"Act" means the Madhya Pradesh Van Upaj (Vyapar Viniyaman) Adhiniyam, 1969 (No. 9 of 1969);(b)"Divisional Forest Officer" means the Forest Officer Incharge of a Territorial Forest Division or any other officer declared equivalent thereto by the State Government;(c)"Consumer's Sale Certificate" means the sale certificate issued by the retail seller to certify the quantity of the specified timber sold by him to the consumer;(d)"Form" means a form appended to these rules;(e)"Purchaser" means a person or party to whom specified timber has been sold or otherwise disposed off in such manner as the State Government may direct under Section 12 of the Act;(f)"Transport permit" means a permit issued under clause (c) of sub-section (2) of Section 5 of the Act for transport of specified timber.

3. Transport of Specified Timber for bona fide use or for consumption or for Nistar.

1

(1)Any person may, under Clause (b) of sub-section (2) of Section 5 of the Act, transport individually such specified timber from the place of purchase to the place where it is required for his bona fide use or for consumption as is sold to him by the licenced Vendor under a Consumer's Sale Certificate.(2)Specified timber covered under Forest Produce pass, free or paid Nistar Passes, commutation pass or money receipt issued by the Vendor/Forest Officer may be transported to the limit of quantity specified therein in accordance with the rules, prevalent in respect of such passes for the time being in force in different regions of the State.

4. Transport permit.

(1)Subject to the provisions of clauses (a), (b) and (d) of sub-section (2) of Section 5 of the Act, transport of specified timber shall be regulated by transport permits of the following types which shall be issued by the authorities in such manner as mentioned against each of them:-

Type of permit	Transport	Authority to issue permit	Conditions under which the permit shall beissued.
(1)	(2)	(3)	(4)
1. T. 1	For transportation within the specified area when furthertransportation shall not be necessary	Divisional Forest Officer or any other Officer authorised byhim.	On realisation of the full payment of timber
2. T. 2	For transportation within the specified area when furthertransportation shall be necessary	Divisional Forest Officer or any other Officer authorised byhim.	On realisation of the full payment of timber
3. T. 3	For transportation of specified timber outside the specifiedarea.	Divisional Forest Officer or any other Officer authorised byhim.	On realisation of the full payment of timber and when the Officer issuing the permit is fully satisfied as to the genuineness of the timber.

Provided that the Divisional Forest Officer, if he has reason to believe that the Officer authorised by him to issue permit is not suitable, shall forthwith cancel such authorisation.(2)No alteration shall be made in any thing written on any transport permit, except in the matter of route and period and this may be done only by a Forest Officer not below the rank of Forest Ranger for sufficient reasons to be recorded in writing.(3)Application for issue of transport permit of any of the aforesaid type shall be made in Form 'A and shall be submitted to the Divisional Forest Officer or to the Officer authorised to issue permit, as the case may he :Provided that the Divisional Forest Officer or any Officer authorised by him, if he has reason to believe that the specified timber in respect of which the application has been made, has been obtained illegally or collected illicitly or without authority, 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:Provided further that if the applicant is aggrieved by the above order, he may file an appeal to the Officer next higher in rank within thirty days from the date of rejection of the application, whose decision shall be final.(4)All types of transport permits shall be subject to the following conditions, namely:-(a)each consignment of

specified timber during movement by any mode of transport shall be recovered by a transport permit as specified in sub-rule (1).(b)The specified timber shall be transported only by the route specified in the permit and shall be produced for checking at such place or places 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 specified limber 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 an officer of and above the rank of the Officer issuing such permit if there is reason to believe that it has been misused or is likely to be misused.(f)All transport permits after transporting specified timber or after the expiry of the period mentioned therein, whichever is earlier shall be returned within a fortnight to the nearest Forest Officer of or above the rank of Forest Ranger obtaining acknowledgment.

5. Registration of growers of specified timber.

(1)Every grower of specified timber other than the State Government shall, if the quantity of specified timber grown by him exceeds the quantity specified below, get himself registered under Section 10 of the Act:-

Specified Timber Quantity
(1) (2)

1. Teak One tree of and above 30 cms girth at Breast Height

2. Bija, Sal and Shisham One tree of and above 60 cms girth at Breast Height.

(2) The grower shall demarcate his holding on ground by prominent pillars and all specified timber trees permissible for felling under the provisions of the Madhya Pradesh Land Revenue Code, 1959 (No. 20 of 1959) and intended to be sold by him, are to be serially numbered, girth measured at breast height e.g., at 1.5 meters from the ground land. A list of this effect shall be submitted along with the application tor registration. Application for registration as grower of specified timber shall be in Form 'B' and be filed before the Forest Range Officer within whose jurisdiction the growers land on which specified timber trees are grown, is situated. The Range Officer alongwith the concerned patwari, after due verification, shall forward the application within 30 days of its receipt to the Divisional Forest Officer or the attached Officer posted in the Office of the Divisional Forest Officer and who has been authorised therefor by the Divisional Forest Officer, who after making such inquiry as he may deem necessary, may grant registration certificate in Form 'C' or reject the application after recording reasons therefor.(3)Registration certificate once issued shall be valid till the specified limber is sold or it is cancelled or modified by the Divisional Forest Officer or his gazetted assistant or reasons to be recorded by him in writing or till the time the applicant remains the owner of the land in respect of which the registration has been obtained, whichever is earlier.(4)The issue of registration certificate will be in addition to the requirements of the provisions of the Madhya Pradesh Land Revenue Code, 1959 (No. 20 of 1959) or the rules made thereunder. (5) If the registration certificate is lost or mutilated, a certified copy of the same can be obtained from the Divisional Forest Officer or his gazetted assistant on payment of rupees ten. While issuing the certified copy of the mutilated registration certificate, the latter shall be destroyed by the authority issuing such copy who shall record a statement of having done so.

6. Procedure of enquiry about rejected Specified Timber.

(1)On receipt of a complaint under sub-section (2) of Section 9 of the Act, the Officer holding an enquiry shall as soon as possible by serving a notice intimate the place, date and time fixed for holding the enquiry to the party or parties concerned.(2)On the date fixed or on any subsequent date to which the enquiry may be adjourned such officer shall, after hearing the parties or their duly authorised representative who may appear before him and making such enquiry as he may deem necessary, pass such orders in terms of sub-section (3) of Section 9 of the Act, as he considers fit on the date fixed for hearing under this rule: Provided that any person aggrieved with the orders passed may prefer an appeal to the Officer next higher in rank within 30 days of passing of such order, whose decision shall be final.(3) If the party or parties, as the case may be, do not appear either personally or through their representatives with power of attorney, the enquiry officer shall take decision, ex parte after making such enquiry as he may deem necessary: Provided that if on receipt of the application within 15 days of the passing of the ex parte order, the enquiry officer is satisfied that the non-appearance of the party or parties was for a sufficient cause, he may, after making such enquiry as he may deem fit pass suitable orders setting aside the ex parte order: Provided further that where the application for setting aside the ex parte order has been rejected an appeal against that order may be filed before the officer next higher in rank within thirty days from the dale of rejection of the application, whose decision shall be final.

7. Registration of Manufacturers, Traders and Consumers of Specified Timber.

(1)Every manufacturer who uses any specified timber as a raw material and every trader and consumer whose annual use, requirement or consumption, as the case may be, exceeds the quantity given in the Schedule below, shall declare his stock of specified timber in Form D and get himself registered in the manner hereinafter provided after payment of an annual registration ice as specified in the said Schedule.

Schedule

Minimum quantity for which registration is necessary for Manufacturers, Traders and Consumers and the annual registration fee for Manufacturers, Traders and Consumers.

Minimum quantity forwhich registration is necessary.		Annual registration fee		
Trader	Consumer	Manufacturer	Trader	Consumer
(1)	(2)	(3)	(4)	(5)
(a) House building contractors 1 cu.m.	Bona fidepurposes	Rs. 200/-	(a) House building contractors Rs. 150/-	Bona fideconsumer Rs. 5/-

(b) Carpentry shops furniture makers including ternaryartisans - 1 cu. m.

(b) Carpentry shop furniture makers including ternary artisansRs. 25/-

(c) Any other trader

Rs. 200/-

(2) Ait application for registration under Section 11, shall be in Form E and shall be filed before the Divisional Forest Officer within whose jurisdiction the manufacturer, trader or consumer of the specified timber resides or his principal place of business is situated. If the trader resides outside the State of Madhya Pradesh, he may submit his application to any Divisional Forest Officer within the specified area. The annual registration fee shall be deposited in advance and copy of the evidence for having deposited the amount shall be enclosed with the application for registration. The Divisional Forest Officer or an Officer authorised by him in writing may, after making such enquiry as he deems necessary', grant a certificate of registration in Form F or reject the application after recording reasons therefor: Provided that any person aggrieved by such order may prefer an appeal to the Officer next higher in rank within 30 days, who shall after hearing the party, parties concerned, pass an order as he may deem fit, which shall be final.(3)The registration shall be valid for the calendar year for which the certificate of registration is issued.(4) Every registered manufacturer, trader and consumer of the specified timber shall maintain a register of accounts of specified timber and submit returns of these accounts to Divisional Forest Officer in the forms as may be prescribed by such Officer from time to time. (5) If a certificate is lost or is mutilated, a certified copy of the same may be obtained from the Divisional Forest Officer on payment of rupees five for each certificate. While doing so, the mutilated certificate shall be destroyed and a statement to that effect recorded in the fresh certificate. (6) The certificate of registration of the manufacturer, trader or consumer of the specified limber, who has committed breach of any of the provisions of the Act, rules or of any conditions of the agreement entered into with the State Government and as a result of which he has either been punished under Section 16 of the Act or his agreement has been terminated, shall be liable to be cancelled by the Divisional Forest Officer and the manufacturer, trader or consumer, as the case may be, refuse registration for a further period, which may extend to 3 years: Provided that if the manufacturer, trader or consumer of the specified timber concerned is aggrieved by the above order, he may appeal to the Conservator of Forests concerned within thirty days from the date of issue of the order: Provided further that the Conservator of Forests concerned may for sufficient reason to be recorded in writing admit an appeal after the expiry of the period specified in the preceding proviso.

8. Certificate of sale.

- The State Government or its authorised Officer, who sells or delivers the specified timber to the purchaser shall grant him a certificate of sale in Form G. If the sale certificate is lost or mutilated, a duplicate copy shall be issued by the concerned Divisional Forest Officer, on payment of Rs. 5 after due verification. Any person, who claims to have purchased the specified timber from the State Government under Section 12 shall, on demand by a Forest or Police Officer not below the rank of Assistant Sub-Inspector produce such certificate of sale in support of his claim, failing which his claim shall not be accepted and such stock which he claims to have purchased from the State Government, if not supported by a certificate of sale, shall be deemed to be the property of the State Government and may be taken possession of by a Forest or Police Officer: Provided that if such person produce within fifteen days of the taking possession of such specified timber by a Forest or a Police Officer before the Divisional Forest Officer in an evidence to the satisfaction of the said Divisional Forest Officer in support of his having purchased such stock from the State Government, the timber so taken possession of by the Forest or Police Officer, shall be released by the Divisional Forest Officer.

9. Grant of licence for retail sale of specified timber.

(1)Any person who desires to engage himself in retail sale of a specified timber shall obtain a licence in the manner hereinafter provided.(2)Any application, for licence under Section 13 of the Act shall be in Form H to be obtained from the Office of the Divisional Forest Officer on payment of rupee one per form.(3)The application shall be made before the Divisional Forest Officer or his Gazetted Assistant who may after such enquiry, as he may deem fit, either reject the application after recording in writing reasons therefor or direct the applicant to remit the annual licence fee prescribed under these rules.(4)The annual licence fee shall be as under:-

Annual expected sale Annual registration fee

(1) (2)

Rs.

(a) upto 10 cmt. 5/-

(b) above 10 and up to 50 cmt. 10/-

(c) above 50 and up to 100 cemt. 50/-

(d) above 100 cmt. 100/-

(5) The applicant shall remit the annual fee as directed by the Divisional Forest Officer or his Gazetted Assistant and produce the evidence of having deposited the amount within seven days of such order.(6)On production of evidence in respect of having deposited the amount of annual fee, the Divisional Forest Officer or his Gazetted Assistant shall grant a licence in Form I.(7)Every licensee shall maintain a register of account of specified timber and shall submit to the Range Officer concerned returns of stock in such forms and on such dates as may be prescribed by the Divisional Forest Officer concerned.(8) If a licence is lost or is mutilated, a certified copy of the same may be obtained from the Divisional Forest Officer or his Gazetted Assistant on payment of rupees five for each licence. (9) It the licensee of the specified timber commits breach of any of the provisions of the Act, the rules or of any conditions of agreement under the Act and rules, if any, entered into with the State Government as a result of which he has either been punished under Section 16 or his agreement has been terminated, his licence shall be liable to be cancelled by the Divisional Forest Officer or his Gazetted Assistant if so authorised in writing by the Divisional Forest Officer and the person may be refused licence for a minimum period of three years but not exceeding 7 years: Provided that if the licensee of the specified timber concerned is aggrieved by the above order, he may appeal to the Conservator of Forests concerned, within thirty days from the date of issue of such order: Provided further that such appellate authority may, for sufficient reasons to be recorded in writing, admit an appeal after the expiry of the period specified in the preceding proviso.(10)The licensee shall sell the specified timber in retail to any consumer upto five cubic

meters for bona fide use and beyond 5 cu. m. to a registered consumer only.(11)The licensee shall issue to every person to whom the specified timber is sold, a consumer's sale certificate in Form I which will be retained by the purchaser while transporting till final use of such timber. Transport PermitT. 1 Permit[See Rule 4 (i)](T. 1 Transportation within the specified area when further transportation shall not be necessary)

Book	man not be necessary)	
No	Page No	
(a)	Locality of origin	
(b)	Name and address of the owner with registration number.	
(c)	Description of timber and quantity.	
(d)	Hammer mark on the timber.	
(e)	How purchased and whether full payment of the timber is made, give details.	
(f)	Name of the place where timber is to be transported.	
(g)	Mode of transport.	
(h)	Route of transport.	
(i)	Depots at which the timber will be produced for checking.	
(j)	Date of expiry of the permit.	
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(Office Seal)Signature of the Issuing authority.Transport PermitT. 3 Permit[See Rule 4 (i)](For Transportation outside the specified area)

(b) Name and address of the owner with registration number. (c) Description of timber and quantity. (d) Hammer mark on the timber. (e) How purchased and whether full payment made, give details. (f) Name and the place where the timber shall be transported. (g) Mode of transport. (h) Route of transport. (i) Depots at which the timber will be produced for checking. (j) Date of expiry of the permit. (Office Seal)SignatureDivisional Forest Officer	No	Page No			
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Date Signature of the applicant Form B[See Rule 5 (2)]Application for Registration of Grower of Specified Timber Under Section 10					
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	Date Signature of the applicant				
(a) Name of the applicant	Form B[See Rule ;	5 (2)]Application for Registration of Grower of S	pecified Timber Under Section 10		
(a) Name of the applicant					

(b)	Father	's name					
(c)	Village	and Patwari Ha	lka number				
(d)	Tehsil						
(e)	Police	Station					
(f)	thespe		rown (certifie	the plots on which ed copies of Khas		•••••	
(g)		er the holding in demarcated on tl	_	ecified timber is	grown		
Whether specified timber trees for which registration is required are serially numbered and whether they are (h) permissible to be filed and sold under the provisions of MPLRC (1959) and therules applicable there to (proof to this effect be produced).							
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Pro	forma		·	· ·			
Vil	lage	Survey number	Species	Serial Numb	er B	irth at reast eight in ns.	Remarks
(1)		(2)	(3)	(4)	(5	;)	(6)
Da Cer Cor (Te Ver Off	tetified th untersig chsildar. rified an icer.For	gned. Sign) (Ha d forwarded to t	of the applica of the applica nature of the alka No he DFO (2)]Growers I	tion have been ve Patwari) for favour	of necess	sary actio ation No.	are correct. n.Sub-Divisional Year
2.	Residen	tial address in fu	ıll				
.,		f village where s _l Halka Number	pecified timbe	er is grown with			
4.	Police S	tation					
5.	District						
6.	Details o	of timber grown	in the holding	5-			
Spe	ecies Gi	rth class at B.H.	No. of trees	Remarks			
(1)	(2))	(3)	(4)			

(Seal of the Office)	Signature
	Divisional Forest
	Officer
hereby decla	1)]Declaration by Manufacturer/Trader/Consumer of the Specified TimberI/We are that I am/We are bona fide Manufacturer/Trader/Consumer of the specified usiness in the District of
1. Name of the p	person or Firm or Company in the name of which business is
2. Registration N	No. of the Firm or Company
3. Name of centr	res of business having either office or Depot :-
(1)(2)(3)	
4. Present stock furnishing declar	of the specified timber in each of the depot at the time of tration :-
Name of storage cen	tre Species Quantity
_	
	ch the specified timber is being used as raw material or how
timber was used	nished produce manufactured annually in which the specified das raw material during previous two years and the quantity timber consumed.
Year Quantity of finit	ished product Quantity of the specified limber used (3)
7. Estimated qua	antity of finished product and requirement of the specified ame during ensuing year,-
(a)Estimated finisher timber	d produce ()(b)Estimated requirement (quantity) of specified

8.	. Quantity of the s	specified timber	exported annu	ually during the	previous two
уŧ	ears.				

Year		Place of export	Quantity
(1)		(2)	(3)
1.	(1)		
	(2)		
	(3)		
2.	(1)		
	(2)		
	(3)		
9. E	stir	nated export	during the ensuring yearquantity
furni (Offic E[Se Timb 1. N or c regi cop	f.Pla shin cer). e Ru er U am om stra	ce	test of my knowledge and I shall be able to produce evidence in their
		-	sil, police station and district.
3. P	arti	culars of tra	de in the specified timber quantity,-
annu	ally	exported outsid	as raw material annually and/or Average quantity of the specified timber e the State during the last three years as also the quantity of the specified r during the last three years
19.			

19.

19.
Average(b)Trade mark if any, in case of manufacturer and the name or names of places where the specified timber is exported in case of trader.(c)Estimated annual requirement of specified timber for purposes of -(i)Use as raw material for manufacture of wood based goods.(ii)Export outside the State(d)Name or names of places of depots where applicant's stock of the specified timber is stored(e)Manner in which the above stock is obtained
4. Since where the applicant is,-
(i)Manufacturer(ii)Trader(iii)Consumer
5. Name and address of two persons of status to whom reference could be made for verification of details of the applicants-
Name Address
(1) (2) (i)
(ii)
7. Year for which registration is required
8. Whether the applicant was previously registered and, if so, in what year and in which division and for what quantity of the specified timber.
9. Any other information the applicant desires to give as evidence that he is a bona fide Manufacturer/Trader/Consumer of the specified timber.
10. Evidence of payment of registration fee of Rs
PlaceDateSignature of the applicantForm F[See Rule 7 (2)]Book No(in three foils)Page NoCertificate of Registration As Manufacturer/Trader/Consumer of the Specified TimberThis is to certify that Shri/M/sson ofPolice StationTahsilDistricthas been registered for the

of the Madhya Pradesh Van Upaj (Vyapar Viniyaman) Adhiniyam, 1969, and the rules made thereunder. Estimated quantity of the specified timber handled annually for Manufacture/Trade/Consumption is about cubic meter stored at the following place:-

1.			
2.			
3.			
4.			
5.			
Officer8]Book No(dat	Page No(c	Certificate of SaleTh	Form G[See Rule is is to certify that during auction following forest produce had been
Description of produce	Lot/Steg Number	Number of Places quantity	Length and girth produce classes
(1)	(2)	(3)	(4)
Volume in cmt. Sale p	orices Amount of	Sales S.T. at the % Total a	amount.
(5) (6)	(7)	(8)	
Details of Remittance		Passing Hammer only)	r impression (for timber
Bank draft No. and Da	ate Money receipt	and date Name of Treasur	y and Challan No. and date
(9)		(10)	(11)
Place			

Da	ıte	Signature of Government Officer.		
Fo	rm H[See	Rule 9 (2)]Application for Grant of Lice	nce for Retail Sale of the Specified	
Tir	nber()		
		t's name and his father's name (in case		
	•	give name of the firm, alongwith names		
1	_	tners andpersons holding power of		
	•	to act on behalf of the firm,copy of be enclosed).		
2	Full addre	ess		
3	Profession	n		
4	Place and	places of business		
5		of the specified timber for which appliedfor.		
6	Expected	annual requirement	Species	Quantity
7	Financial property	status with details of Personal		
8		experience in the trade of the said timberwith the areas operated (if any)		
9	Place for	which licence is applied for		
10	Evidence	of payment of application fee.		
11		of payment of Annual licence fee etc. inoriginal to be enclosed).		
		Signature of ApplicantDeclaration	nI/We have read and understood all th	e
pro	ovisions of	the Madhya Pradesh Van Upaj (Vyapar	Viniyaman) Adhiniyam, 1969 and the	rules
		nder and know that in case of breach of	_	
	-	in the manner prescribed. The informat	_	
	_	nd beliefSignature of Appl		
	_	pecified Timber(In accordance with Sect		
	yapar vını stha Niyar	yaman) Adhiniyam, 1969 read with the	Madnya Pradesh van Upaj (vyapar vii	niyaman)
	stiia Niyai Licence	11, 19/3).		
1	No.			
	Valid for			
2	(period)			
	Name of			
	Licensee			
2	with full			
;	address			
4	Place or	1	2	3
]	places			
,	where			

3
3
nce of any breach of the provisions of
ınder my hand and
DivisionalForest Officer
ner's Sale CertificatePage
he town village limits, clauses (d), (e),