

MADHYA PRADESH LOK-VANIKI RULES-2011

Bhopal, the April, 2011

NOTIFICATION

No. F-25-17-2008-X-2.- In exercise of the powers conferred by Section 11 of the Madhya Pradesh Lok Vaniki Adhiniyam, 2001 (no. 10 of 2001). The State Government, while completely replacing the Madhya Pradesh Lok Vaniki Rules, 2002, hereby makes the following rules, namely:-

1. **Short title, commencement and application.**-(1) These rules may be called the Madhya Pradesh Lok Vaniki Rules, 2011
(2) They shall come into force with effect from the date of their publication in the Madhya Pradesh Gazette.
(3) These rules shall apply to such private and revenue areas, which the Bhimiswami, the Gram Panchayat or the Gram Sabha, as the case may be, voluntarily intends to manage as tree-clad area.
2. **Definitions.**- In these rules, unless the context otherwise requires:-
 - (a) 'Act' means the Madhya Pradesh Lok Vaniki Adhiniyam, 2001 (No. 10 of 2001);
 - (b) 'Code' means the Madhya Pradesh Land Revenue Code 1959 (No. 20 of 1959);
 - (c) 'DFO' means the officer incharge of a Forest Division, having territorial jurisdiction;
 - (d) 'Forest Ranger' means the officer incharge of a Forest Range, having territorial jurisdiction;
 - (e) 'gram Sabha' and 'Gram Panchayat' shall have the same meaning as assigned to them in Madhya Pradesh Panchayat Raj Avam Gram Swaraj Adhiniyam, 1993 (No. 1 of 1994);
 - (f) 'Lok Van' means a piece of revenue land handed over to a Gram Panchayat or Gram Sabha as tree clad area for the purpose of scientific management and for which a management plan has been prepared under the provisions of these Rules;
 - (g) 'Revenue Officer' means such revenue officer as specified in the Code, but who shall not be below the rank of Sub-divisional Officer;
 - (h) 'Management Plan' means a scientific plan prepared for a revenue or private tree-clad area under these rules.
3. **Preparation and Sanction of the Management Plan.**- (1) A Bhumiswami, who wants to undertake management of a tree clad area shall submit an application for sanction of a management plan prepared for such area to the

DFO in Form-1 along with 5 copies of management plan, prepared by the Bhumiswami by engaging a person as per his discretion. The Management Plan shall be prepared in accordance with the format provided in Schedule-I annexed to these rules.

(2) If a Gram Panchayat, or a Gram Sabha wants to undertake management of any tree-clad revenue land located within its jurisdiction; it shall, through its authorized representative, submit an application, along with a resolution of the Gram Panchayat or Gram Sabha, for sanction of a Management Plan prepared for such area, to the DFO in Form-2, along with 5 copies of management plan, prepared by engaging a person as per the discretion of the Gram Panchayat or Gram Sabha. The Management Plan shall be prepared in accordance with the format provided in Schedule-I annexed to these rules.

(3) The Competent Authority for sanctioning the Management Plan shall be the DFO. In case where the Management Plan area is 10 hectares or more, the DFO shall submit the management plan with his opinion to the Ministry of Environment and Forests, Government of India for approval through the State Government within 30 days after the receipt of the Management Plan. In case of any objections on the Management Plan, the Competent Authority shall intimate the same to the applicant within 30 days of receiving the application.

(4) The application under sub-rule (1) and (2) shall be accompanied by a declaration about the land ownership, or possession of land as the case may be, with relevant record, duly signed, in original, by the concerned officer of the revenue department, not below the rank of a Nayab Tehsildar. The DFO shall have powers to get the claim of ownership, or possession verified to his satisfaction.

(5) The Competent Authority shall have powers to inspect the plan area himself or through his authorized representative, to verify the validity of any prescriptions made in the management plan. Based on such action, the Competent Authority may suggest amendments in the proposed Management Plan. In such case, the applicant shall submit the revised plan incorporating the amendments suggested by the Competent Authority.

(6) On being referred the case for verification from the forest department, the Revenue Officer shall send the verification report to the DFO within 15 days. If the report is not received by the DFO within this time period, it will be deemed to be verified as sent, and the Revenue Official shall be responsible for any variation.

(7) In case where the Management Plan area is less than 10 hectare, the Competent Authority shall take decision regarding sanctioning of the Management Plan within 60 days from the date of submission of the application.

In case of any objections on the Management Plan, the Competent Authority shall intimate the same to the applicant within 60 days of receiving the application. If there is any objection, and not communicated to the applicant within 60 days from the date of submission of the application, the Management Plan shall be deemed to be sanctioned. The period between communicating the objection and receiving the reply shall not be included in the said period of 60 days.

(8) In case where the Management Plan area is 10 hectares or more, the Competent Authority, after receiving the approval as required in sub-rule (3), shall issue the sanction order of the Management Plan within 15 days.

(9) The Competent Authority shall pass an order of sanction for a Management Plan of private area in Form 3 and for a Lok Van in Form 4. Conditions for the implementation of the Management Plan may be specified in schedule-II/III of the sanction order. The sanction order will also include a copy of the print out of a digital map of the management plan area prepared by the forest department through a suitable GPS device, and a booklet of records of the management area in prescribed format.

(10) After having sanctioned the Management Plan, the Competent Authority shall send a copy of the sanctioned plan along with sanction order to the concerned Bhumiswami, Gram Panchayat or Gram Sabha as the case may be. A copy of the sanction order along with a copy of the sanctioned Management Plan shall also be endorsed to the Revenue Officer for intimation and for the purpose of entry into the land record under sub-section (2) of Section 114-A of the Code, as provided under Section-4 of the Act.

(11) In case the Competent Authority denies the sanction of the Management Plan, he shall record the reasons of denial and such order shall be communicated to the applicant.

(12) An appeal against the order under sub-rule (11), shall lie before the officer in charge of the concerned forest circle having territorial jurisdiction. Such appeal against the order of the Competent Authority can be preferred within 30 days of the receipt of the order under sub-rule (11). The appellate authority, after hearing the concerned bhumiswami/representative of Gram Panchayat or Gram Sabha, shall decide the appeal within 60 days. The decision of the appellate authority shall be final and binding. The decision shall be communicated to the applicant in writing and a copy shall be endorsed to the Competent Authority.

4. Implementation of the Management Plan.- (1) Every Bhumiswami, Gram Panchayat or Gram Sabha, as the case may be, after having received the sanctioned Management Plan from the Competent Authority, shall

implement the Management Plan as per the prescriptions and conditions laid therein.

(2) The Gram Panchayat or the Gram Sabha may authorize the 'Sarvajanik Sampada Samiti' of the Gram Sabha for implementation of the plan prescriptions for the 'Lok Van'.

(3) The Bhumiswami, the Gram Panchayat or Gram Sabha as the case may be, shall demarcate the boundaries of the area under the management plan on the ground with the help of permanent and clearly visible boundary pillars, as prescribed for the revenue areas.

(4) The Bhumiswami, the Gram Panchayat or Gram Sabha as the case may be, shall give an intimation regarding the proposed date of felling of trees in the plan area to the Forest Ranger and Tehsildar. This intimation shall be given at least 7 days before the proposed date of felling of trees.

(5) The person implanting the Management Plan, the Gram Panchayat or Gram Sabha, as the case may be, shall maintain a register for the trees to be felled, in a format as may be prescribed.

(6) Transport of forest produce obtained from felling operation in accordance with the approved Management Plan shall be subject to the provisions of the Madhya Pradesh Transit (Forest Produce) Rules, 2000.

(7) Disposal of a forest produce declared as a specified forest produce under the Madhya Pradesh Van Upaj (Vyapar Viniyaman) Adhiniyam, 1969 shall be subject to the rules framed in this behalf.

(8) All operations prescribed in the Management Plan shall be completed within the specified time. If any operation prescribed in the plan is not executed due to some unforeseen reasons, further implementation of the plan shall remain suspended till such time the operations prescribed for the previous year are completed.

5. Monitoring of the Management Plan Implementation.- (1) For each development block or a part thereof, the implementation of approved Management Plans shall be monitored by a committee constituted by the Competent Authority under the chairmanship of the Forest Ranger; and will comprise a Non-Government Individual or Organization, a representative each from the Revenue Department and a Gram Panchayat or Gram Sabha as the case may be. The committee shall report its observations and recommendations to the Competent Authority. The State Government,

wherever necessary, may authorize any official, body or agency to monitor the implementation of such plan for a specified area or period.

(2) The DFO shall take cognizance of the contravention, if reported. On receiving the report, the DFO or the officer authorized by him, shall refer the matter to the Sub-Divisional Officer (Revenue) for further action as provided in rule 6

6. Punishment for Contravention. – (1) The Sub-Divisional Officer (Revenue) on receiving the information about the contravention of an approved Management Plan from the Forest Ranger/Competent Authority or the Officer authorized by the Competent Authority, shall issue a show cause notice to the concerned Bhumiswami, or the Gram Panchayat or the Gram Sabha, as the case may be and give a reasonable time for filing the reply to the notice.

(2) If the concerned Bhumiswami or the Gram Panchayat or Gram Sabha as the case may be, fails to submit the reply to the show cause notice, within the specified time limit or after due consideration of the reply to show cause notice, the Sub-Divisional Officer (Revenue) may decide the case within a period of 30 days as per the provisions of Section 8 of the Act.

7. Appeal.- (1) Appellate Authority, for considering the appeal against an order passed by the Sub-Divisional Officer (Revenue) under Section 8 of the Act shall be the District Collector

(2) The application for appeal shall be received by the Reader of the Collector and will be processed as per procedure laid down in the Code.

(3) Every appeal shall be accompanied by relevant documents of the case along with the order of the Sub-Divisional Officer (Revenue) against which the appeal is preferred and a non-refundable fee of Rs. 100/- payable through a Treasury challan or Demand draft.

(4) The Appellate Authority shall hear the parties of the appeal in person or through any agent duly authorized in writing by the applicant and shall decide the appeal within 60 days from the date of receipt of the application.

(5) Copies of the order passed by the Appellate Authority shall be sent to the concerned Sub-Divisional Officer (Revenue) for compliance, or for passing such further order, as may be directed by the Appellate Authority.

- (8) **Repeal and Savings.** - Any lawful action undertaken by anybody under the Madhya Pradesh Lok Vaniki Rules, 2002 before coming into force of these rules, shall be treated as an action undertaken under these rules.