

**Madhya Pradesh Tendu Patta (Vyapar Viniyaman)
Adhiniyam, 1964**

29 of 1964

[03 November 1964]

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**Madhya Pradesh Tendu Patta (Vyapar Viniyaman)
Adhiniyam, 1964**

[03 November 1964]

An Act to make provision for regulating in the public interest the Trade of Tendu Leaves by creation of State monopoly in such trade. Be in enacted by the Madhya Pradesh Legislature in the Fifteenth Year of the Republic of India as follows :- 1 Received the assent of the President on the 3rd November, 1964; assent first published in the "Madhya Pradesh Gazette" (Extraordinary) on the 28th November, 1964.

1. Short Title, Extent And Commencement :-

(1) This Act may be called the Madhya Pradesh Tendu Patta (Vyapar Viniyaman), Adhiniyam, 1964.

(2) It extends to the whole of Madhya Pradesh.

(3) It shall come into force in such area or areas and on such date¹ or dates as the State Government may, by notification specify.

¹ W.e.f. the 28th November, 1964 vide Forest Department Notification No. 14334-X-64 dated the 28th November, 1964, published in the Madhya Pradesh Gazette (Extraordinary) dated 28th November, 1964.

2. Definitions :-

In this Act, unless the context otherwise requires,-

(a) "agent" means an agent appointed under Section 4;

(b) "Code" means the Madhya Pradesh Land Revenue Code, 1959 (20 of 1959);

¹ [(c) "dealer" means any person, local authority, company, Undivided Hindu Family or Society (including a co-operative society), club, firm, association, commission agent, broker or any other mercantile agent who carries on the business of buying, selling or supplying tendu leaves, directly or otherwise, whether for cash or for deferred payment or for commission, remuneration or for consideration;]

(d) "grower of tendu leaves" means,-

(i) in respect of tendu plants grown in areas as may, from time to time, be constituted as reserved for protected forests under the Indian Forest Act, 1927 (No. 16 of 1927), the State Government; and

(ii) in respect of tendu plants grown in areas not covered under (i) above,-

- (a) the State Government, where the tendu plant is grown on unoccupied land as defined in clause (z-3) of Section 2 of the Code;
- (b) the tenure holder or a tenant or a Government lessee of the holding or a holder of a service land, as the case may be, in a unit on which the tendu plant grows and includes every person who, from time to time, claims title to such tendu plant through him;
- (c) the Bhoodan holder, under the Madhya Pradesh Bhoodan Yagna Act, 1953 (XV of 1953), Bhoodan Tenant or Bhoodan lessee under the Madhya Bharat Bhoodan Yagna Act, 1955 (No. 3 of 1955), Bhoodan Tenant under the Vindhya Pradesh Bhoodan Yagna Act, 1955 (No. 1 of 1956) and grantee under the Rajasthan Bhoodan Yagna Act, 1954 (XVI of 1954), as the case may be, in a unit on which the tendu leaves grow and includes every person, who from time to time, claims title to such tendu plant through him;
- (e) "holding" means,-
 - (i) a parcel of land separately assessed to land revenue and held by a Bhumiswami; and
 - (ii) in reference to land held by a tenant or Government lessee, a parcel of land held from a Bhumiswami or the State Government, as the case may be, under one lease or set of conditions;
- (f) "holder of a service land" means a person holding land on the condition of rendering service as a village servant;
- (g) "government lessee" means a person holding land from the State Government under Section 181 of the Code;
- 2[(gg) "manufacturer" means any person other than bidi labour, local authority, company, Undivided Hindu Family or society (including a co-operative society), club, firm or association engaged in manufacture of bidis by whatever process or manner of preparing or making bidis;]
- (h) "specified area" means the area specified in notification under sub-section (3) of Section 1;
- (i) "tenant" means a person holding land from a Bhumiswami as an occupancy tenant under Chapter XIV of the Code;
- (j) "tenure holder" means a person who holds land from the State Government and who is or is deemed to be a Bhumiswami under the provisions of the Code;
- (k) "unit" means a sub-division of a specified area constituted into a unit under Section 3;
- (l) words and expressions used but not defined in this Act, and defined in the Indian Forest Act, 1927 (XVI of 1927), shall have the meanings assigned to them in that Act.

1 Substituted by M.P. Act No. 1 of 2008. Prior to substitution it

read as under :-

"(c) "Committee" means an Advisory Committee constituted for each Revenue Commissioners Division under sub-section (1) of Section 6;"

2 Inserted by M.P. Act No. 1 of 2008.

3. Constitution Of Units :-

The State Government may divide every specified area into such number of units as it may deem fit.

4. Appointment Of Agents :-

(1) The State Government may, for the purpose of purchase of, and trade in, tendu leaves on its behalf, appoint agents in respect of different units and any such agent may be -appointed in respect of more than one unit.

1[(2) The terms and conditions of appointment of agent shall be such as may be determined by the State Government from time to time.]

1 Substituted by M.P. Act No. 7 of 1989 (w.e.f. 31-12-1988).

5. Restriction On Purchase Or Transport Of Tendu Leaves :-

(1) On the issue of a notification under sub-section (3) of Section 1 in any area, no person other than,-

(a) the State Government;

(b) an officer of State Government authorized in writing in that behalf; or

(c) an agent in respect of the unit in which the leaves have grown; shall purchase or transport tendu leaves.

1[Explanation I :- Purchase of tendu leaves from the State Government or the aforesaid Government Officer or agent or purchase under Section 12-A shall not be deemed to be a purchase in contravention of the provisions of this Act.]

Explanation II :- A person having no interest in the holding who has acquired the right to collect tendu leaves grown on such holding shall be deemed to have purchased such leaves in contravention of the provisions of this Act.

(2) Notwithstanding anything contained in sub-section (1),-

(a) a grower of tendu leaves may transport his leaves from any place within the unit wherein such leaves have grown to any other place in that unit; and

2[x x x]

3[(b) tendu leaves purchased from the State Government or any officer or agent specified in said sub-section by any person for manufacturer of bidis within the State or by any person for sale outside the State may be transported by such person outside the unit in accordance with the terms and conditions of a permit to be issued in that behalf by such authority in such manner and on payment of such fee as may be prescribed. Different rates of fee may be prescribed for different types of transport vehicles.

(3) Any person desiring to sell tendu leaves may sell them to the aforesaid Government officer or agent at any depot situated within the said unit.

1 Substituted by M.P. Act No. 7 of 1989 (w.e.f. 31-12-1988).

2 Clause (b) omitted by M.P. Act No. 7 of 1989.

3 Renumbered as clause (b) by M.P. Act No. 7 of 1989.

6. Omitted :-

1[Omitted.]

1 Omitted by M.P. Act No. 1 of 2008. Prior to omission it read as under :-

"6. Constitution of Advisory Committee.-

(1) The State Government shall, for each year commencing on the 1st July and ending on 30th June next following, constitute an Advisory Committee for each Revenue Commissioners Division in the State consisting of not more than nine members as may be notified by the State Government from time to time for the purpose of advising the State Government in the matter of fixation, from time to time, of a fair and reasonable price of tendu leaves at which tendu leaves may be purchased by the State Government or its authorised officer or agent as are offered for sale in such division in accordance with the provisions of this Act:

Provided that two of the members shall be from amongst the traders of tendu leaves or manufacturers of bidis and four members shall be from amongst the growers of tendu leaves other than the State Government.

(2) It shall also be the duty of the Committee to advise the State Government on such other matters as may be referred to it by the State Government.

(3) The business of the Committee shall be conducted in such manner as may be prescribed.

(4) The members of the Committee shall be entitled to such

allowances as may be prescribed.

(5) The Committee shall tender its advice to the State Government within such period as the State Government may, for each Committee, specify in this behalf."

7. State Government To Fix Prices :-

1[The State Government shall, in such manner as may be prescribed, fix a price at which tendu leaves shall be purchased by it or by any of its authorised officer or agent from growers of tendu leaves other than the State Government:

Provided that different prices may be fixed for different units.]

1 Substituted by M.P. Act No. 1 of 2008. Prior to substitution it read as under :-

"7. State Government to fix price in consultation with Committee.-

The State Government shall, after consultation with the Committee constituted under Section 6, fix the price at which tendu leaves shall be purchased by it or by any of its authorised officer or agent from growers of tendu leaves other than the State Government in the Revenue Commissioners Division during the year for which the Committee is constituted under sub-section (1) of Section 6 and shall publish the same in the Gazette and in such other manner as may be notified by the State Government in this behalf and the price so fixed shall not be altered during the year to which the price relates :

Provided that if the Committee fails to tender advice within the period specified under sub-section (5) of Section 6 or such further period not exceeding fifteen days as the State Government may allow, the State Government may proceed to fix the price without consultation of the Committee:

Provided further that different prices may be fixed for different units, and in so doing regard shall be had amongst other things, to,-

(a) prices of tendu leaves obtained or fixed under this Act or any other enactment during the preceding three years in respect of the area comprised in the unit;

(b) quality of the leaves grown in the unit;

(c) transport facilities available in the unit;

(d) the cost of transport; and

(e) general level of wages for unskilled labour prevalent in the unit."

8. Opening Of Depots And Publication Of Price List, Etc. At

The Depot :-

There shall be set up in each unit such number of depots and at such places as the State Government may, taking into consideration the convenience of the growers of tendu leaves direct and a price list of tendu leaves fixed by the State Government under Section 7 and the hours of business shall be prominently displayed on the notice board kept for the purpose at every such depot.

9. State Government Or Agent To Purchase Tendu Leaves :-

(1) The State Government or their authorised officer or agent shall be bound to purchase at the price fixed under Section 7, tendu leaves offered for sale at the depot during the hours of business :
Provided that it shall be open to the State Government or the authorised officer or the agent to refuse to purchase any leaves which in their opinion are not fit for the purpose of manufacture of bidis.

(2) Any person aggrieved by rejection of his leaves by an authorised officer or agent under proviso to sub-section (1), may, within fifteen days therefrom, refer the matter to the Divisional Forest Officer, or such other officer who may be empowered by the State Government in this behalf, having jurisdiction over the unit in which the leaves have grown.

(3) On receipt of a complaint under sub-section (2), the Divisional Forest Officer or such other officer, as the case may be, shall hold an enquiry on the spot or at the headquarters in the prescribed manner and after hearing the parties concerned or their authorised agent shall pass such orders as may deem fit and in case he finds the rejection of the leaves to be improper, he may,-

(a) if he considers the leaves in question still suitable for the manufacture of bidis, direct the authorised officer or agent, as the case may be, to purchase the same and may also award to the person aggrieved, such further compensation not exceeding twenty per centum of the price of the leaves payable to him, as he may deem fit;

(b) if he considers that the leaves in question have since become unsuitable for manufacturing of bidis, direct the payment to the person aggrieved, of any amount not less than the price of such leaves payable to him under sub-section (1) and such further compensation not exceeding twenty per centum of such price as he

may deem fit by way of damages for loss suffered by such person.

(4) Nothing in this section shall be construed so as to debar the appropriation of leaves offered for sale if the State Government or their authorised officer or the agent has reason to believe that the leaves appertain to forests or lands belonging to the State Government and paying only such collection charges, if any, as the State Government may from time to time determine :

Provided that in case of any dispute, the Divisional Forest Officer or such other officer who may be specifically empowered in this behalf as specified in sub-section (2) shall hear and dispose of the same in the manner provided therein.

10. Registration :-

Every grower of tendu leaves other than the State Government shall, if the quantity of leaves grown by him during a year is likely to exceed such quantity as may be prescribed, get himself registered in the prescribed manner.

11. Registration Of Manufacturers Of Bidis And Dealers Of Tendu Leaves :-

1[(1) Every manufacturer of bidis and every dealer of tendu leaves shall get himself registered within such period, on payment of such fees and in such manner as may be prescribed.

(2) Every manufacturer of bidis and every dealer of tendu leaves registered under sub-section (1) shall furnish a declaration in such form, by such date and in such manner as may be prescribed.]

1 Substituted by M.P. Act No. 1 of 2008. Prior to substitution it read as under:-

111. Registration of manufacturer of bidis and exporters of tendu leaves.-

(1) Every manufacturer of bidis and every exporter of tendu leaves shall get himself registered within such period, on payment of such fee and in such manner as may be prescribed.

(2) Every manufacturer of bidis and every exporter of tendu leaves registered under sub-section (1) shall furnish a declaration in such form, by such date and in such manner as may be prescribed".

12. Disposal Of Leaves :-

Tendu leaves purchased by the State Government or by its officer or agent, under this Act shall be sold or otherwise disposed of in

such manner as the State Government may direct.

12A Resale Of Excess Of Tendu Leaves

1[(1) Any 2[manufacturer of bidis or dealer of tendu leaves] with whom 3[the excess quantity is left over after his requirement] shall not re-sell such excess quantity of tendu leaves without the permission of the State Government or any officer as may be authorized in this behalf such 2[manufacturer of bidis or dealer of tendu leaves] who intends to re-sell such tendu leaves shall apply to the State Government or to the authorised officer in such form containing such particulars as may be prescribed.

(2) Any 2[manufacturer of bidis or dealer of tendu leaves], who intends to purchase such excess quantity of tendu leaves mentioned in sub-section (1) of this section shall not purchase the same without the permission of the State Government or any officer as may be authorized in that behalf. Such 2[manufacturer of bidis or dealer of tendu leaves] shall apply to the State Government or to the authorized officer in such form containing such particulars as may be prescribed.

(3) On receipt of application under sub-section (1) for reselling the tendu leaves and the application under sub-section (2) for the purchase of such tendu leaves the State Government or the authorized officer may, on payment of such consideration by the purchaser, as may be prescribed grant the permission in writing to both of them.

1 Substituted by M.P. Act No. 7 of 1989.

2 Substituted for "manufacturer of bidis or exporter of tendu leaves" by M.P. Act No. 1 of 2008.

3 Substituted for "the excess quantity is left over after his requirement or export" by M.P. Act No. 1 of 2008.

13. Delegation Of Powers :-

The State Government may, by order, delegate any of its powers or functions under this Act or the rules made thereunder to any officer or authority not below the rank of an Assistant Conservator of Forests who shall exercise or perform the same, subject to such conditions and restrictions as the State Government may specify in the order.

14. Power Of Seizure Of Property Liable To Confiscation And Procedure Therefor :-

1[(1) All Forest Officers or any Police Officer not below the rank of

an Assistant Sub-Inspector or any other person authorised by the State Government may, with a view to securing compliance with the provisions of this Act or the rules made thereunder or to satisfying himself that the said provisions have been complied with-

- (i) stop and search any person, boat, vehicle or receptacle used or intended to be used for the transport of tendu leaves;

- (ii) enter and search any place.

(2) When there is reason to believe that any offence under this Act has been committed in respect of tendu leaves, any Forest Officer or any person authorised by the State Government in this behalf may, seize such tendu leaves alongwith all tools, boats, vehicles, ropes, chains or any other articles used in committing any such offence under the provisions of this Act.

(3) Any person authorised by the State Government in this behalf seizing any property under this section shall place all such property a mark indicating that the same has been so seized and shall, as soon as may be, either produce the property seized before an officer not below the rank of an Assistant Conservator of Forest or any person authorised by the State Government in this behalf, by notification (hereinafter referred to as the authorised officer) or where it is having regard to quantity or bulk or other genuine difficulty, not practicable to produce the property seized before the authorised officer, make a report about the seizure to the authorised officer, or where it is intended to launch criminal proceedings against the offender immediately make a report of such seizure to the Magistrate having jurisdiction to try the offence on account of which the seizure has been made :

Provided that, when the tendu leaves with respect to which such offence is believed to have been committed is the property of Government, and the offender is unknown, it shall be sufficient if the officer makes as soon as may be a report of the circumstances to the official superior.

2[(3-A) Any Forest Officer not below the rank of a Forest Ranger, who or whose subordinate, has seized any tools, boats, vehicles, ropes, chains or any other articles under sub-section (2) may release the same on the execution by the owner thereof or security of an amount and in the manner, to the satisfaction of such officer, for the production of the property so released, if and when so required, before the Authorized Officer or a Magistrate having jurisdiction to try the offence on account of which the seizure has been made.]

(4) Subject to the provisions of sub-section (6), when the

authorised officer upon production before him of tendu leaves or upon receipt of report about the seizure, as the case may be, is satisfied that offence has been committed in respect thereof, he may, by order in writing and for reasons to be recorded in writing confiscate the tendu leaves so seized along with all tools, vehicles, boats, ropes, chains or any other articles used in committing such offence. 3[A copy of order of authorised officer] shall be forwarded without any undue delay to the Conservator of Forests of the circle in which the tendu leaves has been seized.

(5) No order confiscating any property shall be made under sub-section (3) unless the authorised officer-

(a) sends an intimation in the form prescribed about initiation of proceedings for confiscation of property to the Magistrate having jurisdiction to try the offence on account of which the seizure has been made;

(b) issues a notice in writing to the person from whom the property is seized, and to any other person who may appear the authorised officer to have some interest in such property;

(c) affords an opportunity to the person referred to in clause (b) of making a representation within such reasonable time as may be specified in the notice against the proposed confiscation; and

(d) gives to the officer effecting the seizure and the person or persons to whom notice has been issued under clause (b), a hearing on the date to be fixed for such purpose.

(6) No order of confiscation under sub-section (4) of any tools, vehicles, boats, ropes, chains or any other article (other than tendu leaves seized) shall be made if any person referred to in clause (b) of sub-section (5) proves to the satisfaction of the authorised officer that any such tools, vehicles, boats, ropes, chains or other articles were used without his knowledge or connivance or as the case may be without the knowledge or connivance of his servant or agent and that all reasonable and necessary precautions had been taken against use of objects aforesaid for commission of an offence under this Act

4[(7) The provisions of Sections 102 and 103 of the Code of Criminal Procedure, 1973 (No. 2 of 1974), relating to search and seizure shall so far as may be apply to searches and seizures under this section.]

2[(8) Where the authorised officer having jurisdiction over the area has himself seized the property or made investigation of the case, the Divisional Forest Officer may transfer the case to any other officer of the same rank to conduct the proceedings under this

section.]

1 Substituted by M.P. No. 34 of 1987 (w.e.f. 18-9-1987).

2 Inserted by M.P. Act No. 1 of 2008.

3 Substituted for "A copy of order of confiscation" by M.P. Act No. 1 of 2008.

4 Inserted by M.P. Act No. 7 of 1989 (w.e.f. 31-12-1988).

14A. Appeal Against Order Of Confiscation :-

1[(1) Any person aggrieved by any order of confiscation may, within thirty days of the order, or if fact of such order has not been communicated to him within thirty days of the date of knowledge of such order, prefer an appeal in writing, accompanied by such fee and payable in such form as may be prescribed, and by certified copy of order of confiscation to the Conservator of Forests (hereinafter referred to as Appellate Authority) of the Forest Circle in which the tendu leaves, has been seized.

(2) The Appellate Authority referred to in sub-section (1), may, where no appeal has been preferred before him, suo motu within thirty days from the date of receipt of copy of 2[order of the authorised officer] by him, and shall on presentation of memorandum of appeal issue a notice for hearing of appeal or, as the case may be, suo motu action to the officer effecting seizure and to any other person (including appellant, if any) who in the opinion of the Appellate Authority, is likely to be adversely affected by the order of confiscation and may send for the record of the case :

Provided that no formal notice of appeal need be issued to such amongst the appellant officer effecting seizure and any other person likely to be adversely affected as aforesaid, may waive the notice or as may be informed in any other manner of date of hearing of appeal by the Appellate Authority.

(3) The Appellate Authority shall send intimation in writing of lodging of appeal or about suo motu action to the authorised officer.

(4) The Appellate Authority may, pass such orders of interim nature for custody, preservation or disposal, (if necessary) of the subject matter of confiscation, as may appear to be just in the circumstances of the case.

(5) The Appellate Authority having regard to the nature of the case or the complexities involved, may permit parties to the appeal to be represented by their respective legal practitioner.

(6) On the date fixed for hearing of the appeal or suo motu action, or on such date to which the hearing may be adjourned, the Appellate Authority shall pursue the record and hear the parties to the appeal if present in person, or through any agent duly authorised in writing or through a legal practitioner, and shall thereafter proceed to pass an order of confirmation, reversal or modification of order of confiscation :

Provided that before passing any final order, the Appellate Authority may, if it is considered necessary for proper decision of appeal or for proper disposal of suo motu action, make further inquiry itself or cause it to be made by the authorised officer, and may also allow parties to file affidavits for asserting or refuting any fact that may arise for consideration and may allow proof of facts by affidavits.

(7) The Appellate Authority may also pass such orders of consequential nature, as it may deem necessary.

(8) A copy of final order or of order of consequential nature, shall be sent to the authorised officer for compliance or for passing any other appropriate order in conformity with the order of Appellate Authority.

1 Inserted by M.P. Act No. 34 of 1987 (w.e.f. 18-9-1987).

2 Substituted for "order of confiscation" by M.P. Act No. 1 of 2008.

14B. Revision Before Court Of Sessions Against Order Of

Appellate Authority :-

(1) Any party to the appeal, aggrieved by final order or by order of consequential nature passed by the Appellate Authority, may within thirty days of the order sought to be impugned submit a petition for revision to the Court of Sessions within the sessions division whereof the head-quarters of the Appellate Authority are situate.

Explanation :- In computing the period of thirty days under this sub-section, the time requisite for obtaining certified copy of the order of Appellate Authority shall be excluded.

(2) The Court of Sessions may confirm, reverse or modify any final order or an order of consequential nature passed by the Appellate Authority.

(3) Copies of the order passed in revision shall be sent to the Appellate Authority and to the Authorised Officer for compliance or for passing such further orders or for taking such further action as may be directed by such Court.

(4) For entertaining, hearing and deciding a revision under this section, the Court of Sessions shall, as far as may be, exercise the same powers and follow the same procedure as it exercises and follows while entertaining, hearing and deciding a revision under the Code of Criminal Procedure, 1973 (No. 2 of 1974).

(5) Notwithstanding anything to the contrary contained in the Code of Criminal Procedure, 1973 (No. 2 of 1974), the order of the Court of Sessions passed under this section shall be final and shall not be called in question before any Court.

14C. Bar To Jurisdiction Of Court Etc. Under Certain Circumstances :-

(1) On receipt of intimation under sub-section (4) of Section 14 about initiation of proceedings for confiscation of property by the Magistrate having jurisdiction to try the offence on account of which the seizure of property which is subject matter of confiscation, has been made, no Court, Tribunal or authority (other than the authorised officer, Appellate Authority and Court of Sessions referred to in Sections 44, 14-A and 14-B, as the case may be) shall have jurisdiction to make orders with regard to possession, delivery, disposal or distribution of the property in regard to which proceedings for confiscation are initiated under Section 14, notwithstanding anything contained in this Act or any other law for the time being in force :

Provided that before passing any order for disposal of property, the Magistrate shall satisfy himself that no intimation under sub-section (5) of Section 14 has been received by his Court or by any other Court having jurisdiction to try the offence on account of which the seizure of property has been made.

Explanation :- Where under any law for the time being in force, two or more Courts have jurisdiction to try offence under this Act, then receipt of intimation under sub-section (5) of Section 14 by one of the Courts of Magistrate having such jurisdiction shall be construed to be receipt of intimation under that provision by all the Courts and the bar to exercise jurisdiction shall operate on all such Courts.

(2) Nothing hereinbefore contained shall be deemed to prevent any authorised officer in this behalf by the State Government from directing at any time the immediate release of any property seized under Section 14.

14D. Confiscation Of Property When The Produce Is Not The Property Of Government :-

All Tendu Patta which in either case is not the property of the Government and in respect of which a contravention of any provision of the Act or the rules made thereunder has been committed! and all tools, boats, vehicles, ropes, chains, or any other articles, in each case used in committing such contravention shall,

subject to the provisions of Sections 14, 14-A, 14-B and 14-C be liable to confiscation upon conviction of the offender for such contravention.

15. Penalty :-

If any person contravenes any of the provisions of this Act or the rules made thereunder,-

1[(a) he shall be punishable with imprisonment for a term which shall not be less than three months but may extend upto one year and with 2[fine which shall not be less than five thousand rupees and may extend to fifty thousand rupees,] unless the Court for the reasons to be recorded is satisfied that any lesser sentence would meet the ends of justice.]

(b) the tendu leaves in respect of which such contravention has been made or such part thereof as to the Court may deem fit shall be forfeited to the Government:

Provided that if the Court is of the opinion that it is not necessary to direct forfeiture in respect of the whole or as the case may be, any part of the leaves, it may, for reasons to be recorded, refrain from doing so.

1 Substituted by M.P. Act No. 7 of 1989 (w.e.f. 31-12-1988).

2 Substituted for "fine which may extend to five thousand rupees" by M.P. Act No. 1 of 2008.

16. Attempt And Abatement :-

Any person who attempts to contravene or abets the contravention of any provision of this Act or the rules made thereunder shall be deemed to have contravened such provision.

17. Cognizance Of Offences :-

No Court shall take cognizance of any offence punishable under this Act except on a report in writing of the facts constituting such offence made by any Forest Officer not below the rank of a Divisional Forest Officer or by any other officer as may be authorised by the State Government in this behalf.

17A. Power To Compound Offences :-

1[(1) The State Government may, by notification in the Official Gazette, empower a Forest Officer-

(a) to accept from any person against whom a reasonable suspicion exists that he has committed any offence under this Act or the rules made thereunder, a sum of money by way of compensation for the offence which such person is suspected to have committed; and

(b) when any property has been seized is liable to confiscation, to release the same at any time before an order of confiscation is passed by the Appropriate Authority, on payment of the value thereof as estimated by such officer.

(2) On the payment of such sum of money or such value or both, as the case may be, to such officer, the suspected person, if in custody, shall be discharged, the property, if any, seized shall be released, and no further proceeding shall be taken against such person or property.

(3) A Forest Officer shall not be empowered under this section unless he is a Forest Officer of a rank not inferior to that of a Ranger and the sum of money accented as compensation under clause (a) of sub-section (1) shall not be exceeding ten times the value of the tendu leaves :

Provided that in case the tendu leaves in respect of which an offence has been committed is not the property of the Government or in case the value of the tendu leaves is less than one thousand rupees and (in addition), if the offender has committed the offence for the first time, the suspected person may be discharged and the property, if any, seized may be released on payment of the sum of ten thousand rupees \pr the value of the seized property (other than the tendu leaves) whichever is less; the seized tendu leaves may be released if not the property of the Government or on the payment of the value thereof, as the case may be.]

1 Inserted by M.P. Act No. 1 of 2008

18. Savings In Respect Of Acts Done In Good Faith :-

(1) No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be so done in pursuance of this Act or the rules made thereunder.

(2) No suit or other legal proceedings shall lie against the State Government for any damage caused or likely to be caused or any injury suffered or likely to be suffered by virtue of the provisions of this Act or by anything which is in good faith done or interided to be so done in pursuance of this Act or the rules made thereunder.

19. Power To Make Rules :-

(1) The State Government may, subject to the conditions of previous publication, make rules to carry out all or any of the provisions of this Act.

(2) In particular and without prejudice to generality of foregoing powers such rules may provide for all or any of the following matters, namely :

1[(a) xxx]

(b) Publication of the price lists of tendu leaves;

(c) Manner of holding enquiries under this Act;

2[(d) The terms and conditions under which permit shall be issued, the authority by whom the manner in which and the fee or fees on payment of which permits may be issued for different types of transport vehicles];

(e) the manner of registration under Section 10;

(f) (i) Manner of registration, the period within which such

registration shall be made and fee payable therefor under sub-section (1) of Section 11;

(ii) Form of declaration, authority to whom, date by which and the manner in which the declaration shall be furnished under sub-section (2) of Section 11;

3[(f-i) the 4consideration] on payment of which permission may be granted under sub-section (3) of Section 12-A.

(f-ii) the form in which intimation of proceedings for confiscation of property shall be sent under sub-section (5) of Section 14;

(f-iii) the form in which the appeal shall be preferred and the amount of fee which shall be accompanied with such appeal; and the form in which it shall be payable under sub-section (1) of Section 14-A;]

(g) Any other matter which is either expressly or impliedly required to be prescribed under this Ac..

(3) All rules made under this Act shall be laid on the table of the Legislative Assembly.

1 Omitted by M.P. Act No. 7 of 1989 (w.e.f. 31-12-1988).

2 Substituted by M.P. Act No. 34 of 1987 (w.e.f. 18-9-1987).

3 Inserted by M.P. Act No. 34 of 1987 (w.e.f. 18-9-1987).

4 Substituted by M.P. Act No. 7 of 1989 for "fees" (w.e.f. 31-12-1988).

20. For Other Matters The Provisions Of Indian Forest Act, 1927 Shall Apply :-

1[The matters relating to the tendu leaves not provided for in this Act and provided for in the Indian Forest Act, 1927 (No. 16 of 1927) shall be governed by the provisions of that Act.]

1 Substituted by M.P. Act No. 34 of 1987 (w.e.f. 18-9-1987).

21. Repeal :-

The Vindhya Pradesh Tendu Leaves Act, 1953 (VI of 1953), is hereby repealed.

22. Removal Of Difficulties :-

If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order, do anything not inconsistent with such provisions, which appears to it to be necessary or expedient for the purpose of removing the difficulty.