



The Maharashtra Supply of Forest-Produce by Government (Revision of Agreements) Act, 1982

Act 16 of 1983

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Agreement, Forest-Produce, Long Term Period, Purchaser

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**THE MAHARASHTRA SUPPLY OF FOREST-PRODUCE BY
GOVERNMENT (REVISION OF AGREEMENTS) ACT, 1982**

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MAHARASHTRA ACT No. XVI OF 1983¹

[THE MAHARASHTRA SUPPLY OF FOREST-PRODUCE BY GOVERNMENT
(REVISION OF AGREEMENTS) ACT, 1982.]

[This Act received assent of the President on the 21st March 1983; assent was first published in the *Maharashtra Government Gazette*, Extraordinary, Part IV, on the 23rd March 1983.]

An Act to take powers to revise certain agreements to get fair price for forest-produce supplied by Government to purchasers for long term periods and for certain other matters.

WHEREAS it is expedient to take power to the State Government to revise certain agreements, from time to time, to get fair price for forest-produce sold or supplied by the State Government to the purchasers for long term period and to prevent loss of income due to Government and to enforce the revised agreements and to provide for matters connected therewith; It is hereby enacted in the Thirty-third Year of the Republic of India as follows :—

1. (1) This Act may be called the Maharashtra Supply of Forest-produce by Government (Revision of Agreements) Act, 1982. Short title, extent and commencement.
- (2) It extends to the whole of the State of Maharashtra.
- (3) It shall come into force on such date² as the State Government may, by notification in the *Official Gazette*, appoint.

2. In this Act, unless the context otherwise requires,— Definitions.

(a) "agreement" shall include any contract, licence, bond, deed or other document, whereby the State Government agrees to sell or supply any forest-produce to any person or to permit any forest-produce to be collected and removed by any person for consideration, for a long term period, on terms and conditions specified in such document;

XVI of 1927. (b) "forest-produce" shall have the meaning assigned to it in the Indian Forest Act, 1927, in its application to the State of Maharashtra;

(c) "long term period" means any period exceeding twelve months;

(d) "prescribed" means prescribed by rules made by the State Government under this Act;

(e) "purchaser" means any person, including any company or association or body of individuals, whether incorporated or not, who purchases or is supplied or obtains any forest-produce from the State Government under any agreement.

3. Notwithstanding anything contained in any law for the time being in force and in any agreement subsisting on the date of commencement of this Act, or in any agreement, which may be entered into by the State Government with any purchaser on or after the date of commencement of this Act, it shall be lawful for the State Government, from time to time, by order published in the *Official Gazette*, to add to, substitute, delete or otherwise amend any of the terms and conditions of any such agreement, for one or more of the following purposes, namely :— Power of Government to revise agreements for sale or supply of forest-produce.

(a) to provide for a revision or a periodical revision of the price or rate for sale or supply of forest-produce to the purchaser, where such agreement does not provide for any such revision or periodical revision, as the case may be, and, where such periodical revision is provided in the agreement, to provide for reducing or enhancing the period of revision :

¹ For Statement of Objects and Reasons, see *Maharashtra Government Gazette*, 1982, Part V, dated 13th September 1982, at page 297.

² 15th June 1983 vide G. N. R. & F. D., No. FND-1280/45-CR-60-80-F 1, dated 7th June 1983.

Provided that, the price or rate once fixed shall not be liable to be revised by the State Government for a period of at least twelve months from the date on which such price or rate has come into force;

(b) to provide for the removal or any modification of any ceiling imposed in any such agreement on the increase, at the time of revision, in the price or rate at which the forest-produce is to be sold or supplied to the purchaser;

(c) to provide for the adjustment or change in the unit of weight or measure in which the forest-produce is to be weighed, measured or counted, for the purpose of its sale or supply to the purchaser or for the purposes of charging or recovery of the price or rate therefor, without, however, materially or substantially changing the quantity of forest-produce agreed to be sold or supplied to the purchaser.

Price or rate
of forest-
produce sold
or supplied
to purchasers
not to exceed
market
value.

4. (1) The price or rate for sale or supply of the forest-produce, to be fixed at the time of any revision of the price or rate under section 3, shall not exceed the market value of the forests-produce at the time of such revision, as may be determined by the State Government in the prescribed manner.

(2) Where the price or rate is fixed, at the time of revision, for a period exceeding twelve months at a time, the State Government may provide for an annual increase in the price or rate towards the anticipated escalation in the market value of the forest-produce during the period the revised price or rate is to remain in force.

Power of
Government
to terminate
agreements
for breach of
terms and
conditions.

5. (1) Notwithstanding anything contained in any law for the time being in force and in any agreement subsisting on the date of commencement of this Act, or in any agreement, which may be entered into by the State Government with any purchaser on or after the commencement of this Act, the State Government may terminate any such agreement at any time for breach, by the purchaser, of any of the terms and conditions of the agreement, as amended from time to time, after giving him a reasonable opportunity to show cause why the agreement should not be terminated and after giving him a notice of one month for such termination,

(2) The decision of the State Government in such cases shall be final.

Purchaser
may
terminate
agreement
after giving
one month's
notice.

6. If any amendment made in the terms and conditions of an agreement under section 3, or any revision made in the price or rate for sale or supply of forest-produce under that section, is not acceptable to the purchaser, he may, at his option, by giving to the State Government one month's notice in writing, within a period of six months from the date on which the amendment in the terms and conditions or the revision in the price or rate, as the case may be, is communicated to him, terminate the agreement, and accordingly the agreement shall stand terminated at the end of the notice period.

Power to
make rules.

7. (1) The State Government may, subject to the condition of previous publication and by notification in the *Official Gazette*, make rules for carrying out the purposes of this Act.

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

(a) for giving notice of the amendment proposed to be made in the agreement or of any revision of price or rate proposed to be made under section 3 and for affording the purchaser an opportunity of showing cause against the proposal;

(b) the principles on which, the manner in which, and the authority by which, the market value shall be determined for the purposes of section 4.

(3) Every rule made under this Act shall be laid as soon as may be after it is made before each House of the State Legislature, while it is in session, for a total period of thirty days, which may be comprised in one session or in two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following, both the Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, and notify such decision in the *Official Gazette*, the rule shall from the date of publication of such notification have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done or omitted to be done under that rule.