

F.No.13/19/2013-CP&R/
Government of India
Ministry of Tribal Affairs

No.281, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi-66
Dated: 2nd January, 2014

1. The Chief Secretaries of all State Governments (except Jammu & Kashmir, Punjab, Haryana and Delhi)

The Administration of all Union Territories (except Lakshadweep)

Subject: Ensuring Fair returns to Minor Forest Produce (MFP)/Non-Timber Forest Produce (NTFP) gatherers/ collectors -regarding

Sir/Madam,

The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (FRA) has been enacted with the objective of remedying the historical injustice to the forest dwelling Scheduled Tribes and other traditional forest dwellers of the country. The Act seeks to recognise and vest the forest rights and occupation in forest land in forest dwelling Scheduled Tribes and other traditional forest dwellers who have been residing in such forests for generations but whose rights could not be recorded.

2. Section 3 (1) (c) of the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 envisages "Right of Ownership, access to collect, use and dispose of Minor Forest Produce (MFP)/Non-Timber Forest Produce (NTFP) which has been traditionally collected within or outside village boundaries" which secure individual or community tenure or both, shall be the forest rights of forest dwelling Scheduled Tribes and other traditional dwellers on all forest lands.

3. The Ministry had issued detailed guidelines with reference to implementation of FRA vide this Ministry's letter No.23011/32/2010-FRA[Vol.II(pt.)] dated 12.07.2012, the extracts of the letter are mentioned as follows :-

- i. The forest right holders or their cooperatives/federations should be allowed full freedom to sell such MFP/NTFPs to anyone or to undertake individual or collective processing, value addition, marketing, for livelihood within and outside forest area by using locally appropriate means of transport.
- ii. The State Governments should exempt movement of all MFP/NTFPs from the purview of State Government and, for this purpose, the transit rules be amended suitably. Even a transit permit from Gram Sabha should not be required. Imposition of any fee/charges/royalties of the processing, value addition, marketing of MFP/NTFP collected individually or collectively by the cooperatives/federations of the rights holders would also be ultra vires of the Act.

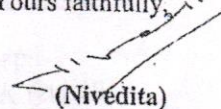
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iii. The State Government need to play the facilitating role in not only transferring unhindered absolute rights over MFP/NTFP to forest dwelling Scheduled Tribes and other traditional forest dwellers but also in getting them remunerative price for the MFP/NTFP collected and processed by them.

4. While diverse institutional support may be provided by the State to MFP/NTFP collectors/gatherers, the prime objective should be to ensure benefits of these processes directly flow to the gatherers/ collectors in a timely and fair manner. Ministry has received petitions that the Forest Rights Act, 2006 is not being complied with in the letter and spirit and tribal communities are not getting the benefits of ownership of MFP/NTFP, which include all non-timber forest produce of plant origin including bamboo, brushwood, shrubs, cane, tussar, cocoons, honey, wax, lac, tendu on tendu leaves, medicinal plants and herbs, tubes and the like.

5. It is requested that any process/system which is in contravention of the provisions of the Forest Rights Act in letter and spirit be reviewed. Further, such processes may be expeditiously reoriented to ensure compliance with the law.

Yours faithfully,



(Nivedita)
Deputy Secretary to the Government of India
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