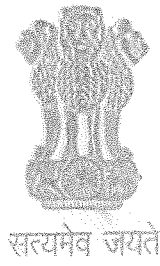


मुख्य मंत्री
महाराष्ट्र



Chief Minister
Maharashtra

No. - CMS/12/48412

26 JUN 2012

Dear Shri Ramesh,

I am in receipt of your letter regarding community forest right act with respect to bamboo in tribal areas.

I would like to elucidate the recent proactive steps taken at our level for effective implementation of community rights under FRA, 2006, as well as increasing peoples' participation in forestry sector.

Government of Maharashtra has recently issued Government Resolution for bringing JFMC's under superintendence and control of Gramsabha. JFMC's will be elected by Gramsabha and hence a convergence has been achieved for twin objectives namely peoples participation in instruments / institutions of forestry sector and local self governance. The joint forest management committees will be operating as committee of grampanchayat, separate for each hamlet, and will be elected by gramsabha.

The Government Resolution transferred all rights of minor forest produce, and major timber to Gramsabha elected JFMC's. Under Maharashtra Minor Forest Produce Act, Bamboo and Tendu are not classified as Minor forest Produce. Hence an amendment has been moved to Maharashtra Minor Forest Produce Act to include bamboo / Tendu / Apta leaves which hitherto have been kept out of ambit of minor forest produce, under the umbrella of minor forest produce and appropriate rules under Section 28 of Indian Forest Act.


The proposed policy in minor forest produce includes training for storage, handling and marketing of produce by creating federation of willing units. The extraction of minor forest produce however shall be done in accordance with technical prescription to ensure sustainability. Enabling provision has been made for issuing transit passes for forest produce by gramsabha.

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There is an agreement between Government of Maharashtra and BILT to use bamboo for paper in existence since 1947 and renewed for period from 2004-05 upto 2013-14. Hon'ble High Court has passed interim order regarding procedure for fixing rates and continuation of agreement. Hence, agreement with BILT predates FRA as it is in force since year 1947 and renewed in 2004-05. This agreement needs to be cancelled before granting CFR. Legal complications may arise to prove existence of customary right under Section 3(1) of FRA as on of 2005 because of prior agreement with BILT.

However, to avoid all legal complications Government is moving a policy measure to allocate all bamboo areas in proximity of village to gram sabha by amending Maharashtra Minor Forest Produce Act and making appropriate rules under Indian Forest Act under Section 28 concerning village forests.

With regards,

Yours sincerely,

(Prithviraj Chavan)

Shri Jairam Ramesh,
Minister of Rural Development,
Government of India,
Krishi Bhavan,
New Delhi 110 114.