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F.No. 18/2013-CP&R
Government of India
Ministry of Tribal Affairs

सचिव (विधि) का निजी अनुभाग
Personnel Section of Secretary (Law)
प्रा. प्र. सं. / R D No. 45
दिनांक / Date 9/1/14

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

To

1. The Chief Secretaries of all State Governments (except Jammu & Kashmir, Punjab, Haryana and Delhi)
2. 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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