

## Andhra Pradesh ■

- Policies of NTFPs
- Acts & Rules.
- Notifications.

### Availability of NTFP

The state has two contiguous patches of forests - one that extends from the northeast to northwest and the other starting from central AP towards the south. It is in these two regions that the NTFP are found. Even within these two regions - it is the northern region that accounts for most of the availability of NTFP in terms of quantity and value. Beedi leaf and bamboo are the two NTFP that are important for the quantum of availability and returns to both individuals and the state. Though these two produces are available in most part of the forests, its concentration is in the north both in terms of quantity and quality. There are many other NTFP available in the state that are crucial for the livelihoods of people collecting them though their value is not as high as bamboo or beedi leaf. The important among them are - Tamarind mostly found in the north part, gums all over the state's forests, Adda leaf, Myrobalans, Honey, and various other fruits, barks and roots. Most of them have local presence - are not found throughout the state. Many of the NTFP found in the state are mentioned in the following table.

The state is rich in medicinal plants. Over 350 species of medicinal plants are reportedly available in the state. A study done by Padmavathi Devi of Andhra University in 4 villages of North-eastern AP forests identified a total of 256 species, out of which 63% are important from the point of view of NTFP. The detailed use categories of the species is as follows - Medicinal (48%), Commercial (8%), Food (8%), Fodder (11%), Religious (2%), Ornamental (4%) and other (16%).

**Table: NTFP in AP**

Name	Scientific Name	Product Category	Seasonality	End Use
Beedi Leaf	Diospyros	Leaf	Mar - May	Indian Cigar

	Melanoxyton			
Adda Leaf	Bauhinia Vahili	Leaf	Nov - May	Plates
Saraswathi	Centella Asiatica	Leaf		
Karivepaku	Murraya Koenigi	Leaf	Jun - Jan	
Aswagandha	Withania Somnifera	Leaf		
Nelavemi	Andrographis paniculata	Leaf		
Velaga	Limonia acidissima	Leaf and Bark		Medicine
Naramamidi	Litsea Glutinosa	Bark	Mar - May	Incense sticks
Guthipandu	Polyathiha cerasoides	Bark & Fruit		
Chinta Kaya (Tamarind)	Tamarindus Indica	Fruit	Feb - Apr	Edible Use for sourness, Seed in Pharmacy etc.
Kunkudu	Sopandis indica	Fruit		
Eethapandu		Fruit		
Tani, Tadakayulu, Thati Chettu	Terminalia Bellerica	Fruit	Apr - Jun	Tanning and Medicinal
Karaka	Terminalia Chebula	Fruit	Dec - Feb	
Usiri, Neeli (Aonla)	Emblica Officinalis	Fruit	Jan - Feb	
Vepaginjalu	Azadirachta Indica	Fruit	May - Jun	Medicinal
Musti Ginjalu	Strychnos Nux Vomica	Fruit	Nov - Jan	Medicinal
Billa Ganneru	Lochnera Rosea	Fruit and Seed		
Uttiginjalu		Seed	Jan	
Morli, Sarapappu	Buchanania	Seed	Apr - May	Sweets, Facial

(Chironji)	lazan			powder and Ice creams
Kunkudu (Soapnut)	Sapindus Emerginatus	Seed	Mar - Apr	
Nallajeedi (Marking Nuts)	Semecarpus Anacardium	Seed	Feb- Mar	
Chilla (Cleaning Nut)	Strychnos Potatorum	Seed	Oct- Jan	
Kanuga	Pongamia Pinnata	Seed	Apr - May	
Vippa (Mahua)	Madhuca Lotifolia	Seed and Flower	F - May - Jun, S - Jun - Jul	Flower - Edible, Seed - Oil
Tapsi, Errapoliki, Yerra Polika (Gum Karaya)	Sterculia Urens	Stem Extract	Oct - Jun	Gums in Edible, Non - edible uses, pharmaceutical, Paints and Varnishes,
Kondagogu, Erragogu	Cochlospermum Religiosum	Stem Extract	Oct - Jun	
Anduga, Guggilam	Boswellia Serrata	Stem Extract	Oct - May	
Buraga Banka chettu	Bombax ceiba	Stem Extract		
Elamabanka		Stem Extract		
Gum Tiruman	Anogeissus Latifolia	Stem Extract	Apr - May	
Gum Ollibanum		Stem Extract		
Gum Gumpena	Lanea Coramandalica		Oct - Jun	
Gum Dikamali		Stem Extract		
Rock Bee Honey			Oct - Nov,	

			Apr - May	
Apiary Honey	Apis indica			
Bodha, Podapathri	Gymnema Sylvestre	Grass, Stem/ Leaf	Dec - Feb	Grass - thatch roofing, Stem / leaf - medicinal properties
Porakalu		Grass		Brooms
Hill Brooms	Thysanolaena Maxima	Grass	Nov- Mar	Brooms
Green Grass		Grass		Herbal
Sarpagandhi	Rauvolfia Serpentia	Root		
Chenchu Gadalu		Root		
Maredu, Maredukayalu, Maredigadda	Aegle Marmelos	Root	Apr - May	
Kalabanda	Aloe Barbadnesis	Root		
Sugandhalu, Sugandhipala, Budipala Gaddalu	Hemidesmus Indicus	Root	Mar - May	
Nannarigaddalu		Root	Feb- Mar	Medicinal, local soft drink
Palagadda		Root		
Palasepugadda		Root		
Madanagaddalu	Decalepis Hamiltoni	Root	Mar - May	
Podaparthi	Gymnema Sylvestre	Root and Leaf		
Shekakai				
Boosipikkalu			Nov - Dec	
Kakkuthikayalu			Jan - Feb	
Seethaphal			Sep -Nov	
Ramaphal			Jan - Feb	

Kagupikkalu			Feb- Mar	
Paalateega			Sep - Oct	
Source:RCDC Doc. cell				

### **Policies influencing NTFP management and trade**

The significance of NTFP to the state was perhaps realised first when the report of the Industrial Survey Committee appointed by the erstwhile government of central provinces and Berar was published in 1939. The report emphasised NTFP as a source of forest revenue as well as for creation of employment in the rural areas. As a consequence of this realisation trade in some NTFP was nationalised. The initial focus given to the idea of integrating tribal development through NTFP was further emphasised by the recommendations of the Scheduled Areas and Scheduled Tribe Commission (1960-61), commonly known as Dhebar Commission. Some of the findings (in the 50s) are quite interesting and holds true even now after almost half a century.

- With the rich resource base that the forest areas possess, there is no reason why there should be unemployment in these areas.
- The forest department in consultation with agricultural industries and development departments in each region should prepare a time schedule with the intention of providing work all the year round. This should include among others collection of forest produce, exploitation of minor forest produce and exploitation and processing of major forest produce
- Government should accept as a policy that, as far as possible it would take steps to eliminate the middlemen between the inhabitants of the forests and the forest department in relation to exploitation of the forests. The system of monopoly operating at the moment must in any case be ended.
- Very little attention has been paid to the processing side of the minor forest produce and the produce is being sold in raw form. Processing of NTFP can be a great source of employment for the tribal people. It involves training, of course, and the supply of tools and instruments. This can be organised on a co-operative basis.

It would also be useful to see what the report of Study team on Tribal Development Programmes constituted by the Planning Commission and submitted to the Prime Minister in

1969 had to say "...The regulation of tribal rights should not be carried beyond the requirements of prudent forest management, and become an irksome restriction as, for example, in the case of denial to the tribals' freedom, which they have enjoyed for hundred of years in relation to collection of NTFP, which does not harm the forest in any way. By the induction of contractors to this business, the FD has deprived the tribals of subsidiary incomes and thereby dealt a severe blow to their economy. The fear that restoration of the privileges will lead to a loss of revenue is no argument for extinguishing without payment of compensation, a traditional right, the exercise of which does not in any way detract the value of forest..." It went on to say that if there are losses to be borne by the state by foregoing the restriction, let it be so. Further it states that the only exception could be as has been done in the case of AP, where a tribal co-operative agency sponsored by the government is awarded monopoly rights and can be depended upon to provide a remunerative price to the tribals.

The various acts and rules that govern the management of NTFP in the state are -

1. AP Abnus Leaves Act, 1956
2. The AP Forest Act, 1967
3. The AP Forest Produce Transit Rules, 1970
4. The AP NTFP (Regulation of Trade) Act, 1971
5. The AP NTFP (Regulation of Trade in Abnus Leaves) Rules, 1970
6. The AP Forest Contract (Disposal of Forest Produce) Rules, 1977
7. The AP Scheduled Areas NTFP (Regulation of Trade) Act, 1979
8. The AP Forest Produce (Storage and Depot) Rules, 1989
9. The AP Scheduled Areas NTFP (Regulation of Trade) Rules, 1990
10. Various Notifications under the above Acts and Rules

### **Definition of NTFP**

Until 1971 when AP NTFP Act was enacted, the produces that hence came to be known as NTFP came under the head of forest produces. Forest produces were defined, rather named in the absence of any descriptive definition in the AP forest Act, 1967, the first comprehensive legislation in relation to forest in the state. There were 3 categories of forest produces -

1. Timber, Bamboo, Charcoal, Rubber, Cacutchour, Catechu, Wood-oil, Resin, Natural varnish bark, Lac, Mahua flower and seed, Myrobalans, Tunki leaves, Rousa grass,

Rauwolfia Serpentina, Adda leaves. These produces were forest produces whether they were found in the forests or not. Later Palas leaf, Tamarind fruit, Custard apple, Soap nut, Pungam fruit, Marking nut, Cleaning nut, Amlafruit, Chironji fruit, Teak fruit, Tuniki fruit, Nux vomica fruit and wood apple fruit were included in the list in 1974.

2. This category virtually listed all that could be found in forest including trees, leaves, plants, wild animals and birds as well as their parts, surface soil, rock and minerals.
3. Such other produces as may be prescribed

The AP NTFP Act of 1971 then defined Minor Forest Produce as any forest produce other than timber, trees (Excluding bamboos) and charcoal, specified in the schedule. So this definition virtually puts all the forest produces under NTFP category except for the produces as specified, more or less in line with the AP forest act. But still it does not say that this category is non-timber (or wood) forest produce. After that there has been no other effort to define this category of the forest produce. This despite the fact that timber contributes less than 20% of the forest revenue, it continues to be the major forest produce and the other forest produces together contributing much more than the former remain as minor forest produce.

### **NTFP lease and licensing policy**

The NTFP available in the state can be categorised into three when it comes to their collection and management. While the forest department deals Beedi leaf and bamboo, most of the other commercially important items come under the monopoly of GCC. Territorial forest divisions deal the third category locally. The present study does not cover trade and policy environment of Bamboo.

The first specific act in the state on a forest produce was with regard to Beedi Leaves in the year 1956 that laid the way for nationalisation of Beedi Leaves. Under this, the right to collect Beedi leaves was sold by public auction on lump sum contract. The private pattadars used to sell Beedi leaf grown in their holdings to the private contractors usually on negotiated terms. When demand and commercial value of Beedi leaf increased private contractors with the help of influential pattadars and local villagers started pilfering and smuggling beedi leaf from the forests and government lands leading to considerable loss of revenue to the government. The leaf contractors also used to offer very low price for the leaves sold to them by private growers and pay low wages to the labourers engaged in the operations.

Government in the state being only interested in the royalty, did not even keep any record of beedi leaf transaction during this period. According to the information about revenue figures, the average sum collected was Rs. 112 Lakhs per annum during the ten years immediately before nationalisation. The government thought this was very less than the potential. To arrest this trend the Central Board of Forestry recommended legislative measures to control the trade of beedi leaf. The 1967 forest act in the meanwhile had empowered the state to make rules for control of forest produce in transit or possession. The concerned rules came into force in 1970. Beedi leaf trade was nationalised in 10 districts of Telangana in 1970 through AP NTFP (Regulation of Trade) Ordinance that led to AP NTFP (Regulation of Trade in Abnus Leaves) Rules, 1970. The forest department itself undertook the responsibility to collect and market the leaves through appointed agents.

Immediately in the following year AP NTFP (Regulation of Trade) Act was enacted. What makes interesting reading is the statement of objects and reasons of the above Act. This will give away the purpose behind the state wanting to control the NTFP trade and is therefore reproduced verbatim

'At present, the sale of beedi leaves in the state is governed by the AP Abnus Leaves Act, 1956 and the rules made there under. Sub rule (3) of Rule 4 of the AP Abnus Leaves Rules 1957 provides that the contractors of units of the persons licensed under sub rule (2) thereof only shall be entitled to obtain licenses for collection, storing, sale and transport of Abnus Leaves from the bona fide patta lands situated within their respective units on payments of proportionate royalty to the pattadars concerned. Recently some Pattadars challenged the validity of subrule (3) of rule 4 in the high court on the ground that it infringes their fundamental rights and the High Court stayed operations of the said rule. In the event of the High Court upholding the contentions of the Pattadars, the pattadars will be at liberty to sell their produce to whomsoever they like and there is also risk of their collecting government produce from the adjacent forest lands and passing it off as their own, since it is not possible to distinguish it by affixing any mark thereon as in the case of timber. This position will apply equally to any other NTFP as well. This will result in heavy loss of revenue to government besides other risks involved therein. To prevent the loss of revenue to the government, it has become necessary to regulate in the public interest, the trade of certain NTFP by creation of state monopoly in such trade in the state and it was



accordingly decided to undertake legislative measures for the purpose beginning with Beedi leaves. As the state legislature was not in session, the AP NTFP (Regulation of Trade) Ordinance, 1970 was promulgated by the governor on the 6th October, 1970. This bill seeks to replace the said Ordinance by an Act of the state legislature.'

This clearly spells out the primary reason for creating monopoly conditions in case of forest produces, even if it is in the field of private growers. The state later also controlled the activity of curing and processing Beedi Leaves through an amendment. The only concession granted was that private growers can register themselves with the appropriate authority and be paid a rate higher than the wage rate to be paid to collectors. But the rider was that growers have to state the expected amount of NTFP production so that there is no possibility of passing off the produce collected from forest as grown in private land! The objectives of nationalisation also included -

- To eliminate unscrupulous intermediaries who used to make enormous profits at the cost of the labourers, private tendu leaf growers and beedi manufacturers.
- To provide reasonable earnings to tendu leaf pluckers
- To ensure the payment of fair prices to the leaf growers for the leaves sold by them
- To make the leaves available to beedi manufacturers at reasonable prices.

The salient features of AP NTFP (Regulation of Trade) Act, 1971 are -

1. The Act applies to whole of AP
2. Restrictions on purchase of transport of NTFP - The forest produces are subjected to control of transport, storage and sale as prescribed
3. Constitution of Advisory Committee that among other things will be responsible for price fixation
4. Opening of depots taking into consideration convenience of the growers and prominent display of prices fixed at the depot
5. Government Authorised Officer or Agent to purchase NTFP - The authorised officer or agent is bound to purchase the NTFP offered for sale but the former can refuse on the grounds of quality
6. Registration - Yearly registration of every grower other than the government specifying the quantity likely to be available
7. Yearly registration of manufactures of finished goods using NTFP and exporters of NTFP as

prescribed

8. Disposal of NTFP as per the direction of the government
9. Any person authorised by the government can search and seize.

10. The first schedule of forest produces only contained Beedi Leaf. The government however kept with itself the power to add or modify the schedule list.

While the 1971 Act was applicable to whole of the state, the state came out with a separate Act in 1979 - The AP Scheduled Areas NTFP (Regulation of Trade) Act, 1979 for regulating the trade of certain NTFP by creation of a state monopoly in such trade in the scheduled areas of the state. This was enacted as per the powers coffered by the sub paragraph (2) of paragraph 5 of the Fifth Schedule to the Constitution of India after consultation with the AP Scheduled Tribes Advisory Council. While the government had granted concessions to the Scheduled tribes in the state for removal of timber, bamboo and other forest produces for domestic and agricultural purposes from protected forests under rule 3 of the AP Protected Forests Rules, 1970, as per the 1979 regulations, the government appointed GCC as their agent for the purpose of purchase and trade of NTFP.

The government every year orders for execution of lease agreement with GCC for collection of NTFP. Then the PCCF enters into an agreement with GCC for one year that last from 1st July to 30th June of next year. The lease agreement confers monopoly rights on the corporation for trading in the notified items. The other features of the agreement are -

- The corporation is exempted from payment of security deposit for the NTFP unlike say beedi leaf, where the contractors have to do so.
- This year a new clause has been included saying that the NTFP units has been handed over to GCC with effect from 1st July 2002 to 30th June 2003 or till the agreement with Gram Sabha is worked out whichever is earlier.
- The corporation shall during the period of this agreement collect, store, remove and dispose produces subject to the conditions and restrictions put from time to time.
- The corporation shall not dispose off without obtaining prior permission in writing of the DFO for which permission may be refused by the later without assigning any reason thereof.
- In case of any questions arising with regard to or any objection being taken by any person to the corporation's right to collect or store, the DFO can prohibit or regulate such

collection. And the corporation shall not claim for compensation for any loss it may incur due to the above.

- The collection and removal of produce shall be effected only through printed permit and routes as approved and ordered by the DFO.
- The tribals living in the sanctuary areas can be permitted to collect NTFP only if they carry identity cards issued by GCC and attested by the wild life wardens of the concerned area.
- The corporation shall be entitled to appoint agents to supervise the work of collection and removal of produce but only after due identification and issuance of permits from the DFO.
- The corporation shall be responsible for the acts of omission by itself or the agents and will bear the damage resulted due to that. The DFO will be the final authority for assessing the damage in this case.
- The corporation shall maintain correct accounts showing the yield obtained every month, cost of collection, quantity disposed off and the amount realised in the form prescribed by the DFO and shall submit such accounts once in a year.
- Rentals will be paid @15% of the procurement price of total quantity of NTFP procured subject to payment of minimum rentals equal to the average of the previous three years. Such rentals shall be paid by book adjustment.
- The corporation shall at all times comply with the provisions of AP Forest Act, 1967 and any statutory modifications thereof. The PCCF shall have the right of cancelling the agreement in breach of above and to seize the stocks of the corporation.
- The GCC officers are authorised to search and seize for NTFP in the areas it operates. GCC is also authorised to have manned check gates to carry out its responsibility.

Following table gives the list of NTFP under Lease agreement with GCC Ltd. As can be observed from the same, the list contained 35 items to start with. However the forest department from time to time can modify the list. So there have been certain additions and deletions from the original list if the present list is observed.

1980	2001 - 2002 (In Comparison to 1980)	2002-03 (In comparison to 2001-02)
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Addanara, Adda leaf, Peddarara, K T Bundles, Koperi Grass, Thatching Grass, Gantubarangi, Karivepaku, Nallateega, Neem Seed, Rella Bark, Tangedu Bark, Naramamidi Bark, Wood Apples, Sal Resins/ Kernel/ Seed, Hill Brooms, Wild Brooms, Sheekakai, Amla Fruit and Seed, Cleaning Nuts, Chironji, Rock Bee Honey, Apiary Honey, Kusum Seed, Myrobalans, Mahua Flower, Mahua Seed, Marking Nuts, Nux Vomica Fruit and Seed, Pungam Fruit and Seed, Rauwolfia Serpentina/ Roots, Soap Nuts, Honey Wax, Gums, Tamarind (Shell, Seeded, Deseeded, Green, Seed)	+ Teripods, Maredugeddalu, Sugandhiphala- Addanara, Peddarara, K T Bundles, Koperi Grass, Thatching Grass, Gantubarangi, Karivepaku, Nallateega, Neem Seed, Rella Bark, Tangedu Bark, Naramamidi Bark, Wood Apples, Sal Resins/ Kernel/ Seed	+ Naramamidi Bark
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The lease agreement with GCC however is not particular that the agency has monopoly only in the scheduled areas. This implies that the agency has monopoly rights over listed NTFP all over the state. As marketing of NTFP is confined to a limited number of items and only to Tribals, marketing other commodities in the tribal areas and marketing in non-tribal areas is done by FD through auctions.

Further under the AP Panchayat Raj Act of 1994 and AP Panchayat Raj act (Amendment) Act 1998, the eleventh schedule has been amended and 29 subjects transferred to Panchayats. This includes Minor Forest Produce. In exercise of the powers conferred by sub section (i) of Section 268 read with section 242-1 of Andhra Pradesh Panchayat Raj Act, 1994 (Act No. 13 of 1994), the state is considering to make rules relating to ownership and disposal of minor forest produce in schedule areas. But the said rules to transfer the ownership rights of NTFP to Panchayats is yet to see the light of the day.

## Pricing

The AP NTFP (Regulation of Trade) Act, 1971 stated that government will fix the price of the produces in consultation with the advisory committee constituted. The points to be regarded the for fixing the prices have also been mentioned -

1. Price of the respective NTFP obtained or fixed under this act, or any enactment during the preceding 3 years in respect of the area comprised in the unit.
2. The Quality of the NTFP grown in the unit
3. Transport facilities available in the unit
4. The cost of transport
5. The general level of wages for unskilled labour prevalent in the unit

The committee for fixing the prices of Beedi leaf has as its members people from forest department, and representatives of beedi leaf growers, collectors, contractors and beedi manufacturers. The responsibility of fixing the price in case of other produces lies with GCC. Initially, the pricing by GCC was done after deducting certain percentage from the market price at the nearest wholesale market. These percentages were arrived at by working out the percentage of the total actual expenditure on account of that item to the actual turnover of the previous year. The deductions used to be almost 50% of the nearest wholesale prices. But a notification dated 31/12/1969 directed the corporation to not deduct anything on account of forest rentals and establishment charges, as the state government will reimburse that. Even the losses borne by the corporation in spite of all their efforts to sell profitably will be subsidised by the government. The purchase was to be fixed on the basis of sale prices of previous 5 years.

Then again the board of Directors of GCC discussed in detail regarding the pricing policy and decided through resolution to restrict the deductions to 15% on account of overheads and respective decided % on account of driage (e.g. for Myrobolans it is 6%). But in several of the produces the mandatory deductions are not made to provide higher returns to the tribal collectors.

Normally, the price is fixed at the beginning of the season basing on the past performance, crop prospects and market trend of a particular commodity. The corporation has in the last some years going in for disposal of stocks through forward sale wherever feasible. This also gives the corporation idea about the price and accordingly it fixes the procurement price.

The rest of the NTFP apart from Beedi leaf and the ones under the monopoly of GCC, are dealt by concerned DFOs. If there is a scope for commercial exploitation of NTFP in any particular division, the DFO calls for advance tenders and hands over the rights of buying to the highest bidder.

### **Other government regulations in NTFP trade**

No forest produce can be moved into or from or within the state by land or water unless such produce is accompanied by a permit issued and have to be produced for check immediately on demand. The DFO or an officer or person duly authorised by him shall issue such permits and the DFO has the right to refuse permits if he is not satisfied of the ownership. Various types of transit permit issued as per its starting and destination points.

The Andhra Pradesh Forest Produce (Storage and Depot) Rules 1989

- Section 3 of the above says that any person or institution desirous of setting up a forest depot shall obtain a license from the Divisional Forest Officer in prescribed format giving full particulars of land, S. no, Municipality or Mandal and the extent and title deed registered in favour of any person from whom it is leased it.
- The documents to be furnished are lease deed or undertaking of the hired premises, copy of the factory license, sales tax registration.
- On receipt of an application in Form 1, DFO shall make such enquiry as he deems to fit, and after satisfying himself as to the genuineness of the need etc may grant a license in Form 2. A fee of Rs 100 for grant of license or its renewal shall accompany every application.
- Security deposit of Rs 5000. The discretion of the Security deposit in each case shall be vested with the DFO.
- Under section 8 of the above rule it says that all transactions involving receipt storage and disposal shall be recorded in two separate registers.

### **ACTS & RULES**

- Andhra pradesh forest produce transit rules, 1970
- Policy for forestry development in andhra pradesh
- The andhra pradesh minor forest produce (regulation of trade) act, 1971
- The andhra pradesh scheduled areas minor forest produce (regulation of trade) regulation, 1979
- The andhra pradesh scheduled areas minor forest produce (regulation of trade) rules 1990

### **Andhra pradesh forest produce transit rules, 1970**

In exercise of the powers conferred by Section 29 read with sub-section (1) of Section 68 of the Andhra Pradesh Forest Act., 1967 (Andhra Pradesh Act. No.1 of 1967) and in supersession of all existing rules on the subject made under any of the Acts repealed by Section 72 of the Act aforesaid, the Government of Andhra Pradesh hereby makes the following rules to regulate the movement of forest produce in the State of Andhra Pradesh.

'Forest produce in transit' includes forest produce found stored in any place in margin of any public road or cart track or foot-path whether 3[or not] loaded in carts or other vehicles 4[x x x ] and forest produce found in any river, canal or water course whether in rafts or not.

No forest produce shall be moved into or from or within the State by land or water, unless such produce is accompanied by a permit therefore issued under Rule 5 and produced for check immediately on demand:

Provided that where the forest produce is imported into the State from any other State it is enough if such produce is accompanied by a permit issued by the Government of the State from where such produce is imported and the said permit shall be valid only for the transport of such produce and such quantity to the destination specified therein.

Timber exceeding 25 cms. in girth at its thickest part and one meter in length, except timber sawn into sizes shall not be moved into or from or within the State of Andhra Pradesh, unless such timber bears a distinguishable Government transit mark of such description as mentioned in the permit authorising the transit thereof accompanying the said timber.

**[SCHEDULE –III]**

**[See rule 16 of the Andhra Pradesh Forest Produce Transit Rules, 1976]**

Description of local areas (district)	Description of forest produce of which these rules shall not apply	
	Botanical name of the produce	Common and local name or names
1	2	3
<b>Hyderabad Circle</b>		
Hyderabad District	Fruits and seeds of Terminalia chebula and Terminalia belerica. Fruits of Feronia elephantum	MyrobalanWood Apple
Mahaboobnagar District	-do-	-do-
Nalgonda District	-do-	-do-
<b>Nizamabad Circles</b>		
Medak District	Fruits and seeds of Terminalia Chebula and Terminalia belericaFruits of Feronia elephantum	MyrobalanWood apple
Nizamabad District	-do-	-do-
<b>Guntur Circle</b>		
Guntur District	Fruits and seeds of Terminalia chebula and Terminalia belericaFruit of Feronia elephantum	MyrobalanWood Apple
Prakasam District	-do-	-do-
Nellore District	-do-	-do-
<b>Anantapur Circle</b>		
Anantapur District	Fruits and seeds of Terminalia Chebula and Terminalia belericaFruits of Feronia elephantum	MyrobalanWood Apple
Chittoor District	-do-	-do-
<b>Kurnool Circle</b>		
Kurnool District	Fruits and seeds of Terminalia Chebula and Terminalia belericaFruits of	MyrobalanWood Apple



	FeroniaElephantum	
Cuddapah District	-do-	-do-

**Policy for forestry development in andhra pradesh**  
**[G.O.Ms. No. 237,E&F (For-II) Dept., Dated 26-11-1993]**

Forestry development strategies followed in the past have been ineffective in reducing deforestation and forest degradation. This is due to relentless pressure on account of ever-increasing demand for fuel, fodder, timber, etc. Inadequacy of protection measures has also resulted in illegal, unregulated fellings and encroachment in the forest areas. The dwindling of forest resources has resulted in hardship to those living in poverty who are dependent on forest resources for their livelihood, besides detrimental environment impact, as well as scarcity and high prices for commercial forest goods.

The present degradation of the forests in the State has to be arrested by a future strategy for ecological balance, preserving biological diversity and genetic resource, and to meet the requirements of the local people for various forest produce, as well as of society at large for traded forest-based goods on a sustainable basis.

**Policy Strategy**

The future forestry policy of the State envisages the following reforms in important areas of the forest sector.

**A. Forestry Administration**

1. The forestry administration would concentrate on high priority areas where it has a comparative advantage of unique mandate, and divest itself from activities that can be more efficiently performed by other groups, including local populations, NGOs and private industry, or enter into partnership with these. This will result in better management and utilization of available forest resources.
2. Where forests are under pressure by local communities for their livelihood, they will be managed for better production and conservation by participatory management through introduction of Joint Forest Management. The local communities together with the concerned Governmental and Non-Governmental organisations will be involved for implementation of Joint Forest Management Plans.
3. The forest administration will be streamlined and a new orientation will be given based on

intense local participation in forest management, on the one hand, and realistic and flexible planning and implementation of forest activities supported by modern information technology and increased possibilities for specialization and permanence of staff, on the other. Regular financing for appropriate maintenance of forestry investments would be ensured.

#### **B. Technology:**

4. A need-based, production-orientation research programme, concentrating on a limited number of important forest species, will be promoted in support of vigorous program of upgrading nursery, planting and silvicultural technologies in order to achieve higher forest productivity.
5. Modern planning and monitoring tools, such as MIS and GIS, will be introduced throughout the forestry administration for meeting the changing needs of forestry.

#### **C. Forestry Policy**

6. Private investment in the production of better quality seedlings and in afforestation of wastelands will be encouraged and facilitated. The needs of the wood-based industries will be met through high-yield afforestation program to be taken up by the Forest Development Corporation alone or in co-operation with the industries. Rules governing timber transport will be suitably modified to encourage private participation in afforestation primarily through farm forestry.
7. Suitable measures will be initiated to control grazing, such as encouraging stall-feeding, upgrading of cattle breed and opening areas for grazing in a cyclical fashion, thus ensuring conditions propitious for natural regeneration and at the same time meeting the needs of local people.
8. The economic situation of the tribal population will be improved through concomitant inputs aimed at higher agricultural production and non-agricultural income by promoting availability of non-timber forest products.

#### **The andhra pradesh minor forest produce (regulation of trade) act, 1971**

The following Act of the Andhra Pradesh Legislature, which was reserved by the Governor on the 2nd January, 1971 for the consideration and assent of the President, received the assent of the President on the 14th January, 1971 and the said assent is first published on the 16th

January, 1971 in the Andhra Pradesh Gazette for general information:

**An Act to make provision for regulating in the public interest the trade of certain minor forest produce by creation of a State monopoly in such trade in the State of Andhra Pradesh.**

Be it enacted by the Legislature of the State of Andhra Pradesh in the Twenty-first year of the Republic of India as follows:-

**1. Short title, extent, commencement and application:-** (1) This Act may be called the Andhra Pradesh Minor Forest Produce (Regulation of Trade) Act, 1971.

(2) It extends to the whole of the State of Andhra Pradesh.

(3) It shall come into force in such area and on such date as the Government may, by notification specify and they may specify different dates for different areas.

(4) It shall apply to every minor forest produce specified in the Schedule.

**2. Definitions:-** In this Act, unless the context otherwise requires-

1) "agent" means an agent appointed under Section 4;

2) "Committee" means an Advisory Committee constituted under sub-section (1) of Section 6;

3) "Government" means the State Government;

4) "grower" means-

i) in respect of any minor forest produce grown in any land constituted as reserved forest or in any forest or waste land declared as protected forest under the Andhra Pradesh Forest Act., (Act 1 of 1967), the Government; and

ii) in respect of any minor forest produce grown in any other land;

a) the Government, where the minor forest produce is grown on unoccupied land which is the property of the Government or which is placed under their control and management;

b) the owner, occupier, tenant, lessee or other person having right to the possession and enjoyment of the land included in a unit, on which the minor forest produce is grown and includes every person, who, from time to time, claims title to such produce through him;

5) "minor forest produce" means any forest produce other than timber, trees, (excluding bamboos) and charcoal, specified in the schedule;

6) "notification" means a notification published in the Andhra Pradesh Gazette;

7) "specified area" means the area specified in the notification under sub-section (3) of Section 1;

8) "unit" means a sub-division of a specified area constituted into a unit under Section 3;  
9) words and expressions used but not defined in this Act, and defined in the Andhra Pradesh Forest Act, 1967 (Act 1 of 1967) shall have meanings respectively assigned to them in that Act.

**3. Constitution of units:-** The Government may, from time to time, divide every specified area into area into such number of units as they may deem fit in respect of each minor forest produce.

**4. Appointment of agents:-** (1) The Government may, for the purpose of purchase of any trade in, any minor forest produce on their behalf appoint an agent for each unit:  
Provided that nothing in this sub-section shall prevent the appointment of the same person as agent for more than one unit.

(2) The terms and conditions of, and the procedure for appointment of agents shall be, such as may be prescribed.

**5. Restriction on purchase of transport of minor forest produce:-** (1) Upon the issue of a notification under sub-section (3) of section 1 in respect of an area no person other than

- a. the Government, or
- b. an officer of the Government authorised in writing by them in that behalf (hereafter in this Act referred to as the authorised officer), or
- c. an agent appointed for a unit;

**Explanation:-** Any sale to or purchase from the Government, the authorised officer or the agent of a minor forest produce shall not be deemed to be a sale or purchase in contravention of the provisions of this section.

(2) Notwithstanding anything in sub-section (1):-

(a) a registered grower may collect any minor forest produce from any land belonging to him on which such produce is grown and may transport the minor forest produce so collected from such land to the nearest depot within the unit in which the said land is included; and

(b) minor forest produce purchased from the Government or from any authorised officer or agent by any person for manufacture of finished goods within the State using such produce or by any person for sale of such produce outside the State

**Explanation: -** For the purpose of this clause, the expression "transport by such person within or outside the unit" means the transport of minor forest produce at all stages including the transport to any subsidiary distribution centre situated at a place of work or manufacture.

(3) Any person desiring to sell any minor forest produce may sell the produce to the Government or the authorised officer or agent in such form and in such manner as may be prescribed.

(4) No grower shall carry on—

a) any trade or business in,

b) any industry with the use of,

the minor forest produce to which this Act applies except in accordance with the provisions of this Act or the rules made thereunder.

**6. Constitution of Advisory Committee:-** (1) The Government shall for each year commencing on the 1st day of July and ending on the 30th day of June next following, constitute, in respect of each minor forest produce an Advisory Committee for one or more forest divisions in the State consisting of such number of members not less than six but not more than nine as may be notified by the Government, from time to time, for the purpose of advising the Government in the matter of fixation from time to time, of a fair and reasonable price at which such produce, as is offered for sale in a division of divisions, may be purchased by the Government or their authorised officers or agent in accordance with the provisions of this Act.

Provided that two of the members shall be from amongst the traders of the respective minor forest produce, or manufacturers of finished goods using such produce, and four members shall be from amongst the growers of the respective minor forest produce other than the Government.

it shall also be the duty of the Committee to advise the Government on such other matters as may be referred to it by the Government for carrying out the purposes of this Act.

The business of the Committee shall be transacted in such manner as may be prescribed.

The members of the Committee shall be entitled to such allowances as may be prescribed.

The Committee shall tender its advice to the Government within such period as the Government may specify in this behalf.

**7. Government to fix price in consultation with Committee:-**

The Government shall, by notification and after consultation with the Committee, fix the price at which any particular minor forest produce shall be purchased by them or by any authorised officer or agent,

## **8. Opening of depots and publication of price list etc., at depots:-**

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

## **9. Government authorised officer or agent to purchase minor forest produce:-**

(1) The Government of authorised officer or agent shall be bound to purchase the minor forest produce offered for sale at the depot during the hours of business in the raw form, from all the depot during the hours of business in the raw form, from all the growers registered under Section 10 at the price fixed under Section 7:)

Provided that it shall be open to the Government or authorised officer or agent to refuse to purchase any minor forest produce which, in the opinion of the Government or authorised officer or agent, as the case may be, is not fit for the purpose of manufacture of finished goods using such produce or for any other commercial purpose.

(2) Any person aggrieved by the refusal to purchase the minor forest produce by any authorised officer or agent under provision to sub-section (1) may, within fifteen days therefrom, prefer an appeal to the Divisional Forest Officer, or such other officer as may be empowered by the Government in this behalf, having jurisdiction over the unit.

(3) On receipt of an appeal under sub-section (2), the Divisional Forest Officer or other officer, as the case may be, shall hold an inquiry, on the spot or at any convenient place, in the prescribed manner and after hearing the parties concerned or their representatives, shall pass such order as he may deem fit, and in case he finds the refusal to purchase the minor forest produce to be improper, he may-

a) where he considers the minor forest produce in question still suitable for the manufacture of finished goods or for any other commercial purpose, direct the authorised officer or agent, as the case may be, to purchase the same at the price fixed for it and may also award to the person aggrieved such further compensation not exceeding twenty per centum of the price of the produce payable to him, as he may deem fit;

b) Where he considers that the minor forest produce in question has since become unsuitable for manufacture of finished goods or for any other commercial purpose, direct the payment to the person aggrieved of any amount not less than the price of such minor forest produce 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 the loss suffered by person.

(4) Nothing in this section shall be construed as to debar the appropriation of any minor forest produce offered for sale. If the Government or authorised officer or agent has reason to believe that such produce appertains to forest or lands belonging to or under the control of the Government, and paying only such collection charges, if any, as the Government may, from time to time, determine:

Provided that in the case of any dispute in the matter, the Divisional Forest Officer or other officer, as the case may be, shall hear and dispose of the same in the manner provided in sub-section (3).

(5) Any person aggrieved by the decision referred to in the provision to sub-section (4) may; within a period of thirty days from the date of receipt of such decision, prefer an appeal to the Government: and the decision of the Government on such appeal shall be final.

**10. Registration:-** (1) Every grower, other than the Government, shall, if the quantity of the minor forest produce grown by him during a year is likely to exceed such quantity as may be prescribed, get himself registered in such manner as may be prescribed.

(2) As soon as may be after a grower applies for registration under sub-section (1) the Divisional Forest Officer, shall after making such enquiry and verification as he deems fit, issue a Certificate of Registration to the grower specifying the approximate quantity of the minor forest produce that would be available in a season from the lands of the grower:

Provided that a Certificate of Registration issued under the sub-section shall unless cancelled earlier by the Divisional Forest Officer for reasons to be recorded in writing be valid for a period of three years from the date of issue or until the grower is in possession of the land in respect of which the certificate has been issued whichever is earlier.

(3) An appeal shall lie to the Conservator of Forests concerned against the Certificate of Registration issued by the Divisional Forest Officer under sub-section (2) within 15 days from the date of the issue of the certificate and decision of the Conservator of Forests thereon shall be final and shall not be questioned in any Court of law.]

**11. Registration of manufacturers of finished goods using minor forest produce and exporters of minor forest produce:-** (1) Every manufacturer of finished goods using minor forest produce, and every exporter of minor forest produce shall get himself registered within such period, on payment of such fee, and in such manner, as may be prescribed.

(2) Every such manufacturer and exporter 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 minor forest produce:-** Any minor forest produce purchased by the Government or authorised officer or agent under this Act shall be sold or otherwise disposal of in such manner as the Government may direct.

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

**14. Power of entry, search seizure etc.:-** (1) Any forest officer or police officer not below the rank of a Sub-Inspector, or any other person authorised by the Government in this behalf 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 a minor forest produce;
- ii) Enter and search any place; and
- iii) Where there is reason to believe that an offence punishable under this Act or any rule made thereunder has been committed in respect of any minor forest produce, seize such minor forest produce together with the receptacles, if any, in which it is contained and all tools, ropes, chains, boats, vehicles or cattle used in committing any such offence.

(2) Every officer seizing minor forest produce and other property under Clause (iii) of sub-section (1) shall place on such produce or other property a mark indicating that the same has been so seized and shall, except where the offender agrees in writing forthwith to get the offence compounded in the manner prescribed, make a report of seizure to the Magistrate.

(3) Any forest officer not below the rank of a Ranger who, or whose subordinate, has seized any property, other than the minor forest produce, under clause (iii) of sub-section (1) may release the same on the execution by the owner thereof a bond for the production of the property so released, if and when so required, before the Magistrate.

(4) Upon the receipt of any report under sub-section (2), the Magistrate shall, except where the offence is compounded, take such measures as may be necessary for the trial of the accused and the disposal of the minor forest produce and other property according to law.

(5) The minor forest produce and other property seized under Clause (iii) of sub-section (1) shall



be kept in the custody of the forest officer not below the rank of the forest guard or village headman until the compensation for compounding the offence is paid or until an order of the Magistrate directing its disposal is received.

(6) The provisions of Sections 102 and 103 of the Code of Criminal Procedure, 1898, (Act V of 1898) relating to search and seizure shall, so far as may be, apply to searches and seizures under this section.

**15. Penalty:-** If any person contravenes any of the provisions of the Act or the rules made thereunder-

a) he shall be punished with imprisonment which may extend to one year or with fine which may extend to two thousand rupees, or with both;

b) the minor forest produce in respect of which such contravention has been made or such part thereof as the Court may deem fit, and any boat, vehicle other than a cart drawn by animals, vessel or other conveyance or any other articles used in committing such offence, shall be liable to confiscation:

Provided that if the Court is of the opinion that it is not necessary to direct confiscation in respect of the whole, or as the case may be, any of the minor forest produce or other property, it may for reasons to be recorded, refrain from doing so.

**16. Attempts and abetment:-** 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 provisions.

**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 such other officer as may be authorised by the Government in this behalf.

**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 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 intended to be so done in pursuance of this

Act or the rules made thereunder.

**19. Power to make rules:-** (1) The Government may, by notification and subject to the conditionm of previous publication, make rules to carry out all or any of the purposes of this Act.

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

- a) the terms and conditions of, and the procedure to be followed in making appointment of agents;
- b) the manner of selling the minor forest produce to the authorised officer or agent at a depot;
- c) the authority by who, the manner in which and the conditions subject to which, permits may be issued or, the transport within the State of the minor forest produce to be brought from outside the State may be regulated;
- d) the manner of transacting the business of the Committee and the allowances to which the members thereof are entitled to;
- e) the publication of the price lists of minor forest produce;
- f) the manner of holding inquiries under this Act;
- g) the manner of registration, the period within which such registration shall be made and the fee payable therefor, under sub-section (1) Section 11;
- h) i) the manner of registration, the period within which such registration shall be made and the fee payable therefor, under sub-section (1) of Section 11;
- ii) the form of declaration, the authority to whom, the date by which and the manner in which, the declaration shall be furnished under sub-section (2) of Section 11;
- i) the manner in which an offence punishable under this Act may be compounded;
- j) any other matter which is either expressly or impliedly required to be prescribed under this Act.

2) Every rule made under this Act shall immediately after it is made, be laid before each House of the State Legislature if it is in session and if it is not in session, in the session immediately following for a total period of fourteen days which may be comprised in one session, or in two successive sessions, and if, before the expiration of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or in the annulment of the rule, the rule shall, from the date on which the modification or annulment is notified, have effect only in such modified form or shall stand annulled, as the case may; so however, that any such modification or annulmnt shall be without prejudice to the validity of

anything previously done under that rule.

**20. Act 1 of 1967 not to apply to minor forest produce:-** Nothing in the Andhra Pradesh Forest Act, 1967, shall apply to minor forest produce in respect of the matters for which provisions are contained in this Act.

**21. Power to remove difficulty:-** If any difficulty arises in giving effect to the provisions of this Act, the Government may, subject to the provisions of Section 23, by notification, make such provisions, not inconsistent with the provisions of this Act as appear to them to be necessary or expedient for the purpose of removing the difficulty.

**22. Power to amend the schedule:-** The Government may, subject to the provisions of Section 23, from time to time, by notification, add to, or modify the schedule after considering the necessity in the public interest of regulating the trade of any minor forest produce and on any such notification being issued, the schedule shall be deemed to be amended accordingly.

**23. Application of Section 19(3) to notifications under Sections 21 and 22:-** The provisions of sub-section (3) of Section 19 shall apply in relation to a notification issued under Section 21 or under section 22, as they apply in relation to a rule made under Section 19 with the substitution of references to the "notification" for references to the "rule".

**24. Repeal and Saving Act XLIX of 1956, Ordinance 5 of 1970:-** (1) The Andhra Pradesh Abnus Leaves Act 1956 and the Andhra Pradesh Minor Forest Produce (Regulation of Trade) Ordinance, 1970 are hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the Andhra Pradesh Minor Forest Produce (Regulation of Trade) Ordinance, 1970 shall be deemed to have been done or taken under the corresponding provisions of this Act as if this Act had come into force on the 6th October, 1970.

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**The andhra pradesh scheduled areas minor forest produce (regulation of trade) rules**

**1990**

**[G.O.Ms.No.178, Social Welfare (s), Dt.27-12-1990]**

In exercise of the powers conferred by Section 11 of the Andhra Pradesh Scheduled Areas Minor Forest Produce (Regulation of Trade) Regulation, 1979 (Andhra Pradesh Regulation 1 of 1979), the Governor of Andhra Pradesh hereby makes the following rules to regulate the trade of certain minor forest produce in the Scheduled areas of the State of Andhra Pradesh.

**1. Short title:** - These rules may be called the Andhra Pradesh Scheduled Areas Minor Forest Produce (Regulation of Trade) Rules, 1990.

**2. Definitions:** - In these rules, unless the context otherwise requires-

- i. "Accused" means any person who is reasonably believed that an offence punishable under the Andhra Pradesh Scheduled Areas Minor Forest Produce (Regulation of Trade) Regulation, 1979 or the rules made there under have been committed in respect of a minor forest produce;
- ii. "Corporation" means the Girijan Co-operation Limited Visakhapatnam;
- iii. "Divisional Manager" means the Divisional Manager in independent charge of a division of the Corporation;
- iv. "Magistrate" means a Magistrate having jurisdiction to try offences in the Scheduled areas in accordance with the provisions contained in the Code of Criminal Procedure, 1898;
- v. "Managing Director" means the Managing Director of the Girijan Co-operative Corporation Limited, Visakhapatnam;
- vi. "Minor Forest Produce in Transit" includes minor forest produce stored in any place or in the margin of any public road or cart track or footpath whether loaded in carts or other vehicles or not and the minor forest produce found in any river, canal or water course whether in rafts or not;
- vii. "Minor Forest Produce Offence" means any offence punishable under the regulation or rules made thereunder;
- viii. "Purchase Price" means the price offered by the Corporation for purchasing the minor forest produce from the growers/collectors;
- ix. "Regulation" means the Andhra Pradesh Scheduled Areas Minor Forest Produce (Regulation of Trade) Regulation, 1979.

**3. Terms and conditions of appointment as agent:-** The Corporation shall be appointed as an Agent for the purpose of purchase and trade in any minor forest produce on annual lease basis and subject to execution of agreements by the authorised officer of the Corporation with the officer of the Forest Department duly authorised in this behalf. The lease amount to be paid

by the Corporation shall be on the basis of fixed percentage as may be fixed from time to time, by the Government on the purchase price of the minor forest produce paid by the Corporation for the total quantity of minor forest produce produced by and on behalf of the Corporation. The Government or the Corporation may appoint a Committee for deciding norms for fixing the purchase price of the minor forest produce keeping in view the market trend of the minor forest produce and also the overheads of the Corporation. Based on the guidelines deciding by the Committee, the Managing Director of the Corporation shall be authorised to fix the purchase price well in advance of the season for each commodity.

**4. Purchase Centres:-** The Corporation shall notify the purchase centres taking into consideration the convenience of the growers/collectors of the respective minor forest produce in order to enable them to bring such minor forest produce to those centres for sale to the Corporation or its authorised officer or a sub-agent for the purchase of minor forest produce on its behalf.

While fixing the centres the suggestions made by any officer of the Government or the representatives of the people shall also be taken into consideration.

**5. Sale of minor forest produce:-** The minor forest produce shall be sold to the Corporation by the growers/collectors at the purchase centres duly notified by the Corporation. The minor forest produce so offered for sale should be in well-dried condition and fit for the purpose of manufacture of finished goods using such produce or for any other commercial purpose.

If the minor forest produce offered for sale does not conform to the standards prescribed, the Corporation shall have the right to refuse the purchase of such minor forest produce. The Corporation may appoint an authorised Officer or a sub-agent for the purchase of minor forest produce on its behalf.

**6. Procedure for holding enquiry of appeals under sub-section (3) of Section 5:-** (1) Any person aggrieved by the refusal to purchase the minor forest produce by an authorised officer or a sub-agent under Rule 5 above may within fifteen days therefrom, prefer an appeal to the Divisional Manager or such other officers as may be empowered by the Managing Director of the Corporation, who may hereafter be called the appellate authority.

(2) On receipt of an appeal against the orders of refusal to purchase the minor forest produce by the authorised officer or agent, under Rule 5 above, such appellate authority shall, as soon as

possible, intimate the appellant the place, date and time fixed for holding such enquiry.

(3) On the date fixed or any subsequent date to which the enquiry may be adjourned, the appellate authority shall, after hearing the appellant or his duly authorised representative, who may appear before the appellate authority make such further enquiry as it may deem necessary and pass such orders in terms of sub-section (3) of Section 5 of the regulation as he may consider fit.

If the appellant does not appear either in person or through his duly authorised representative the appellate authority shall take decision *ex parte* after taking such enquiry as it may deem necessary:

Provided that, if the appellate authority is satisfied that the non-appearance of the appellant was insufficient cause, it may, after such further enquiry it may deem fit, pass suitable order in supersession of such *ex parte* order.

Any compensation ordered to be paid as a result of such enquiry shall be paid within one month from the date of communication of the orders to the appellant concerned.

**7. Erection of check posts and seizure of minor forest produce:-** (1) The Corporation may empower the Managing Director for setting up check posts or erection of barrier and appoint such officer for managing such check posts.

(2) The officer appointed under sub-rule (1) may:

- i) stop and search any person, boat, vehicle or receptacle used or intended to be used for the transport of minor forest produce;
- ii) enter and search the place; and
- iii) seize such minor forest produce in transit together with the receptacles, if any, in which it is contained and all tools, ropes, chains, boats, vehicles or cattle.

(3) The Corporation shall not be responsible for any loss or damage which may occur in respect of any minor forest produce while detained at the check posts duly established for the purpose of the regulation, and no Officer duly appointed in this behalf shall be responsible for such loss or damage unless it is proved that he causes such loss or damage negligently, willfully, maliciously or fraudulently.

**The andhra pradesh scheduled areas minor forest produce (regulation of trade) rules**

**1990**

**[G.O.Ms.No.178, Social Welfare (s), Dt.27-12-1990]**

In exercise of the powers conferred by Section 11 of the Andhra Pradesh Scheduled Areas Minor Forest Produce (Regulation of Trade) Regulation, 1979 (Andhra Pradesh Regulation 1 of 1979), the Governor of Andhra Pradesh hereby makes the following rules to regulate the trade of certain minor forest produce in the Scheduled areas of the State of Andhra Pradesh.

**1. Short title:** - These rules may be called the Andhra Pradesh Scheduled Areas Minor Forest Produce (Regulation of Trade) Rules, 1990.

**2. Definitions:** - In these rules, unless the context otherwise requires-

- i. "Accused" means any person who is reasonably believed that an offence punishable under the Andhra Pradesh Scheduled Areas Minor Forest Produce (Regulation of Trade) Regulation, 1979 or the rules made there under have been committed in respect of a minor forest produce;
- ii. "Corporation" means the Girijan Co-operation Limited Visakhapatnam;
- iii. "Divisional Manager" means the Divisional Manager in independent charge of a division of the Corporation;
- iv. "Magistrate" means a Magistrate having jurisdiction to try offences in the Scheduled areas in accordance with the provisions contained in the Code of Criminal Procedure, 1898;
- v. "Managing Director" means the Managing Director of the Girijan Co-operative Corporation Limited, Visakhapatnam;
- vi. "Minor Forest Produce in Transit" includes minor forest produce stored in any place or in the margin of any public road or cart track or footpath whether loaded in carts or other vehicles or not and the minor forest produce found in any river, canal or water course whether in rafts or not;
- vii. "Minor Forest Produce Offence" means any offence punishable under the regulation or rules made thereunder;
- viii. "Purchase Price" means the price offered by the Corporation for purchasing the minor forest produce from the growers/collectors;
- ix. "Regulation" means the Andhra Pradesh Scheduled Areas Minor Forest Produce (Regulation of Trade) Regulation, 1979.

**3. Terms and conditions of appointment as agent:-** The Corporation shall be appointed as an Agent for the purpose of purchase and trade in any minor forest produce on annual lease basis and subject to execution of agreements by the authorised officer of the Corporation with the officer of the Forest Department duly authorised in this behalf. The lease amount to be paid by the Corporation shall be on the basis of fixed percentage as may be fixed from time to time,

by the Government on the purchase price of the minor forest produce paid by the Corporation for the total quantity of minor forest produce produced by and on behalf of the Corporation. The Government or the Corporation may appoint a Committee for deciding norms for fixing the purchase price of the minor forest produce keeping in view the market trend of the minor forest produce and also the overheads of the Corporation. Based on the guidelines deciding by the Committee, the Managing Director of the Corporation shall be authorised to fix the purchase price well in advance of the season for each commodity.

**4. Purchase Centres:-** The Corporation shall notify the purchase centres taking into consideration the convenience of the growers/collectors of the respective minor forest produce in order to enable them to bring such minor forest produce to those centres for sale to the Corporation or its authorised officer or a sub-agent for the purchase of minor forest produce on its behalf.

While fixing the centres the suggestions made by any officer of the Government or the representatives of the people shall also be taken into consideration.

**5. Sale of minor forest produce:-** The minor forest produce shall be sold to the Corporation by the growers/collectors at the purchase centres duly notified by the Corporation. The minor forest produce so offered for sale should be in well-dried condition and fit for the purpose of manufacture of finished goods using such produce or for any other commercial purpose.

If the minor forest produce offered for sale does not conform to the standards prescribed, the Corporation shall have the right to refuse the purchase of such minor forest produce. The Corporation may appoint an authorised Officer or a sub-agent for the purchase of minor forest produce on its behalf.

**6. Procedure for holding enquiry of appeals under sub-section (3) of Section 5:-** (1) Any person aggrieved by the refusal to purchase the minor forest produce by an authorised officer or a sub-agent under Rule 5 above may within fifteen days therefrom, prefer an appeal to the Divisional Manager or such other officers as may be empowered by the Managing Director of the Corporation, who may hereafter be called the appellate authority.

(2) On receipt of an appeal against the orders of refusal to purchase the minor forest produce by the authorised officer or agent, under Rule 5 above, such appellate authority shall, as soon as possible, intimate the appellant the place, date and time fixed for holding such enquiry.



(3) On the date fixed or any subsequent date to which the enquiry may be adjourned, the appellate authority shall, after hearing the appellant or his duly authorised representative, who may appear before the appellate authority make such further enquiry as it may deem necessary and pass such orders in terms of sub-section (3) of Section 5 of the regulation as he may consider fit.

If the appellant does not appear either in person or through his duly authorised representative the appellate authority shall take decision ex parte after taking such enquiry as it may deem necessary:

Provided that, if the appellate authority is satisfied that the non-appearance of the appellant was insufficient cause, it may, after such further enquiry it may deem fit, pass suitable order in supersession of such ex parte order.

Any compensation ordered to be paid as a result of such enquiry shall be paid within one month from the date of communication of the orders to the appellant concerned.

**7. Erection of check posts and seizure of minor forest produce:-** (1) The Corporation may empower the Managing Director for setting up check posts or erection of barrier and appoint such officer for managing such check posts.

(2) The officer appointed under sub-rule (1) may:

- i) stop and search any person, boat, vehicle or receptacle used or intended to be used for the transport of minor forest produce;
- ii) enter and search the place; and
- iii) seize such minor forest produce in transit together with the receptacles, if any, in which it is contained and all tools, ropes, chains, boats, vehicles or cattle.

(3) The Corporation shall not be responsible for any loss or damage which may occur in respect of any minor forest produce while detained at the check posts duly established for the purpose of the regulation, and no Officer duly appointed in this behalf shall be responsible for such loss or damage unless it is proved that he causes such loss or damage negligently, willfully, maliciously or fraudulently.