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भारत सरकार

राष्ट्रीय अनुसूचित जनजाति आयोग

GOVERNMENT OF INDIA

NATIONAL COMMISSION FOR SCHEDULED TRIBES

File No. 33/Pressclipping/8/2017/RU-III

6th floor, 'B' Wing Loknayak Bhawan,
Khan Market, New Delhi-110003
दिनांक /Dated: 10th July, 2017

To,

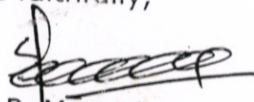
1. The Principal Chief
(Conservator of Forest),
(Kendu Leaf)
(Shri. S.C. Mishra)
Forest Department,
Govt. of Odisha,
Bhubaneswar
2. Additional Principal Chief
Conservator of Forest (NTIP),
(Shri T.K. Chaubey)
Govt. of Maharashtra,
Nagpur

Sub: Press report, Newspaper Millennium Post, Delhi dated 18.05.2017 captioned
"At loggerheads for kendu leaves"

Sir,

I am directed to enclose a copy of minutes of the meeting taken by Secretary, NCST, on 02.06.2017 for necessary action and to furnish action taken report on the actionable points emerged during the meeting to the Commission as early as possible.

Yours faithfully,


(S. P. Meena)
Assistant Director

Copy for information and necessary action to:

1. The Research Officer-In-Charge, National Commission for Scheduled Tribes, Regional Office Bhubaneswar, N-1/297 IRC Village, Bhubaneswar-751015 (Odisha)
2. NIC, NCST uploaded on the web site.

Tel.:011-24657271, 011-24615012, 011-24624714, Fax: 011-24604689, 011-24624191



No.33/Press Clipping/8/2017/RU.III
Government of India
National Commission for Scheduled Tribes

Sub: Record of the "Preliminary Meeting of National Commission for Scheduled Tribes held on 2nd June, 2017 under the chairmanship of Secretary (NCST) on the news clipping in Millennium, Delhi, captioned At Loggerheads for kendu leaves".

Based on a news item which appeared in Millennium Post, Delhi dated 18th May, 2017, under the caption "At loggerheads for kendu leaves", a preliminary meeting under the chairmanship of Secretary (NCST) was held on 2nd June, 2017. The meeting was attended by Shri S.C. Mishra, IFS, Principal Chief Conservator of Forests (PCCF) (Kendu leaf), Government of Odisha and Shri T.C. Choubey, IFS, Additional Principal Chief Conservator of Forests, Government of Maharashtra. Following are the highlights of the meeting:

- (i) The PCCF (KL) Government of Odisha mentioned that Odisha has a unique case in trading of Kendu (Tendu) Leaves (KL) where processing of Kendu leaves is carried out by a specialised KL Wing of the Forest Department. He further mentioned that Odisha Kendu Leaves (Control of Trade) Act is under challenge in the Hon'ble High Court of Odisha.
- (ii) The PCCF (KL), Odisha made a presentation about the benefits that are accruing to KL workers in the State. He also stated that KL trade has been deregulated in the Nabrangpur and Malkangiri districts of the State.
- (iii) The Joint Secretary, NCST mentioned that as per provisions of Panchayats (Extension to Scheduled Areas) Act 1996 (PESA), the Panchayats in Scheduled Areas and the Gram Sabhas are endowed with the ownership of minor forest produce (MFP) which includes Kendu (Tendu) leaves. He further mentioned that as per rule 2 of the National Commission for Scheduled Tribes (Specification of other functions) Rules 2005, the Commission is mandated to take measures for conferring ownership rights in respect of minor forest produce to STs living in forest areas as well as full implementation of the provisions of Panchayat (Extension to Scheduled Areas) Act 1996.
- (iv) Additional Principal Chief Conservator of Forests (NTFP), Government of Maharashtra informed that Governor of Maharashtra in exercise of the special

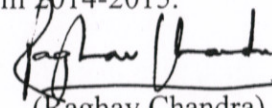
powers conferred under paragraph 5(1) of the Fifth Schedule of the Constitution has directed that Maharashtra (Transfer of ownership of minor forest produce in Scheduled Areas) Act and Maharashtra Minor Forest Produce (Regulation of Trade) (Amendment) Act 1997 shall apply to the Scheduled Areas with certain modifications. Accordingly, Maharashtra Minor Forest Produce (Regulation of Trade) Act has been amended in 2014. In addition, Governor Maharashtra vide their modification dated 15th October, 2016, has directed that all decisions for collection, use and disposal of MFP in Scheduled Areas of Maharashtra and use of income from sale proceeds shall be taken by Gram Sabhas or by a Committee made solely of the members of Gram Sabha. He mentioned that after the new enactment, the Gram Sabha decides whether to sell themselves or assign State Forest Department to collect, procure and sell on their behalf. He also presented copies of the following notifications issued by Government of Maharashtra in this regard.

S.No.	Date	Reference	Subject
1.	25.6.2014	Maharashtra Act No.XVIII of 2014.	Maharashtra Village Panchayats (Amendment & Continuance) Act 2014
2.	5.7.2014	Maharashtra Act No.XXXII of 2014	Amendment of Maharashtra Forest Produce (Regulation of Trade) Act 2014.
3.	19.8.2014	Notification issued by Governor of Maharashtra.	Amendment of Maharashtra Transfer of Ownership of Minor Forest Produce in the Scheduled Areas and the Maharashtra Minor Forest Produce (Regulation of Trade) Act 1997.
4.	30.10.2014	Notification issued by Governor of Maharashtra.	Modifications to (i) Markets and Fairs Act 1862, (ii) Indian Forest Act 1927, (iii) Maharashtra Village Panchayat Act, (iv) Maharashtra Land Revenue Code 1966 and (v) Water (Prevention and Control of Pollution) Act 1974
5.	9.1.2015	Notification issued by Governor of Maharashtra.	Addition of special proviso with regard to Tendu leaves in the Maharashtra Transfer of Ownership of Minor Forest Produce in Scheduled Areas and the Maharashtra Minor Forest Produce (Regulation of Trade) (Amendment) Act 1997.

6.	15.10.2016	Notification issued by Governor of Maharashtra.	Modifications to the Maharashtra Transfer of Ownership of Minor Forest Produce in Scheduled Areas and the Maharashtra Minor Forest Produce (Regulation of Trade) (Amendment) Act 1997.
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2 After detailed discussion, the following are the conclusions of the preliminary meeting.

- (i) The existing practice of centrally regulating Kendu trade that is being followed in Scheduled Areas in Odisha in respect of Kendu leaves is not in consonance with the PESA Act.
- (ii) As per provisions of Forest Rights Act, the Gram Sabha has the right of ownership, access to collection, use and disposal of Kendu leaves.
- (iii) Government of Odisha should invoke special powers vested with Governor under paragraph 5(1) of the Fifth Schedule of the Constitution for endowing the rights of ownership, collection, sale of Kendu leaves to tribal people in the Scheduled Areas in Odisha similar to the enactments of Government of Maharashtra in 2014-2015.


(Raghav Chandra)
Secretary (NCST)