



My dear Kiran -

Sub: Declaration and treatment of Bamboo as Minor Forest Produce

You may recall that I had written to you earlier on 29th October 2010 on the need to restructure Joint Forest Management Committees (JFMCs) to address the perceptions in some circles that they need to be made more participatory and democratic. I had identified four specific action items, namely:

1. Existing JFMCs should function under the overall supervision and guidance of the Gram Sabha, and where needed, new JFMCs are to be set up by Gram Sabha.
2. JFMCs should be recognized as organs of the Gram Sabha under the relevant State Acts relating to Panchayati Raj institutions.
3. JFMCs should function as Standing Committees of Gram Panchayats for items 6 and 7 listed in the Eleventh Schedule to the Constitution.
4. The manner in which development funds are used should be approved by the Gram Sabha.

I am now writing to you on a related issue of declaring and treating bamboo as Minor Forest Produce. As you are well aware, bamboo is a traditional source of subsistence for many forest-dwelling communities of India and has immense cultural and economic significance. Bamboo is also an essential raw material for artisans and craftsmen and is the foundation of many indigenous crafts and cottage industries. Bamboo forests are distributed in around 9 million hectares of forests and apart from providing sustenance to the poor, are a vital link in sustaining the stability of many ecosystems. Bamboo forests also serve as important habitats for wildlife. There is hence a pressing need for us to institute a system for the conservation of bamboo forests and enable the empowerment of people for sustainable use and management of this important resource.

Legal Position on Bamboo as Minor Forest Produce

The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (also known as the Forest Rights Act, 2006) has vested the "right of ownership, access to collect, use and dispose of minor forest produce, which has been traditionally collected within or outside village boundaries" with scheduled tribes and traditional forest dwellers.

The FRA, 2006 also defines minor forest produce as including “all non-timber forest produce of plant origin **including bamboo ...and the like**”. In the light of these legal provisions, and the significance of bamboo in the lives and livelihoods of many communities, **you are requested to direct the State Forest Departments to treat bamboo as a Minor Forest Produce** and respect the rights accrued to communities as per the FRA, 2006.

Next steps for State Government:

The acceptance of bamboo as MFP has many consequences for the state government and the forest administration. These are identified below:

a. Areas where rights to Community Forest Resource are recognized and vested under FRA, 2006:

1. **Gram Sabha will issue transit passes:** The Forest Departments must give the Gram Sabha the right to issue transit passes for bamboo as minor forest produce in areas designated as community forest resources (declared under FRA, 2006) and village forests (under Indian Forest Act, 1927)
2. **Harvesting of Bamboo:** Extraction levels for *bona-fide* and subsistence needs of the local community will be decided by the Gram Sabha. The Gram Sabha, in consultation with the Forest Department, shall develop a Management Plan for commercial harvesting of Bamboo.

b. Areas where community forest rights are not claimed or settled

1. **Partnership with Local Communities:** In such areas the Forest Department will, in partnership with the local communities, continue to design and implement Management Plans and Working Plans that ensure the sustainable use and extraction of bamboo.
2. **Revenue Sharing:** All revenue generated from bamboo cultivation/management will be shared with the local communities residing in the area and dependent on the land for their *bona fide* subsistence needs.
3. **Ensure sustainability:** However, in these areas it must be made sure that the ecological integrity of the ecosystem is maintained and other relevant laws are obeyed.

c. Others:

1. **Non-forest lands/private lands:** The Gram Sabha will issue transit passes for bamboo grown on such lands
2. **States with little or no bamboo resources:** These states may liberalize harvest and transport of bamboo by devolving authority to the Gram Sabha for Management Plans and issuance of transit passes.

However, I am sure you will agree with me that we must guard against over-exploitation. The impacts of extraction should be reviewed every three years and appropriate changes be made in the Working Plans and Management Plans to prevent over-harvesting of bamboo. A copy of these studies should be furnished to the Ministry of Environment and Forests.

All management plans should be prepared in a transparent and participatory manner and should be understood and approved by local communities. The Management Plan should clearly outline the felling cycle and annual harvest potential in numbers and should as far as possible plan for a diversity of uses according to the requirements of the Gram Sabha concerned.

Further, it has come to our notice that there have been instances of the Forest Departments asking local communities for proof of bamboo being used for *bona fide* subsistence needs. I'm sure that you will agree with me that this is not necessary.

I am confident that you will initiate the necessary action at your end both on restructuring of Joint Forest Management Committees and treating bamboo as Minor Forest Produce. A clear signal from you to your Forest Administration will be a first step and may have to be followed by relevant changes to the state laws and administrative regulations.

With regards, *Warm personal*

Yours sincerely,
Jairam Ramesh
(Jairam Ramesh)

Shri Kiran Kumar Reddy
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