

**GOVERNMENT OF INDIA
PANCHAYATI RAJ
LOK SABHA**

UNSTARRED QUESTION NO:268
ANSWERED ON:24.11.2005
RIGHTS TO GRAM SAMITIES
Bhagora Shri Mahavir

Will the Minister of PANCHAYATI RAJ be pleased to state:

- (a) Whether the provisions of Panchayats (Extension to the Scheduled Areas) Act, 1996 has any provision to confer the rights upon Gram Samities regarding small forest products;
- (b) If so, the details thereof;
- (c) whether according to the provisions of said Act, the State Governments have formulated their Acts; and
- (d) if not, the steps taken by the Union Government in this regard?

Answer

MINISTER OF PANCHAYATI RAJ (SHRI MANI SHANKAR AIYAR)

- (a) & (b) Yes Sir. Section 4(m)
(ii) of the Panchayats (Extension to the Scheduled Areas) Act, 1996 provides that :

While endowing Panchayats in the Scheduled Areas with such powers and authority as may be necessary to enable them to function as institutions of self-government, a State Legislature shall ensure that the Panchayats at the appropriate level and the Gram Sabha are endowed specifically with:

- the ownership of minor forest produce.

(c) Sir, only partially.

i. Except for the States of Gujarat and Orissa, no other State Government has till date oriented their Panchayati Raj Acts relating to the ownership of Minor Forest Produce, in consonance with Section 4(m)

(ii) of the Panchayats (Extension to the Scheduled Areas) Act, 1996, (PESA).

ii. Section 108(5) (a) of the Gujarat Panchayats Act of 1993 confers the right to ownership of Minor Forest Produce to Gram Panchayats and provides that the sale proceeds of Minor Forest Produce shall be paid into and form part of the village fund. Similarly, Section 44(2)(b) of the Orissa Gram Panchayat Act conforms to Section 4(m)

(ii) of the Panchayats (Extension to the Scheduled Areas) Act, 1996. In Orissa as per the new policy, 68 (sixty eight) items have been specified as Minor Forest Produce(MFP). Ownership over these items has been transferred to Gram Panchayats, though MFP growing in Reserve Forests, Sanctuaries and National Parks is exempted. Again, Kendu Leaf, Sal-seeds and Bamboo have not been included in the list of MFP. The subject Act of the state of Gujarat has no separate provision regarding conferment of ownership rights in respect of Minor Forest Produce to Panchayats.

(d) The Union Government have taken several steps in this regard, prominent among these being:

(i) Communications have regularly been sent to the State Governments. The latest communications were issued on 26.10.2005 to the Chief Secretaries of the nine PESA States to get their laws amended so as to ensure conformity with this Act.

(ii) Cabinet Secretary presided over a meeting of the Committee of Secretaries on 08- 11-2005 wherein implementation of the Act was reviewed and discussed.

(iii) A study has been commissioned for the assistance of State Governments wherein model guidelines and draft amendments to state Panchayati Raj Acts and subject Acts are being formulated in conformity with PESA legislation.