

2.The Telangana Scheduled Areas Minor Forest Produce

(Regulation of Trade) Rules 1990

The Andhra Pradesh Scheduled Areas Minor Forest Produce (Regulation of Trade) Rules, 1990 issued vide G.O.Ms.No.178, Social Welfare (s), Dt. 27-12-1990 pub. in A.P Gazette RS Part. I dt. 11-4-1991, has been adopted in the State of Telangana vide Notification issued in G.O.Ms.No.35, EFS&T (For.I), Dept., dt. 01.06.2016.

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 Telangana 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 Telangana 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-operative Corporation 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 Telangana 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 purchases and trade in any minor forest produce on annual lease basis and subject to execution of agreements by the authorized officer of the Corporation with the officer of the Forest Department duly authorized 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 decided by the Committee, the Managing Director of the Corporation shall be authorized 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 authorized 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 so 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 authorized 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 authorized officer or a sub-agent under Rule 5 above may within fifteen days there from, 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 authorized 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 authorized 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 authorized 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; (i) enter and search the place ; and
- (ii) 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.