

Chhattisgarh Medicinal Plants (Sustainable Collection & Disposal) Rule 2009

In exercise of powers conferred in sub section C&D of section 76 of Indian Forest Act (no 16 of 1927) the State Government here by formulates rule to regulate the collection, procurement & disposal of medicinal plants and its parts produced both in forest & non forest areas in the state of Chhattisgarh by laying down certain procedures and by vesting certain powers in an authority to exercise, perform & discharge such duties as follows:-

Chapter-I Preliminary

1. Short title, Extent, Scope and Commencement: -

- (1) These rules may be called Chhattisgarh Medicinal Plants (Sustainable Collection & Disposal) rule 2009.
- (2) It shall extend to the whole of Chhattisgarh State.
- (3) They shall come into force from the date of notification by the State Government.

2- Definitions :-

- (1) In these rules, unless the context otherwise requires,
 - (a) **"Authorized Officer"** shall mean any officer of the State Government not below the rank of Deputy Conservator of Forests appointed by the State Government in this behalf to declare closed area, closed period, sustainable harvesting techniques and sustainable harvesting limits for any harvesting area and for any medicinal plants and its parts.
 - (b) **"Collector"** means a person or a group of persons or any registered institution who collects Medicinal Plants and its parts from the forests.
 - (c) **"Cultivator of Medicinal Plants"** shall mean a person or any registered institution who cultivates Medicinal Plants on his own land or on any other land legally acquired by him.
 - (d) **"Trader"** shall mean a person or a group of persons or any organization or firm who trades the Medicinal Plants and its parts in the State of Chhattisgarh.
 - (e) **"Exporter of Medicinal Plants"** shall mean a person or any registered institution or firm who exports any Medicinal Plant or any part of a Medicinal Plants under these rules .
 - (f) **"Closed Area"** shall mean a forest area, which has been declared closed for collection, extraction, tapping of any part of the Medicinal Plant or a group of Medicinal Plants by the authorized officer.

- (g) **"Closed period"** shall mean a time period of a year declared closed period for collection, extraction, taping of any part of the Medicinal Plant or a group of Medicinal Plants by the authorized officer.
- (h) **"JFM committee"** shall mean a village level forest committee constituted for protection and development of the forest as per the provisions of the State Government's notification and its amendments notified from time to time.
- (i) **"Forest area"** shall mean an area notified as forest under the relevant section of Indian Forest Act-1927.
- (j) **"Herbal-Mandi"** shall mean a disposal center established under the provisions of section 10 (1) of these rules for the disposal of Medicinal Plants.
- (k) **"Medicinal Plants"** shall mean a plant whose all or any part is having medicinal application and is found/raised both in forest or non-forest areas and has been declared as medicinal plant by the State Government.
- (l) **"National Medicinal Plants Board"** shall mean a National Board constituted by Government of India for the purpose of promotion and development of Medicinal Plants sector in Indian Union.
- (m) **"Nodal Officer"** shall mean a block level officer appointed under the provisions of section 10 (4) of these rules.
- (n) **"Primary MFP Cooperative Societies"** shall mean a village level Cooperative Society constituted under the provisions of Chhattisgarh Cooperative Act 1961 for collection and disposal of Minor Forest Produce.
- (o) **"Chhattisgarh State Minor Forest Produce (Trade & Development) Co-operative Federation Ltd."** shall mean a Cooperative Federation at State level constituted under the provisions of Chhattisgarh Cooperative Act 1961 for the purpose of trade and development of Minor Forest Produce.
- (p) **"Sustainable harvesting limits"** means the maximum quantity of a forest produce that may be collected or extracted, annually or periodically, from a specified forest, without adversely affecting the future yield of the said produce and without any threat to the regeneration of the source organism or its population.
- (q) **"Sustainable harvesting practices"** means the non-destructive techniques and technology that may be used for the collection or extraction of a forest produce from a forest without adversely affecting the future yield of the said produce and without any threat to the regeneration of the source organism or its population.
- (r) **"Self-help Group"** shall mean a group of the persons constituted under the provisions of the State Government.
- (s) **"Traditional Healer"** shall mean a person who cures patients on the basis of his traditional knowledge and skill and with the application of locally available Medicinal Plants.

Chapter-II

Chhattisgarh State Medicinal Plants Board

- 3- (1) **Constitution of The Chhattisgarh State Medicinal Plants Board** – A Board under the chairmanship of Hon'ble Chief Minister of the State of Chhattisgarh, shall be constituted to promote and regulate the collection, cultivation, trade and processing of Medicinal Plants or its parts in the State of Chhattisgarh and it shall be called as the Chhattisgarh State Medicinal Plants Board.
- (2) **Members of the Board** – The Board shall have following members appointed through gazette notification :-
- (i) Chief Minister of Chhattisgarh State. - **Chairman.**
 - (ii) Minister in-charge of Forest Department. - **Vice Chairman.**
 - (iii) Minister in-charge of Finance Department.
 - (iv) Minister in-charge of Agriculture Department.
 - (v) Minister in-charge of Tribal Development Department.
 - (vi) Minister in-charge of Health & Family Welfare Department.
 - (vii) Minister in-charge of Industries Department.
 - (viii) Minister in-charge of Panchayat & Rural Dev. Department.
 - (ix) Secretary in-charge of Forest Department.
 - (x) Principal Chief Conservator of Forests.
 - (xi) M.D, C.G. State MFP (Trade & Dev.) Co-operative Federation Ltd.
 - (xii) Director, AYUSH Chhattisgarh.
 - (xiii) CEO, National Medicinal Plants Board, Government of India.
 - (xiv) Director, CIMAP, Lucknow (UP).
 - (xv) One Expert in Medicinal Plants nominated by State Government.
 - (xvi) One expert N.G.O. nominated by State Government.
 - (xvii) One Ayurvedic drug manufacturer nominated by State Government.
 - (xviii) One Medicinal Plants cultivator nominated by State Government.
 - (xix) CEO, Chhattisgarh State Medicinal Plants Board. - **Member Secretary**

The non official members shall be appointed with consultation of the Chairman of the Board for a maximum period of two years.

- 4- **Duties of the Board** – The main duties of the Board shall be as follows-
- (a) To facilitate research for development of Medicinal Plants sector.
 - (b) To monitor various Medicinal Plants related developmental schemes executed by various departments/organizations financed either by National Medicinal Plants Board or State Government.
 - (c) To formulate policies and schemes for conservation, development & non-destructive harvesting of Medicinal Plants.
 - (d) To carry out identification of Medicinal Plants & resource survey.
 - (e) To formulate schemes for Processing of Medicinal Plants (establishment of cottage industries & small scale industries),

manufacturing of herbal drugs, export and marketing of Medicinal Plants products.

- (f) To make assessment studies of demand & supply of Medicinal Plants.
- (g) To assure financial assistance from National & International organizations for development of Medicinal Plants sector.
- (h) To co-ordinate and facilitate the identification & recognition of traditional herbal healers.
- (i) To facilitate patenting of the knowledge & applicability of Medicinal Plants of traditional herbal healers & their communities.
- (j) To direct the District Medicinal Plants Promotion Committees constituted under the provisions of section 6(1) of these rules in regards to various aspects of promotion of Medicinal Plants .
- (k) Approval of sustainable harvesting practices to be followed for the collection of a particular Medicinal Plant.
- (l) To recommend the State Government about declaration of the list of plants or its part as Medicinal Plant for the State.
- (m) To recommend the State Government about declaration of ban on collection of specified Medicinal and Aromatic plants from the Government Forests.
- (n) Any other relevant work related to Medicinal Plants sector.

5- (1) Constitution of Executive Committee of the Board-

For implementation and monitoring of the decisions taken by the Board, a state level Executive committee under the Chairmanship of the Forest minister of the State Government, shall be constituted. The Executive Committee shall have following members :-

- (i) Minister in-charge of Forest Department - **Chairman.**
- (ii) Secretary in-charge of Forest Department
- (iii) Agriculture Production Commissioner
- (iv) Secretary in-charge of Industries Department
- (v) Secretary in-charge of Health & Family Welfare Department.
- (vi) Secretary in-charge of Tribal Dev. Department.
- (vii) Secretary in-charge of Panchayat & Rural Dev. Department.
- (viii) Principal Chief Conservator of Forests
- (ix) M.D., C.G. State MFP (Trade & Dev.) Co-operative Federation Ltd.
- (x) Director, AYUSH, Chhattisgarh
- (xi) CEO, C.G. State Medicinal Plants Board - **Member Secretary**

- (2) The State Level Executive Committee shall have minimum one meeting in every three months in which the implementation of decisions of Board shall be monitored.

Chapter-III

District Medicinal Plants Promotion Committee

- 6- (1) A District Medicinal Plants Promotion Committee shall be constituted under the Chairmanship of District Collector. The committee shall have following members appointed by the State Government through gazette notification :-
1. District Collector. - Chairman.
 2. Divisional Forest Officer. - Member Secretary
 3. CEO, District Panchayat.
 4. Deputy Director Industries .
 5. Deputy Director AYUSH.
 6. Deputy Director Agriculture/Horticulture.
 7. Deputy Director Tribal Welfare.
 8. One Medicinal Plants Cultivator.
 9. One Herbal drug manufacturer.
 10. One Medicinal Plants trader.
 11. One successful N.G.O.
 12. One expert in Medicinal Plants.

The non- official members shall be appointed by State Level Executive Committee in consultation with District Collector for a maximum period of two years.

- (2) The Divisional Forest Officer having its office at the District head quarter shall work as member secretary of the Committee and the office of such Divisional Forest Officer shall be the office of the committee itself.
- 7- **Duties of the District Medicinal Plants Promotion Committee-** The District Medicinal Plants Promotion Committee in consultation with the concerned Gram Sabha/Local Self Governing Institutions shall perform following duties under the provisions of "Forest Dwellers (recognition of forest rights) Rule 2007 :-
- (i) Formulation of calendar of operations for sustainable exploitation and collection of each Medicinal Plants existing in the forest areas of the District .
 - (ii) Approval of proposals regarding declaration of closed area and closed time period for a particular Medicinal Plant

produced in the forest area of the District and as proposed by the authorized officer.

- (iii) Finalization of collection and sale rates for the Medicinal Plants in the District.
- (iv) Management and control of Herbal Mandi in a manner as may be prescribed.
- (v) Approval of work plan for extension of Medicinal Plants in non-forest areas particularly in the farmer's field and finalization of disposal policy for the Medicinal Plants produced on the farmer's fields.
- (vi) Management of District Medicinal Plants fund raised for promotion, extension and research of Medicinal Plants in the District.
- (vii) Monitoring and evaluation of annual calendar of operations prepared for collection, disposal and extension of Medicinal Plants in the District.
- (viii) Any other duty as may be prescribed by the State Government or State Medicinal Plants Board from time to time.

8- (1) Constitution of District Medicinal Plants Promotion Fund-

A fund namely District Medicinal Plants Promotion Fund shall be constituted under the District committee by the financial assistance from the following sources :-

- (i) Grants from National and State Medicinal Plants Board.
- (ii) Grants from Center/State Government for promotion of Medicinal Plants and Herbal Products.
- (iii) Financial assistance from NABARD.
- (iv) Financial assistance from other Government, Semi-Government and International Organizations.
- (v) Revenue generated from Herbal Mandis.

- (2) This fund shall be managed through bank account in any of the nationalized or scheduled bank located at the District head quarter and shall be operated upon by **Chief Executive Officer of the Committee** along with another member nominated by the Committee. The account of the fund shall be maintained in the manner as may be prescribed.

9- Utilization and Audit of the Fund-

- (1) The District Medicinal Plants Promotion fund shall be utilized for the following purposes :-

- (i) Research and extension of the Medicinal Plants.
- (ii) Financial assistance to village level committees for procurement of Medicinal Plants.

- (iii) Financial assistance for processing of Medicinal Plants and production of Herbal products.
 - (iv) Management of Herbal Mandis and creation of infrastructures for storage and disposal of Medicinal Plants.
 - (v) Raising of nurseries of different species of Medicinal Plants.
 - (vi) Establishment of Herbal Parks.
 - (vii) For any other work assigned by National and State Medicinal Plants Board from time to time.
- (2) The utilization of fund shall be done for the items approved in District Annual Plan of Operation. The fund shall be allotted to the different village level institutions by the **Chief Executive Officer of the District committee**. The village level institutions shall be required to submit an annual account as may be prescribed.
- (3) The audit of the account of the District Medicinal Plants promotion funds shall be conducted at least once in a year as may be prescribed by the state Government. The audit may be assigned to any independent Chartered Accountant and the audit report thus generated shall be submitted to the District Committee for appraisal. The District Committee after its appraisal shall submit a memorandum to State Medicinal Plants Board regarding the audit report.

Chapter-IV

Sale and Disposal of Medicinal Plants

- 10- (1) Establishment of Herbal Mandi and Retail sale centers** – A Herbal Mandi, in each District and at suitable place, shall be established under the administrative control of District **Medicinal Plants Promotion Committee** for the auction/disposal of the collected Medicinal Plants by any Trader/Collector.
- (2) The establishment cost of such Herbal Mandis shall be met by the District Medicinal Plants Promotion Fund. The Mandi shall have following members :-
1. Elected representative - **Chairperson**
 2. Representative of Medicinal Plants Growers
 3. Representative of Medicinal Plants Traders
 4. Representative of M.P./M.L.A. of Respective constituency
 5. Representative of Primary M.F.P. Co-operative Societies
 6. Representative of J.F.M. Committees
 7. Representative of District Central Co-operative Bank
 8. Representative of District Land Development Bank
 9. Representative of Gram /Block/District Panchayat

10. Representative of State Forest Department - **Member Secretary**

- (3) Retail sale centers at suitable places in the District shall be opened for promotion and marketing of processed Medicinal Plants and Herbal products. These retail sale centers shall be opened by the decision and under the administrative control of District Medicinal Plants Promotion Committee.
- (4) A Forest Officer not below the rank of the Forest Ranger shall be appointed as Nodal Officer by the District Medicinal Plants Promotion Committee for the overall management of Herbal Mandi and retail sale centers .

- 11- **Registration of Growers, Traders, Manufacturers & Exporters :-**
Every Grower, Trader, Manufacturer & Exporter of Medicinal Plants in the District shall have to be registered in the Office of the **Chief Executive Officer, District Medicinal Plants Promotion Committee** in the manner as may be prescribed. Any person/ persons/company/NGO/GO who is not registered shall not be permitted for the collection, farming, trading, manufacturing and export of Medicinal Plants from the State.

The MOU (memorandum of understanding) of any sort, in between the two parties will only be done by the registered person/persons/ company/NGO etc under these rules.

- 12- **Proclamation of Prescribed Regulations-** The Divisional Forest Officer or any authorized Officer for this purpose shall cause to proclaim the regulations such as declaration of period of closure, closed area and prescriptions of sustainable harvesting practices by any reasonable means as far as practicable in all the villages within 5 k.m. of the periphery of forest boundary.

Chapter-V

Regulations

- 13- **Grower, Trader, Manufacturer, Exporter etc. to report quantum of collection** – Any Grower, Trader, Manufacturer or Exporter collecting/ procuring any Medicinal Plant or any part of Medicinal Plants for trading purpose shall have to submit the details of the Medicinal Plant or any part of it so procured by him or her to the **Chief Executive Officer, District**

- Medicinal Plants Promotion Committee** and in the manner, and at such intervals, as may be prescribed.
- 14- **Restrictions on Collection of Medicinal Plants-** No person other than bonafied resident of the village within the jurisdiction of Gram Sabha/Local Self Governing Institutions shall collect Medicinal Plants in the Gram Sabha area.
- 15- **Transportation of Medicinal Plants-** The transportation of Medicinal Plants by any Grower, Trader, Manufacturer or Exporter within or outside the state shall take place only under the valid transit pass under the **Chhattisgarh Forest Produce (transit) Rules, 2001** to be issued under the provisions of section 41 of the Indian Forest Act 1927.
- 16- **Export of Medicinal Plants-** No export of any Medicinal Plant or any part of a Medicinal Plant from Chhattisgarh State shall take place without the permission of State Medicinal Plants Board after the approval of Board of Directors in the manner as may be prescribed.

Chapter-VI Penalties and Procedures

- 17- **Seizure and Confiscation of Property :-** (1) When there is a reason to believe that an offence has been committed by the contravention of any of the provisions of these rules in the case of any Medicinal Plant, such produce together with all tools and vehicles used in committing any such offence may be seized and confiscated by any forest officer as prescribed in Section (52) of Indian Forest act, 1927.
- 18- **Power of inspection :-** Any member of the "**District Medicinal Plants Promotion Committee**" shall be authorised to inspect any premise, record or any vehicle used for any activity related to Medicinal Plants & shall inform to the District Medicinal Plants Promotion Committee about any irregularity observed during such inspections within two days.
Any Forest Officer not below the rank of Forester shall be authorised to inspect any premise, record or vehicle used for any activity related to Medicinal Plants as per the provisions of Indian Forest Act 1927.
- 19- **Compounding of offence :** The compounding of the offence committed under rule 17 of these rules may be compounded in the manner as has been prescribed in the section (68) of Indian Forest Act, 1927

