

No. TBD.F (TDM) I-1/2019
Tribal Development Department
Himachal Pradesh, Shimla

From

Commissioner (TD),
Himachal Pradesh, Shimla-2.

To

1. Sh. Vinay Negi,
Member SLMC, VPO Yula, Tehsil Nichar, Distt. Kinnaur
2. Sh. Rajender Bodh,
Member SLMC, VPO Tabo, Tehsil Kaza, District Lahaul-Spiti.
3. Sh. Rakesh Jaryal,
Member SLMC, VPO Chanauta, Tehsil Holi, District Chamba.
4. The Additional Chief Secretary (Forest) to the
Government of Himachal Pradesh, Shimla-2.
5. The Principal Secretary (Revenue) to the
Government of Himachal Pradesh, Shimla-2.
6. The Secretary (Panchayati Raj) to the
Government of Himachal Pradesh, Shimla-2.
7. The Principal Chief Conservator of Forests,
Himachal Pradesh, Shimla-1.

Dated Shimla-171002 the 4th July 2019.

Subject: - Proceedings of the meeting of State Level Monitoring Committee held on 03.06.2019 at 10:45 AM constituted under Forest Rights Act, 2006 under the chairmanship of the Chief Secretary to the Govt. of HP.

Sir,

I am directed to enclose herewith the proceedings of the meeting of the State Level Monitoring Committee regarding Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 held on 3rd June 2019 at 10:45 AM under the chairmanship of the Chief Secretary to the Government of Himachal Pradesh for your information and necessary action please.

Yours faithfully,



Deputy Director (TD),
Himachal Pradesh, Shimla-2.

Endst No. & date: As above.

Copy to :

1. The Joint Secretary (TD) to the Government of HP for information please.
2. The All Deputy Commissioners, Himachal Pradesh w.r.t decisions taken on point no. 1 for taking necessary action.
3. Under Secretary to the Government of India, Ministry of Tribal Affairs, (FRA Division), F-280, August Kranti Bhawan, Bhikaji Cama Place, New Delhi for information.

Deputy Director (TD),
Himachal Pradesh, Shimla-2.

Minutes of the meeting of State Level Monitoring Committee constituted under Scheduled Tribes and Other Traditional Forest Dwellers (Recognitions of Forest Rights) Act, 2006 held under the Chairmanship of Sh. B. K Agarwal, Chief Secretary, to the Govt. of Himachal Pradesh on 03.06 2019 at 10.45 A.M. in his office chamber .

The following were present in the meeting:

Non-Official members:

- | | |
|----------------------|-----------------|
| 1. Sh. Rakesh Jaryal | Member TAC/SLMC |
| 2. Sh. Vinay Negi | Member TAC/SLMC |

Official members:

- | | |
|-------------------------|-------------------------------------|
| 1. Dr. Srikant Baldi | Addl. Chief Secretary (Rev.) |
| 2. Sh. Ram Subhag Singh | Addl. Chief Secretary (Forests) |
| 3. Sh. Onkar Sharma | Commissioner-cum-Pr. Secretary (TD) |
| 4. Dr. R. N. Batta | Secretary (R.D./Panchayati Raj) |
| 5. Sh. Ajay Kumar | Pr.CCF (HoFF) |
| 6. Sh. Gopal Chand | Deputy Commissioner, Kinnaur |
| 7. Sh. Virender Sharma | Additional Commissioner (TD) |
| 8. Sh. Rakesh Mehta | Joint Secretary (Rev.) |
| 9. Sh. Kewal Sharma | Addl. Director (Panchayati Raj) |

At the outset of the meeting Commissioner-cum-Pr. Secy. (TD) welcomed all the participants and briefed about the agenda of the meeting. Thereafter, following items were discussed in the meeting and decisions taken are shown below against each item:

1. Action taken on the proceeding of meeting held under the Chairmanship of Ms. Leena Nair, Secretary (TA), GoI on 11.05.2018 during her visit to Himachal Pradesh.

Commissioner-cum-Pr. Secy. (TD) apprised that Forest deptt. has taken up the matter with MoTA, GoI and reply of Ministry awaited. Chairman, desired to know about the whole matter raised during the visit of Ms. Leena Nair, Secy. (TA). Pr.CCF apprised as under:

- The matter regarding reconsideration of procedural requirements for forest clearance under FRC,1980 w.r.t FRA, 2006 was taken up in that meeting.
- That the forest rights are already settled in the state in 19th & early 20th century.
- These rights are recorded in various settlements viz. Forest, Revenue, Wajib-ul-Arz and are being enjoyed without any infringement or dispute.
- MoEF, GoI vide its letter in July/August, 2009 linked FRA compliance w.r.t. clearances under FCA 1980 for diversion of forest land for various development activities in the State.
- And made it mandatory for providing evidences for having initiated and completed the process of settlement under FRA along with copy of all

record of all consultation meeting of FRCs/ Gram Sabha/ SDLC & DLC with a FRA certificate given by the concerned Deputy Commissioner.

- Secretary MOTA, GoI pointed out that these State settlement reports are very old. As per provision of FRA these reports pertaining to the rights w.r.t. other traditional forest dwellers should be on or after 13.12.1930 and for STs as on 13.12.2005.
- After discussion, she desired that State may share some reports with the Ministry to take a view on the matter.
- Accordingly, Forest deptt. submitted settlement reports w.r.t District Mandi & Chamba done after 1930 to Ministry of Tribal Affairs on dated 24.09.2018 and 28.01.2019. The response from Ministry still awaited.

Chairman agreed that settlement of forest rights is done in the State but there are possibilities that there may be some forest rights that are recognised under FRA but not specifically recorded in settlement records and wanted to know about the present position.

ACS (Forests) informed that similar matter was discussed in meeting held on 21.11.2018 during the visit of Sh. Deepak Khandekar, Secretary, MoTA ,GoI. It was decided that settlement documents of such record of rights may be made freely available to the Gram Sabha by the Forest and Revenue deptts. and the people may be made aware of their such rights. It will facilitate the committees to process the claims under the Act. He apprised directions have accordingly been issued to DFOs.

Non-Official members raised the concerns about the proper implementation of the Act. They requested that information w.r.t. claims being processed at different committees level i.e FRC/SDLC/DLC level be given to the claimants for their awareness.

While discussing present position of implementation of Act, Commr.-cum-Pr. Secy. (TD) apprised that total 2319 claims have been received and 136 claims have been approved. The Deputy Commissioners have been requested to take immediate action on pending claims as per provisions of Act and Rules.

Decision Taken:

1. The Deputy Commissioners may take pro-active role and supervise the implementation on priority, being the Chairperson of District Level Committee which is final authority under the Act for recognition and vesting of forest rights.
2. They will settle the village-wise rights as per the provisions of Act & Rules on priority and emphasis be given to those where developmental activities/ projects are in process
3. They will submit monthly progress report to Tribal Dev. Deptt. by 5th of every month as per prescribed format of the Ministry and including details of FRCs/SDLCs/DLCs meetings conducted during the month.
4. Revenue, Forest and Panchayati Raj deptt. will issue directions to their field officers, who are members in Sub Divisional Level Committees

(SDLCs)/District Level Committees(DLCs) to take pro-active action in implementation as per provisions of Act and Rules.

5. Tribal Deptt. will put up a draft of letter to these departments highlighting their functions and process to be followed in implementation of the Act so that concerned field functionaries may be directed accordingly.

2. **Action taken on Review of Progress made under the Act & pendency thereof:**
Noted.

3. **Action taken on representation received from Himachal Van Adhikar Manch regarding implementation of Section 3(1) of the Forest Rights Act, 2006 in the State and non-official members of DLC District Mandi and re-examination of templates issued by Forest Department vide letter dated 19.06.2014:**

ACS (Forests) apprised that Pr.CCF has been requested to issue instructions to all the DFOs/ACFs to actively participate in District/Sub-division Level Committees and proactively provide their views in accordance with provisions laid down in Act/Rules for recognising and vesting of forest rights under Section 3(1) of FRA.

Regarding re-examining the templates issued vide letter 19.06.2014, ACS (Forests) apprised that there does not appear any confusion w.r.t to the templates issued by the deptt. as these templates have been circulated for facilitating approvals under FCA,1980 for diversion of forest land for various developmental activities and are not be used for settlement of individual claims of rights under Section 3(1) of FRA, 2006.

Decision taken:

These templates are not be used for settlement of forest rights under the Act.

4. **Action Taken on Trainings under Forest Rights Act, 2006:**

It was apprised in the meeting that a training programme for the officers of Revenue, Forests, Rural Dev/ Panchayati Raj departments of district Mandi, Kullu and Lahaul-Spiti is scheduled for 21st- 22nd June 2019 at Mandi in association with UNDP.

During discussion, Chairman desired to know about the clarification sought by DC Shimla regarding mohal sabha/Gram Sabha. ACS (Forests) apprised that it has been clarified that Gram Sabha is as per FRA i.e. at village level and not at Panchayat level as per HP Panchayati Raj Act.

Decision taken:

ACS (Forest) may provide a copy of letter to Tribal Deptt. for further circulating this clarification to all Deputy Commissioners.

5. **Petition received from Gram Sabha Lippa District Kinnaur under Section-8 of Forrest Rights Act, 2006 regarding the decision of three official members of DLC, Kinnaur on the claims received under the Act:**

Deputy Commissioner Kinnaur apprised that whole process has been followed as per provision of the Act/Rules while settling these rights. Moreover,

the clarification sought by him regarding implementation issues is received in February, 2019 from the State Govt.

While discussing the matter, it emerged that there is no such provision under Act/Rules to review the decision of District Level Committee (DLC) as the decision of District Level Committee on the record of forest rights is final and binding as per Section 6(6) of the Act. Also, it appears that there are no malafide intentions of the three official members of DLC Kinnaur behind the rejection of the claims.

Decision taken:

No penal action is called for against the three official members of the District Level Committee Kinnaur.

The meeting ended with a vote of thanks to and from the chair.

Approved by
Chief Secretary to the
Govt. of Himachal Pradesh