

No. TBD.F (TDM) 1-1/2022
Tribal Development Department
Himachal Pradesh, Shimla

From

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

To

1. Sh. Bir Singh, S/O Lt. Sh. Chhering Bar,
Village Tapri, Tehsil Nichar, District Kinnaur.
2. Adv. Sushil, S/O Sh. Punchag,
VPO Chowkang, Tehsil Udaipur, District Lahaul-Spiti.
3. Sh. Hem Raj, S/O Sh. Dhaniya Ram,
VPO Ullansa, Tehsil Bharmour, District Chamba.
4. The Principal Secretary (Revenue) to the
Government of Himachal Pradesh, Shimla-2.
5. The Secretary (Forest) 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 14th September 2023.

Subject: -

Proceedings of the meeting of State Level Monitoring Committee held on 05.09.2023 at 11:30 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 5th September 2023 at 11:30 AM under the Chairmanship of the Chief Secretary to the Government of Himachal Pradesh for your information and necessary action please.

Yours faithfully,




(Kailash Chauhan)
Joint Director (TD),
Himachal Pradesh, Shimla-2.
☎ 0177-2621997

Encls: As above.

Endst No. & date: As above.

Copy to:

1. The Joint Secretary (TD) to the Government of HP for information please.
2. The Deputy Commissioner, Kangra at Dharamshala for information & necessary action please.

3. Under Secretary to the Government of India, Ministry of Tribal Affairs, (FRA Division), Jeevan Tara Building, Parliament Street, Patel Chowk, New Delhi for information.
4. President, Forest Rights Committee Chakvan Kardiyana/ Kand/ Bagiyada/ Kand Kardiyana/ Jul / Salig, Tehsil Dharamshala, District Kangra for information.

(Kailash Chauhan)
Joint Director (TD),
Himachal Pradesh, Shimla-2.
☎ 0177-2621997

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. Prabodh Saxena, Chief Secretary, to the Govt. of Himachal Pradesh on 05.09.2023 at 11:30 A.M.

The following were present in the meeting:

Non-Official members:

- | | |
|---------------------|-----------------|
| 1. Sh. Bir Singh | Member TAC/SLMC |
| 2. Sh. Sushil Kumar | Member TAC/SLMC |

Official members:

- | | |
|------------------------------|-------------------------------------|
| 1. Sh. Onkar C. Sharma | Commr.-cum-Pr. Secretary (Rev./ TD) |
| 2. Dr. Amandeep Garg | Secretary (Forests) |
| 3. Sh. Priyatu Mandal | Secretary (R.D./Panchayati Raj) |
| 4. Sh. Harsh Vardhan Katuria | Addl. Pr. CCF / Nodal FCA |
| 5. Dr. Nipun Jindal | Deputy Commissioner, Kangra |
| 6. Dr. Vikram Singh Negi | Addl. Commr.-cum-Jt. Secy. (TD) |

At the outset of the meeting Commissioner-cum-Pr. Secy. (TD) welcomed all the participants and briefed about the agenda of the meeting and following item was taken:

Petition received from FRCs Chakvan Kardiyana/ Kand/ Bagiyada/ Kand Kardiyana/ Jul / Salig through concerned Gram Sabha of District Kangra under Section - 8 of Forest Rights Act, 2006 regarding the decision of DLC Kangra:

Deputy Commissioner, Kangra joined the meeting through video conferencing and apprised that process has been followed as per provision of the Act/Rules while settling these rights. SDLC Dharamshala had rejected the claims i.e. 46 individual & 6 community claims for aforesaid villages in its meeting on 30.08.2022 and forwarded the intimation of rejected claims to claimants on dated 16.11.2022 with the request to prefer an appeal before the DLC, if they are aggrieved by the decision taken in SDLC meeting on dated 30.08.2022 in the prescribed stipulated period. Deputy Commissioner, Kangra, further apprised that no petition was received within the stipulated period of 60 days and accordingly DLC in its meeting dated 27.01.2023 had decided to consider the decision taken by the SDLC on 30.08.2022 as final.

During deliberations, the non-official members opined that the aggrieved claimants be given an opportunity to be heard by the District Level Committee.

While discussing the matter, it also 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. Further, it appears that there are no malafide intentions of District Level Committee, Kangra behind the rejection of the claims. However, Ministry of Tribal Affairs vide its letter dated 21.09.2017 pointed out about **Suo-Motto review** of rejected claims over which Deputy Commissioner, Kangra agreed for the same. If, the petitioners feel aggrieved by the decision of DLC after the suo-motto review of rejected claims, they may again file petition to the State Level Monitoring Committee as per the provisions of the Act & Rules.

Decision taken:

No penal action is called for against the District Level Committee Kangra at this stage.

Approved by
Chief Secretary to the
Govt. of Himachal Pradesh.