

Community Forest rights (CFR) claims filled in Himachal Pradesh first time

Press release

Dated: 30-5-2015

Community Forest Rights (CFR) claims under Forest Rights Act by other traditional forest dwellers has been filled at Four Sub Division of Himachal Pradesh to SDLC today by Forest Rights Committees (FRC) with the facilitation of Himalaya Niti Abhayan . Himalaya Niti Abhiyan is facilitating the Gram Sabhas in the process of FRA implementation in district **Mandi, Kullu, Chamba, Kangra and Bilaspur** since last year. One hundred ten Gram Sabhas of these districts has complete the process and submitting the forest rights claims to Sub Divisional Level Committees constituted by the government under FRA-2006 for further process of recognition.

Communities Forest Rights (CFR) Claim Submitted by FRCs to Sub Division Level Committee (SDLC) with the HNA facilitation first time as on 30 May 2015: Banjar Block of Kullu- 16, Bali chawki - Seraj Block of Mandi- 31, Sihunta Block of Chamba- 9, Bajnath-28, Kangra -11, Bhawarna Block 's of Kangra- 15 comprising nine hundred fourteen hamlets/villages.

As, Himalaya Niti Abhiyan is facilitating the Gram Sabhas in the process of FRA implementation in district Mandi, Kullu, Chamba, Kangra and Bilaspur since last year. Near about hundred Gram Sabhas of these districts has complete the process submitting the forest rights claims to Sub Divisional Level Committees constituted by the government under FRA-2006 for further process of recognition.

The Himalaya Niti Abhiyan has been regularly facilitating the communities on the community forest rights through massive campaign in 2008 in nine districts of Himachal Pradesh after the awareness campaign the organization facilitated the Gram Sbaha's to constitute the Forest rights committees in the six districts Chamba, Kangra, Mandi, Bilaspur, Kullu and Sirmour after the massive campaign on the formation of the forest right's committees the organization conducted training/ workshops/ meetings at various level viz. State, DLC, SDLC, PRI, FRC's , Panchayat secretaries, Reevenue fiel staff for the better implementation of the Forest right act 2006. After the training the organization facilitated the FRC's and Gram Sabha's to collect the supporting documents for the claim process and compilation of the documents. In this regard series of meetings and awareness programs has been conducted throughout five districts in 200 gram Sabhas' approximately 1200 habitations. The the training on filing the community forest rights claims to each gram Sabha's provided. The organization also support the FRC's to mobilize the gram sabhas and process of verification of the claims, joint verification process, meetings of the different FRC's having joint rights. After all the process the Gram Sabha of each FRC's approved the claims and submitted to the Sub Division level committee today.

It is well known and established that the people in our state have huge dependence on forests for their livelihood needs; various research studies and government documents also admitted the same. On the background most of the forest rights had already being recorded in forest and revenue records and vest with communities which need to be recognised and recorded under the

procedure of FRA-2006. In the reference the MoTA also issued different letter for the same in the month of February and April 2014 clearly stated to undertake the process of the recognition of forest rights under FRA 2006.

Further the state government also limited to divert any forest land for any development activity without the recognition of the right's under FRA 2006 thus throughout the state various developmental activities has been stalled. To carry out the developmental activities in the state the recognition of the forest right's under FRA 2006 is the primary condition. .

In addition Hon'ble HP high court in its judgment on 6 April 2015 has passed an order that all encroachments on forest land shall be removed within six month. This judgment has not considered the legalities under The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 and Supreme Court judgment thereon. The implementation of forest rights

act and process of filing claims is going on hence eviction proceedings cannot be initiated till completion of the process.

Provisions mentioned as under:

Section 4(5) of the The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, (FRA-2006) says that **“save as otherwise provided, no member of forest dwelling scheduled tribe or other traditional forest dweller shall be evicted or removed from forest land under his occupation till the recognition and verification procedure is complete.”**

Niyamgiri judgment of Honourable Supreme Court (WRIT PETITION (CIVIL) NO. 180 OF 2011) also directed that no proceeding of divergence of forest and evictions can be carried out till the recognition and verification procedure is complete under FRA-2006.

State administration is not serious to implement this act and is trying to discourage the FRA implementation process.

Procedure lay down by Forest Rights Act -2006 (Schedule Tribe and other Traditional Forest dwellers (recognition of forest rights)-2006 and rules of 2008 and 2012 followed to compile the rights:

Rights in claim form has been recorded on the bases of traditional and customary practices, livelihood uses, religious and cultural practices with in forest and assess as on 13 December 2005 as per the provision of the act. Hence extended rights cannot be rejected on the bases of previous records.

Incomplete claim files cannot be rejected by SDLC or DLC as per FRA -2006 but the same shall be sent back with comments timely to concerned FRCs for rectification.

No eviction proceeding can be carried out till the verification and recognition of rights is complete.

HNA requested to Chief Minister of Himachal to call an immediate meeting of officials concerned and representatives of Himalaya Niti Abhiyan in your presence so that issue can be discussed and positive decision with political will may emerge in the interest of forest dwellers communities and the state development process.

Guman Singh
Coordinator
Himalaya Niti Abhiyan