

To
The Hon'ble Chief Minister,
Government of Himachal Pradesh
Shimla-1

Date: 30 May 2015

Subject: *Regarding earlier recognition of community forest rights for which claims has been submitted by FRCs and speedy implementation of forest rights act-2006 throughout state.*

Sir,

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. 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 Claim Submitted by FRCs to Sub Division Level Committee (SDLC) with the HNA facilitation 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.**

We have conducted training/ meetings at every level such as DLC, SDLC, Gram Sabha & FRC's, Panchayat secretaries, Panchayat Representatives and Revenue field staff. HNA launched the awareness campaign on FRA implementation nine districts for mobilisation and awareness of Gram sabha members FRCs, local officials, Panchayat secretaries since 2008. It has been also emphasised that people in our state has huge dependence on forests for their livelihood needs and most of the forest rights had already being recorded and vest with communities which needs to be recognised and recorded under the procedure of FRA-2006. As it is a reality that public /development works and diversion of forest land for the same has been stalled due to non compliance/implementation and recognition of forest rights as per FRA 2006.

Thirdly 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**

Himalaya Niti Abhiyan

Village khundan, PO Banjar, Kullu, HP-175123

Email: gumanhna@gmail.com, Ph:9418277220

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.

In such a legal situation no eviction proceeding can be carried out till the verification and recognition of rights is complete. State government shall go for appeal against this judgment in the interest of the farmers who actually comes under forest dwellers category as per FRA.

We also request yourself 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.

Sir, In addition Himalaya Niti Abhiyan is ready to support the process of FRA implementation in collaboration with the government as and when required.

Guman Singh
Coordinator
Himalaya Niti Abhiyan

Kulbhushan Upmanyu
President
Himalaya Niti Abhiyan

Process followed to filing Communities Forest Rights Claim under FRA-2006
in Himachal Pradesh

List of supportive documents attached for CFR claims

1. Forwarding letter addressed to SDLC (Sub division level Committee)
2. Resolution of Gram Sabha
3. Application of forest rights- Form- B and Form-C –Filled
4. Details of community Forest Rights (CFR) Claims-Annexure-1
5. Evidences:
 - i. Certificate of three generation by Presidet Gram Panchayat
 - ii. Evidence of elder person of the village
 - iii. Forest rights(Bartan) record of HP forest Department
 - iv. Naksha Bartan
 - v. Bajib-Ul-Arj
 - vi. Map of Forests
6. Signature list of OTFD
7. Voter list or list of OTFD

Procedure adopted to record forest rights by Himalaya Niti Abhiyan

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:
Himachal Pradesh government had issued letters to all Deputy Commissioner and thereon to Gram Panchayat in reference to the implementation of FRA to form FRC (Forest Rights Committees) at revenue village level in August 2014.

1. Himalaya Niti Abhiyan initiated the process to support/facilitate FRCs to claim forest rights under FRA in District Chamba, Kangra, Mandi, Kullu and Bilaspur.
2. HNA called state meeting of activists and identified volunteers in all mentioned areas and conducted consultation –dated at –
3. Thirty Identified volunteers were given training in three rounds by HNA leadership and resource persons from outside the state. HNA leadership was already involved in process since the enactment of this act and had been working as campaigner and resource persons in other part of the country.
4. These thirty volunteers became resource persons for FRCs and Gram Sabhas.
5. HNA also conducted training of Panchayat secretaries in all districts.
6. HNA had conducted meetings with State government and secretaries in this regard.
7. HNA had also conducted meeting with District administration and sub division level officials.
8. 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 Claim Submitted by FRCs to Sub Division Level Committee (SDLC) with the HNA facilitation as on 30 May 2015: Banjar Block of Kullu- 16, Balichawaki - Seraj Block of Mandi- 31, Sihunta Block of Chamba- 9, Bajnath-28, Kangra -11, Bhawarna Block 's of Kangra- 15 comprising more than nine hundred fourteen hamlets/villages.**

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- i. Volunteers attended Gram Sabhas meetings many times of target area and mobilised and informed the communities regarding FRA.
- ii. Facilitated in formation of FRCs
- iii. Conducted training of FRCs
- iv. Fecilitated FRCs to applied for records/supportive documents/evidences- Compartment history sheet and record of rights form Forest department and Bajib-ul-Arj and Naksha Bartan from revenue department etc.
- v. Second round of training of FRCs were conducted and attending gram sabhas meetings with record in which recorded rights in mentioned records were discussed.
- vi. Additions were noted and forest assess/practices/uses by communities up to 13 December 2005 were recorded.
- vii. Detail of community forest rights claims sheet was designed as Annexure-1
- viii. Form -B and C was filled
- ix. Following Evidences were attached –
 - a) Certificate of three generation by Presidet Gram Panchayat
 - b) Evidence of elder person of the village
 - c) Forest rights(Bartan) record of HP forest Department
 - d) Naksha Bartan
 - e) Bajib-Ul-Arj
 - f) Map of Forests
- x. All recorded was digitalised.
- xi. Gram Sabha finalised the rights claims after verification process and passed resolution.
- xii. Signature List of OTFD and Voter list/list of OTFD is attached. Finally file submitted to SDLC for further process.

Explanations:

- 1 Detail of community forest rights claims sheet- Annexure-1 is final right record sheet and abbreviations used are as follow: OTFD-Other Traditional Forest Dwellers, DLC-District level committee, SDLC- Sub division level Committee, FRC-Forest rights Committee, Record of Bartan- Forest rights (Bartan) of HP forest department, RBA-Rights recorded in Bajib-Ul-Arj, RBB-Naksha Bartan. Numbers were used from mentioned records.
- 2 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.
- 3 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.

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