

OFFICE OF THE DEPUTY COMMISSIONER,
DISTRICT KINNAUR AT RECKONG PEO, HP.

Proceedings of the meeting of the District level Committee constituted under scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, held on 15-12-2018 the following were present:-

1. Sh. Daulat Ram Member District Level committee for FRA, Kinnaur.
2. Sh. Yashveer Singh Negi Member District Level committee for FRA, Kinnaur.
3. Sh. Kewal Ram Member District Level committee for FRA, Kinnaur.
4. Divisional Forest Officer or concerned Assistant Conservator of Forest. (Member).
5. Project Officer ITDP Kinnaur (Member).

A meeting of the District Level Committee constituted under FRA-2006 was held under the Chairmanship of Deputy Commissioner Kinnaur at Reckong Peo on 15-12-2018 at 11:00 A.M. at Deputy Commissioner Office Reckong Peo, in which 47 petitions filed by claimants of village Lipa were examined. These 47 petitions are against the decision of Sub Divisional level Committee constituted under Forest Rights Act-2006, on dated 24-07-2018 in which these 47 Individual claims under Forest Rights Act-2006, were not recommended to District Level Forest Rights Committee. Sub Divisional level Committee Pooh vide its proceeding dated 24-07-2018 has not recommended these individual claims to District Level Forest Rights Committee citing the provision of Schedule Tribe and Other Traditional Forest Dwellers Rules 2007, that these claims are not from unrecorded or un surveyed settlement or forest villages. They all are from Revenue villages. The forest rights have already been settled vide the settlement process conducted in 1984.

Feeling aggrieved from the decision of Sub Divisional level Committee Pooh, these 47 individual claimants filed their petitions to District Level Forest Rights Committee as per Rule 15 of Schedule Tribe and Other Traditional Forest Dwellers Rule 2007. These 47 individual claimants are as under:-


1. Sh. Umar Chand S/o Maal Sukh Ram
2. Sh. Kedar singh S/o chhering Palzar
3. Sh. Umar Singh S/o Garwan Dass
4. Sh. Diwan Sen S/o Puran Sukh
5. Sh. Naresh Kumar S/o Devi Gyan
6. Sh. Tashi Chhewang S/o Tanu Ram
7. Sh. Samvir Sen S/o Lobsang Gyacho
8. Sh. Ashok Kumar S/o Gopal Sain
9. Sh. Samtan pur S/o Chander Sukh
10. Sh. Chander Bhag S/o Kunga Lal
11. Smt. Suraj Mani W/o Budha Chand
12. Smt. Suresh Kumari W/o Gaiden Chhogial

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13. Sh. Bharan Singh S/o Mal Sukh
14. Sh. Pal Chand S/o Sanam Nargu
15. Smt. Babita Devi W/o Uma Dandub
16. Sh. Gopal Chander S/o Gyan Chand
17. Sh. Tashi Wangyur S/o Sanam Medup
18. Smt. Usha Devi W/o Vijay Kumar
19. Sh. Yangchen Ram S/o Medub Dorje
20. Sh. Chhering Norbu S/o Chhering Dewa
21. Sh. Inder Dass S/o Dub Chhering
22. Sh. Gopal Singh S/o Sanam Gyalchan
23. Sh. Sader Singh S/o Chander Sain
24. Sh. Jagat Singh S/o Bader Jeet
25. Smt. Samtan dolma W/o Kalzang Nima
26. Smt. Jangmo W/o Kargyut Thinla
27. Sh. Kunzang Namgial S/o Nanta Jeet
28. Sh. Narender Singh S/o Kargyud Gyalchen
29. Sh. Chhering Tashi S/o Uma Chand
30. Sh. Dechan Namgyal S/o Lal Chand
31. Sh. Udam Zor S/o Furbu Chhering
32. Sh. Gyan Sen S/o Namgyal Thinla
33. Sh. Ram Singh S/o Hari Chand
34. Smt. Yangchen Dassi W/o Devi Gyan
35. Sh. Hukam Lal S/o Kunchok Chhering
36. Sh. Karam Sen S/o Dawa Zor
37. Sh. Amir Singh S/o Shyam Palzor
38. Smt. Anjali Devi W/o Sh. Ajeet
39. Sh. Arjun Singh S/o Devi Singh
40. Smt. Sarwati W/o Vijay Kumar
41. Sh. Chhoinit Dorje S/o Kunga Lal
42. Sh. Hirpal Singh S/o Dawa Dorje
43. Sh. Tanzin Pur S/o Paldub Ram
44. Sh. Budh Dev S/o Harish Chander
45. Sh. Amar Singh S/o Devi Dass
46. Smt. Dongoit Dolma W/o Gopal Sen
47. Sh. Jai Chand S/o Jeeta Ram

District level Committee perused all the Records submitted by Sub Divisional Level Committee and petitions filed by the individual claimants. Out of 47 individual claimants only 45 individual claimants were present during the hearing before District level Committee. All the 45 claimants were heard but they can not adduce any further evidence in the support of their claims. The claimants expressed orally that they have placed all the evidence on their respective claim files. All the three non official members of the District level Committee supported the claims of the petitioners and were of the view that the decision of the Sub Divisional Level Committee should be set aside and

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Ownership rights should be conferred on all the 47 claimants. The Assistant Conservator of Forest representative of the District Forest Officer vehemently opposed the view of the non official members. He said that individual claims on Forest Land can not be accepted because all the 47 claimants are not forest dwellers within the meaning of the Forest Rights Act. The chairman of the committee and the secretary fully endorsed the views of the Assistant Conservator of Forest.

Further the District level Committee barring non official member are of the view that there is no need to interfere with the decision of the Sub Divisional level Committee and as such all the 47 petitions are rejected on following Grounds:-

1. Sub Divisional level Committee Pooch vide its proceeding dated 24-07-2018 has not recommended these individual claims to District Level Forest Rights Committee citing the provision of Schedule Tribe and Other Traditional Forest Dwellers Rule 2007, that these claims are not from unrecorded or un surveyed settlement or forest villages. They all are from Revenue villages. The forest rights have already been settled vide the settlement process conducted in 1984. The relevant Rule of Schedule Tribe and Other Traditional Forest Dwellers Rule 2007 is produced as under:-

2A(a) every panchayat, within within its boundaries, prepares a list of group of hamlet or habitations, unrecorded or un surveyed settlements or forest villages or taungya villages, formally not part of any Revenue or Forest village record and have this list passed by convening Gram Sabha of each such habitation, hamlets or habitations included as villages for the purpose of the Act through a resolution in the Panchayat and submit such list to Sub Division Level Committee.

The District Level Forest Rights Committee in agreement with Sub Divisional level Committee that these claims pertain to surveyed Revenue estates where rights have already been recorded. The District Level Forest Rights Committee also took notice of Forest Settlement which was conducted by Forest Department in 1921, (Copy Enclosed) In this way all the Rights of Villagers of Lippa has been settled vide settlement process of Revenue Department in 1984 and Forest Settlement in 1921. Therefore in view of above, these 47 petitions of claimants are not maintainable.

2. After perusal of case files of 47 individual claimants of Lippa village, it is found that the Forest Rights Committee Lippa has not recorded any evidence in support of the claims as per Rule 13 (1) of Schedule Tribes and Other Traditional Forest Dwellers Rule 2007, as the sole evidence for proving occupation over the land. There is no documentary evidence to establish possession and dependence on the land under their occupation for the last three generation prior to 13th December 2005, the relevant rule is reproduced as under:-

(a) public documents, Government records such as Gazetteers, census, survey and settlement reports, maps, satellite imagery, working plans, management plans, micro-plans, forest inquiry reports, other forest records, record of rights by whatever name called, pattas or leases, reports of committees and commissions constituted by the Government, Government orders, notifications, circulars, resolutions;

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However, there are customary community rights of villagers on all the claimed land by these 47 individual claimants. These community rights are recorded on this land vide Revenue settlement conducted in 1984 and forest settlement conducted in 1921. Therefore, individuals claims can not be preferred over community claims a whole.

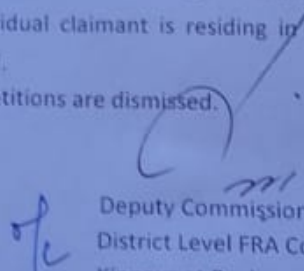
3. These 47 individual claims are against the community rights of villagers of Lippa recognized vide settlement process in 1984. These community rights are as under :-

1. Rights over minor forest produce.
2. (a) Uses of entitlements (fish, water bodies,) etc.
(b) Grazing.
(c) Traditional Resource access for nomadic and pastoralist.
3. Right to access biodiversity, intellectual property and traditional knowledge and other traditional rights recorded in Wajib ul Arj.

In view of above, if these 47 claims are considered it will infringe the community rights of the villagers. As a matter of fact, this historical piece of welfare legislation has been enacted to benefit the deprived section of Schedule Tribe and Other Traditional Forest Dwellers whose genuine rights have not been codified or recorded in Government records.

4. After perusal of all records it was found that all 47 individual petitioners have land in their individual ownership and all are residing within Revenue village in which their ownership rights have already been recorded. Moreover no individual claimant is residing in forest land and is fully dependent on the forest land for his/her livelihood.

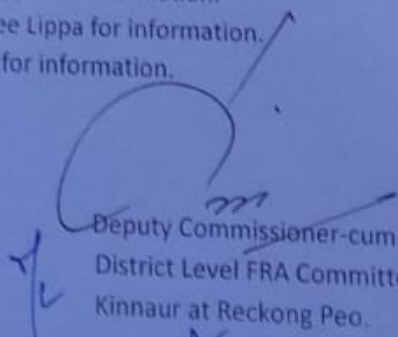
In view of the above all the 47 petitions are dismissed.


Deputy Commissioner-cum-Chairman,
District Level FRA Committee,
Kinnaur at Reckong Peo.

Endst: As above:- 2411-2466

Copy Forwarded to the :

1. Principal Secretary (TD) for information.
2. ADM. Pooh for information.
3. All the 47 petitioners of Village Lippa for information.
4. Secretary Forest Rights Committee Lippa for information.
5. Secretary Gram Panchayet Lippa for information.


Deputy Commissioner-cum-Chairman,
District Level FRA Committee,
Kinnaur at Reckong Peo.