

महिला की मौत पर दर्ज हो गैर-

इशतन हत्या का मामला

कानून विभाग की ओर से

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BUREAUCRATIC APATHY MARGINALIZING THE LANDLESS IN HIMACHAL PRADESH

FACT FINDING REPORT

In a Case of Death by Intimidation

23 August 2019



I. About the Fact Finding:

On 26th July of 2019, Dama Devi who resides in Village Daangel of Seri (Mauvi Seri) Panchayat died of a cardiac arrest after being threatened and intimidated by officials of the forest department that her family's 'illegal occupation' on forest land would be removed forcefully and they would be evicted. This instance was reported by the local media and it was evident that the officials had not just exercised their bureaucratic power in an illegal manner but had left the spot when Dama Devi passed out without providing any assistance to Dama Devi to access medical support.

Organizations working with marginalized and forest dependent communities have been raising the issue of increasing cases of forced evictions involving use of overt and covert violence by the forest department in the state. Knowing the issues of gross violation of forest rights act that have happened in the District of Mandi and the selective targeting of *dalit* and other marginalized communities, an independent fact finding was called upon to investigate the case of Dama Devi.

Objectives of the fact finding:

1. To extend solidarity and support to the family of Dama Devi.
2. To assess the context in which the death took place.
3. To assess the narratives and perceptions with regard to the role of the forest officials who came to threaten eviction.
4. To examine the pattern and motivations of violence involved in forceful evictions at the State level.
4. To assess whether the administration had taken effective steps to ensure that the investigation was done in a speedy and fair manner
5. To make appropriate recommendations to ensure that justice is done in the matter

The fact finding was carried out on the 23rd August 2019.

Members of Fact-Finding Team:

Vimla Vishwapremi: State Convener, Mountain Women Rights Forum

Savitri Devi: Zila Parishad Member, Majhwaad Ward.

KhemDaasi: Member State Women Welfare Board

Manju Devi: Member, Sub-divisional Level Committee on Forest Rights Act, Gohar, Mandi.

Aditi: Himdhara Environment Research and Action Collective.

B.R Bhatia: State Secretary People's Campaign for Socio-Economic Equity and
Independent journalist

D.R. Koundal: Journalist, Dainik Bhaaskar & Social Worker

Bhagat Ram: Block Convener People's Campaign for Socio-Economic Equity

Sukhdev Vishwapremi: Convener, People's Campaign for Socio-Economic Equity

Members interacted with:

Desh Raj- Son of the Dama Devi, Resident of Village Tikkari, Seri
Nisha Devi- Daughter in law, Dama Devi, Resident of Village Tikkari, Seri
Govardhan-Husband, Resident of Village Tikkari, Seri
Nant Raam-Acquaintance, Panchayat Gohar
Ramesh – Acquaintance, Panchayat Gohar.
Nelima Devi- Ward Panch, Ward Tikkari
NaageshwariDevi- Villager, Present at the time of the incident, Resident of Village Tikkari, Seri
Naanki Devi- Villager, Living closely to Dama Devi's house,
Hansa Devi- Villager, Present at the time of the incident, Resident of Village Tikkari, Seri
Kolu Raam- Grandfather, Resident of Village Tikkari, Seri
Hima Devi- Wife of Kolu Ram, Resident of Village Tikkari, Seri
Mukesh Kumar - Panchayat Pradhan
DSP, Mandi Phonic Conversation

II. The Case of Dama Devi's death by intimidation

Dama Devi, age 52, belonging to a Scheduled Caste Community, was a resident of Village Daangel of Seri (locally known as Mauvi seri) Panchayat, located in Tehsil Chachyot of Mandi district of Himachal Pradesh. Her house falls under revenue village Tikkari whereas the 1-2 bigha land being tilled by the family (that's under dispute) falls under Revenue village D.P.F Tarlaaza.

Shown in picture is the Village Daangel, located in Seri Panchayat, and depicts how the life and livelihoods in this village are intricately woven around the forest land that surrounds the area.



Panchayat Seri has 514 households in total out of which around 50 % belong to Scheduled Caste Communities. The Panchayat Pradhan informed us that Dama Devi, also a Scheduled Caste, belonged to a very poor and marginalized family and the land under her occupation was her only source of livelihood. She held a BPL (below poverty line) ration card and lived with her son Deshraj, daughter-in-law Nisha and her husband in present Govardhan (Since the death of her first husband Buddhi Ram, Govardhan has been a father to Deshraj) (**Annexure 1 Copy of Family Register**).



The picture shows the house of Dama Devi from distance. The house is situated away from road and is built upon forest land under their traditional occupation.



Shown in picture is a traditional cattle shed. The Village Daangel still has many such traditional structures evidently hinting the high forest dependence in the area.

On 26th July of 2019, Dama Devi who resides in Village Daangel of Seri (Mauvi Seri) Panchayat was sitting in her home and preparing lunch for her family. It was a bright day and the family was at home when Dama Devi informing her son that she is going to fetch water from the *baavdi*, left from her home at around 12:30 p.m., unaware that she will never be able to return back. Dama Devi crossed her fields, situated uphill and moved in the direction of water source when she was loudly interrupted by forest officials.

As narrated by Mrs. Nageshwari Devi and cross verified by Mrs. Hansa Devi, two of the eye witnesses in the incident, Dama while on her route was called upon by few villagers to reach her fields. These fields are situated uphill from her house at a distance of around 200 meters and the path runs through corn fields of adjacent villagers. Nageshwari and Hansa, their houses being close by had reached the spot seeing and listening to the hustle bustle.

Nageshwari Devi said that they (including Dama Devi) were taken by surprise to find, upon reaching the spot, that around 40-50 villagers had gathered there at the temple. But what shocked them more was the presence of Khaki wearing 6 forest department officials. This included one woman forest guard named Ms. Sangeeta, the deputy ranger named Mr. Vinod Kumar Sharma, another forest guard along with four forest workers whose identification hasn't yet been shared by the forest department office in charge of the village, falling under the Baggi Beat of Suket Forest Division. Adding to this Hansa Devi quoted, "We have never seen so many officials in our village, and we didn't even know their rank or name."

The witnesses, Hansa Devi and Nageshwari Devi, informed us that the Forest officials without any introduction, in a tone of intimidation circled Dama Devi with questions of: "Who owns

this land? Why are you growing crops and grass here? Why have you encroached forest land? Why have you put fence around here? Why have you encroached the temple land?"



At
Dama

Devi's house, people narrating the events that followed Dama Devi's death. Kolu Ram, the eldest member present at the moment, raises hands in anger asking, "If evicted from our forest land, how will we sustain?"

Elaborating upon the shock, the two eye witnesses described how the appearance of the officials, the star badges on their uniform, the polished boots, the khaaki hats that they wore, their tenor and manner in which they were shouting at Dama Devi was highly intimidating for the villagers including Dama.

Adding further they quoted, "Dama Devi was obviously nervous and panicked by such official inquiry. She replied that it was her land and the fence was put just to keep the stray animals away from destroying the fields." She further pleaded that the land belonged to her ancestors and they have been cultivating it for generations now. The forest department officials did not stop, they said and instead went further in scaring her with eviction threats, labeling her as a thief upon the forest land. The villagers who owned the temple land also joined in scaring and threatening the old lady causing her to shed down in tears and plead. Nageshwari Devi reiterated, "Dama was terrified and consistently sobbing. Bowing down her head and holding her hands together, she kept repeating only one thing that this land was the only source of income in her family."



The site where Dama Devi was intimidated leading to her death by negligence by forest officials. The green patch of land is where Dama Devi had her occupation and it continues downward into forest land occupied by others. On top is the temple and its land which is also an occupation over forest land.

Upon inquiry, residents and family members reported that Dama Devi lived with her son, daughter in law and husband Govardhan and owned only a land piece of size 3 biswa in her title. Her ancestors from at least three generations back had occupied 1 bigha of forest land for their subsistence. Adding to this Kolu Ram (Grandfather to Deshraj) expressed his anger, “Our ancestors have been using this land. Where will we go if we leave the forest land? How will we sustain?” Dama Devi had been growing corn, wheat and grass on these lands for generations. The corn crop was standing in the fields when the fact-finding team visited the lands.

The Panchayat Pradhan during our visit informed us that there were several residents who had such occupations on forest land and Dama Devi was not the only one. The one bigha of land for which Dama was being questioned is adjacent to a piece of land that had also been occupied by seven villagers from a family who had later built a temple of Hindu goddess Devi there. The seven people were namely Khoob Ram S/o Thikhu Ram, Jai chand and Thakur Das S/o Khoob Ram, Devinder Kumar, Chet Ram, Raaju S/o Tavaaru Ram and Chaman Lal. The family alleges that these people desiring to grab her piece of land, had since then been fighting with Dama devi mostly including taunts, verbal comments and light threats but the dispute had been an internal matter till the incident. The 40-50 villagers who had gathered around her were the family members, relatives and acquaintances of these seven villagers.

On 26th July, during the unwarranted visit and questioning by the Forest Department Dama Devi surrounded by accusations was shamed in front of a crowd and threatened with eviction by the officials for 'illegal' fencing. As this was happening, Dama Devi in a fraction of second collapsed and fell unconscious on the ground. The silence dropped in the surrounding and the next voice came from forest officials who took off their khaki hats immediately and ordered villagers to take her away from there. Naageshwari Devi emphasized, "The officials and these mentioned villagers did not even bother to attend Dama who was lying unconscious on ground but immediately left the spot and vanished."

Nageshwari Devi was amongst the few persons present who tried to wake her up and when she did not respond they immediately gave out a loud call to her son Desh raj. Desh raj had reached the spot in less than a minute and seeing his mother unconscious on the ground, he while listening to everyone retell the story immediately called his father Govardhan and dialed 108 for ambulance. Upon being told that the ambulance will reach late, he somehow carried his mother to the road and left for hospital via taking a lift. Around Nehra Chowk, they shifted the still unconscious Dama Devi into the ambulance. There was a suspicion that something terrible had happened but as Desh raj recalled, there was still hope. But as soon as they reached the Gohar Hospital, the doctors from their very first look at her body and examination declared that Dama Devi had already passed away.

Desh raj, age 24 exclaimed, "From a family of four now we were suddenly three, I didn't know what to do. I was terrified." It was after a while and with support and advice from other relatives that he and his father Govardhan decided to go to the police station and file the complaint.

Members of the family and relatives during the visit were clear that Dama Devi was a strong woman and in perfect health. "This was not a natural death," they said about Dama Devi's passing who was gone within a time span of 20-25 minutes. The villagers emphasized, "We have never before witnessed any such official visit to the village, that too without any notice. The sudden intimidation, abuse and shaming by the forest department officials must have come as a severe shock to Dama Devi, which caused her death".

Desh raj and Govardhan, gathering their strength and grief, later that day approached the Gohar police station to file a complaint against the actions of the forest officials but no action was taken on his application. The application copy dated 10/08/2019 was also copied to the Chief Minister, High Court and handed over to ADM. (**Annexure 2: Copy of the application letter.**) Govardhan added, "Dama was dead because of the intimidating behavior of Forest officials. Though the ADM responded that action will be taken nothing was done to investigate the case."

The DSP visited the village four-five days later and the family handed over a copy of complaint letter to them too. Later after the visits by regional public representatives, and other social organizations including our fact-finding team, the family drafted the application again and approached the Police station on 27th August.

Exactly a month after Dama Devi's death, on 28th August 2019, the Police finally filed the FIR (**Annexure 3: FIR copy**). Following the second application the Police Station under the Investigating Officer Virender Kumar, lodged an FIR under Section 3(1)(6) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act. The DSP has taken the statement from Desh Raj and Govardhan and also few members from the 7 villagers who along with F.D officials who have been accused in the case. The family as well as other organisations and the Zila Parishad member from the region clearly demand that section 3(1) (g) should be used in the charges and has submitted an application regarding the same on 03/09/2019. (**Annexure 4: Second application**).

The family also demands that section 304A- 'Causing death by negligence', under Indian Penal Code should be added to the charges saying it seems to be justified given the sequence and context of the events. On the phone the DSP Mandi mentioned to us that the investigation is in process and once the documentation is received from both Forest department and Tehsildar office about the rights and land ownership status, further sections will be added accordingly.

The Patwari, named Dolem Singh Negi, from Patwar Circle Movi recently visited the spot and conducted the land inspection and mapping of the disputed land but as elaborated by Desh Raj, upon inquiring consistently also he was not informed anything about the exact size of his land by the concerned revenue official. Few days later when Deshraj visited the Pradhan to ask for *parivar nakal* register and BPL card he was informed by the Panchayat Pradhan that since the investigation is under process he is required to wait for the legal proceedings to conclude. The family of Dama Devi filled with grief and fear hopes for justice and support.



A picture of 52 year old Late Dama Devi

III. Background: A history of insecure existence

In order to understand the systemic issues around the Dama Devi case, in this report, we delve into the issue of marginalization and landlessness of scheduled caste communities in Himachal Pradesh and the response (or the lack of it) from the State government and bureaucracy in the matter.

A. Forest Land and Systemic Exclusion of Scheduled Caste Communities

If we look at the demographic and geographical profile of Mandi we find that the district with a geographical area of 3950 square km has around 48% of its area under forest land. The district has 27.85% percent households belonging to SC communities and 16.07% households falling under the category of landless. Gohar/ Chachyot, from where Dama Devi hailed, has 39.13% SC households whereas 18.21% households are landless. If we zoom out to the State of Himachal, Himachal has a total of 12, 63, 756 households out of which 22% households fall under the category of landless (2, 70, 828 households) and 23.97% are households belonging to Scheduled Caste Population (3, 02, 876). (Census of Himachal Pradesh, 2011). We find a direct relationship between presence of Scheduled Castes and landlessness across the state.

Further we see that Himachal has two third of its land recorded under forest land and with only 10 % of land falling under cultivation people have been intensively dependent upon forest resources for their sustenance.

This makes it evidently clear that

- a) That communities are dependent heavily on forest lands and
- b) that the dependence on forest land and resources increases and becomes more vital amongst the marginal communities especially among Scheduled Caste Pastoral and Tribal Communities who with limited other sources of livelihood and zero or marginal land holdings.

Socio-economically and politically suppressed, the scheduled caste communities in Himachal either have marginal land sizes under their occupation or remain completely dependent upon minor forest produce such as bamboo to earn fulfill basic bonafide livelihood needs as artisans.

In a state like Himachal where land reforms were touted as ‘successful’, Scheduled Caste communities have also faced marginalization even in the policies and schemes formulated to address their landlessness and marginalization, excluding them from reaping any benefits. For instance, in 1956 with the inception of Land reforms, majorly one SC community, Koli community who later got registered as new *rajputs*, earned benefits in Mandi whereas in Kangra district, earlier part of Punjab, the *ghiraat* community, originally part of Other Backward Castes, received the chunk of benefits. With the aim of distributing land amongst the landless and marginalized communities mostly Scheduled Caste, The Himachal Pradesh Ceiling on Land Holdings Act, 1972 was enacted and though approximately 3 lakh acres of land was annexed from Zamindar Lords but only 6600 acres of land was redistributed. There has been no account of where the remaining land went and thus the landlessness and economic marginalization amongst SC communities had persisted with very little mobility. (*Demand Charter Flyer made for Lok Sabha elections 2019 by People’s Campaign for Socio-economic equity*

and Progress Report by Committee on “State Agrarian Relations and the Unfinished Task in Land Reforms” <https://dolr.gov.in/sites/default/files/Committee%20Report.pdf>)

To address the issues of landlessness, in 1974 The Himachal Pradesh Village Common Lands Vesting and Utilization Act and in 1975 the Scheme was implemented. The act aimed at distributing 5 bigha of land from Common land category to the Landless households but its’ unfolding on ground was marked by Caste prejudices, feudal power structures and thus failure in addressing landlessness. At some places the people were given lands of merely size 1-2 canal while at other places the land allotted was given at geographically unsuitable, uncultivable or improper locations making them difficult to access and put to any use. In districts like Sirmour, common lands (referred to as Shamlaat lands) which were parceled out and privatized by the powerful Savarna Communities came into the state fold but were later returned back by the State to the ‘owners’, thus leaving the Dalits with little access or ownership. (The Moment of Reckoning, Fact finding report 13th and 14th September 2018, <http://www.himdhara.org/wp-content/uploads/2019/08/The-Moment-of-Reckoning.pdf>)

From 1980, all such land distribution schemes and legislations aimed at addressing landlessness issues were pushed into corner by the onset of Forest Conservation Act that restricted the transfer of forest land for non- forest purposes.

B. Forest Rights Act and its non-implementation

Forest Rights Act (FRA) that came into existence in 2006 was enacted with the purpose of vesting and legally recognizing the forest rights of these communities including the legal title to land under the occupation before 13th December 2005, if the eligibility criteria is fulfilled. **FRA 2006 acknowledging the historical injustices done to forest dependent people due to stringent forest legislations emphasizes on the role of people in conserving and protecting forest and other natural resources and aims to decentralize the process of decision making giving powers to the Gram Sabha.**

Scheduled Caste communities would fall under the category of the Other Traditional Forest Dwellers as per the definitions provided in the Act. This law, however, has failed to provide relief the much-needed relief to not just the marginalized, but any of the right holders in the State.

The implementation of this act has been extremely laggard in Himachal evident from the fact that though 17503 FRCs have been formed so far but only 136 Forest Right Claims have been issued title so far. The status of claims had been gigantically disappointing with 76 Individual Forest Rights (IFR) Claims being approved in the district of Lahaul and Spiti whereas 53 IFR claims being approved in Chamba district along with only 7 Community Forest Right claims that have been approved in Chamba. (Submission made by Himachal Government in Vidhan Sabha in December 2018 and Monthly report of the Ministry of Tribal Affairs, November 2018 <https://tribal.nic.in/FRA/data/MPRNov2018.pdf>)

The constant delay in implementation has been due to the apathy and misgivings amongst the bureaucracy about the act due to apathy as well as misinformation. The lack of trainings

and absence of public awareness is another reason why the number of claims filed been so low. People and concerned social organizations have constantly been raising the issues through submissions to Ministry of Tribal affairs and organizing public demonstrations but not much has changed for the aggrieved stake holders on the ground. (*Submission to Minister of Tribal Affairs regarding Non-implementation of Forest Rights Act in Himachal Pradesh, January 2019, <http://www.himdhara.org/wp-content/uploads/2019/03/Ann-4-HVAM-to-SLMC.pdf>*)

The official argument for non-implementation is that “*the forest rights have already been settled vide earlier settlement processes*”. As mentioned earlier in this report, the process of forest settlement has remained incomplete due to various forest conservation notifications and laws which deprived people of their individual and community rights. This is evident in the thousands of cases of occupation on forest land which are entered and categorized as “*najayaz kabza*” in *Jamabandi of revenue villages (Annexure 5 Copy of Jamabandi of a revenue village from Mandi showing najayaz kabza in record)*. The Ministry of Tribal Affairs in its Letter F.No.23011/11/2013-FRA dated 14th December 2015 to the Tribal Development Commissioner has categorically clarified **that even if the forest settlement has been carried out and the rights have been recorded, modifications have to made in the record of rights and the titles have to be issued to the individual as well as the community as mandated by the FRA.** But this has not brought any change in the feudal bureaucratic behavior and little or no effort has been made by the implementing authorities to carry out trainings of Forest Rights Committee members and claims filed have either been pending or being returned back with frivolous and un-provisional objections.

Adding to this there has been immense confusion and questioning on the eligibility of the forest dwellers due to which for the longest time the officials did not accept the OTFD as forest dwellers in Himachal Pradesh, the category that includes all other traditional non-tribal forest dweller communities. Although MoTA has also issued notifications and clarifications in this regard, the same has not been incorporated in official consciousness. The Scheduled Caste and marginalized land holding Communities have been the most affected by the non-implementation of this act as they remain to be, historically, the most marginalized community.

C.Mandi- A case of gross violations of Forest Rights Act

The case of Mandi district stands out distinctly when we speak of the bureaucratic misinformation and confusion about FRA in Himachal. In the year 2014, the district administration acquired ‘**NIL Claims Certificates**’ from almost all Forest Rights Committees in the district detailing that there are no claims to be made under the Forest Rights Act, 2006. (**Annexure 6 Copy of Nil Certificate from a village in Mandi**)

These blanket certificates, based on a template issued by the Principal Secretary (Forest) to all district authorities ‘to get consent from FRCs, SDLCs and DLCs for diversion of forest land’, are being used as NOCs from the *gram sabha* indicating compliance to provisions of FRA required mandatorily by the Ministry of Environment and Forests. In most cases, as testified by *gram sabha* members, there had been no Gram Sabha quorum or inadequate information

to members about the provisions of act, while taking these certificates. In some cases the same have been signed by only Panchayat Secretaries and members of FRCs or only official members of the SDLC/DLC.

It's important to note that most of these villagers and FRC members were unaware about the existence of Forest Rights Act and what the law entails for them. In fact, until organisations working around FRA met them, they were clueless about the fact that their forest rights have been declared nil by the administration when in fact they are intensively dependent upon forest land for livelihood needs. When after acquiring some awareness and information about FRA, the people from few areas approached the sub-divisional and district administration with their forest rights claims, the claims were not accepted citing the nil report. (<https://thebastion.co.in/politics-and/environment/we-have-literally-cut-and-presented-our-arms-to-the-government-mandis-fight-to-protect-its-forest-rights/>)

Another contradiction has been that in many villages while the forest rights under section 3(1) were declared nil, at the same time diversion of forest land under section 3(2) of FRA had been continued, making the stand and attitude of administration questionable.

Many submissions to MoTA, CM, DC and other higher authorities have been made by concerned groups but not much relief had been provided. On 11th April 2019, Himachal van Adhikaar Manch organized a rally cum protest with representatives of forest rights committees and villages in Mandi to call out the gross violations and demand revoking of the 'Nil' certificates and speedy implementation of FRA. Subsequent meetings with the same authorities are going on since then to declare the nil report null and void and to restart the process of FRA implementation in the district. (<https://www.tribuneindia.com/news/himachal/demand-to-implement-fra-gains-momentum-in-mandi/757164.html>)

D. FRA and Eviction

The State administration has been blatantly conducting evictions using the order of High Court of Shimla (HC CWP no:1028/2002 Punam Gupta and Haridesh Singh vs State and others), who in relation to eviction of encroachments on Forest Land had used the affidavits filed by the families (under 2002 regularization policy of HP government) who had occupation of forest land, had ordered to carry out the eviction drive. But though FRA had been enacted in 2006 with clear provisions for security against such evictions, the State Government has not yet apprised the High Court in the case of evacuation of "encroachments" on forest land on the grounds of section 4(1) and 4 (5) of the FRA.

The FRA under Section 4(1) quotes,

“Notwithstanding anything contained in any other law for the time being in force, and subject to the provisions of this Act, the Central Government hereby recognizes and vests forest rights in –

(a) the Forest Dwelling Scheduled Tribes in States or areas in States where they are declared as Scheduled Tribes in respect of all forest rights mentioned in section 3;

(b) the Other Traditional Forest Dwellers in respect of all forest rights mentioned in section 3.”

In addition to this, under Section 4(5) of the act that opens with the word **“Save as otherwise provided”** FRA, 2006 debars all possibilities of eviction of FDSTs or OTFDs until the settlement of their forest rights has been carried out. Thus, till the process of recognition and verification of forest rights has been completed, no member can be evicted from the forest land under their occupation. .

In spite of the existence of FRA for more than 10 years now and the fact that FRA provides this security against eviction, eviction drives as well as other forms of forest land related threats by forest department continue to terrorize people. (<https://www.downtoearth.org.in/news/forests/himachal-pradesh-launches-eviction-drive-ignores-forest-rights-of-tribal-farmers-56229>)The brutality of eviction has been the harshest for the Scheduled Caste Communities who continue to be intimidated and threatened on an everyday basis.

Although the law has clearly laid out provisions, the Forest department in its herculean confidence continues to menace people with eviction notices in some cases and in other it deploys informal approaches of intimidating and harassing people. Some recent cases which need to be highlighted:

- Kundan Singh, son of Rulia, belonging to dalit community from Salamatpur, Paonta Sahib (Sirmaur) died immediately after his family faced forced eviction from their home and land. The eviction took place on 27th December 2017 when the forest officials came to remove the dwelling by force. Kundan was ill and lying on his bed and his thumb print was taken on the papers by force. Within hours of the incident Kundan passed away”. (<https://www.thestatesman.com/cities/eviction-vulnerable-communities-labelling-encroachers-condemned-1502559641.html>)
- Last year on 27/03/2018, in the district of Kinnaur, the Collector (Forest)-cum-Divisional Forest Officer had issued eviction orders against 90 households in Kinnaur whose forest rights had not yet been settled. These people who fall under FDST category under FRA had to approach HC to get the eviction order quashed. (<http://www.himdhara.org/2018/07/16/h-p-high-court-provides-relief/>)
- In Palampur Sub-division of Kangra district, the forest department had issued eviction orders against 7 households belonging to SC Community when their forest right claims were under process. These people from Rodi Panchayat were also physically and verbally abused and intimidated repeatedly. (<https://www.thestatesman.com/cities/dalits-cast-homes-biting-cold-1502586887.html>)
- There have been similar incidents of eviction and forest department led violence, sometimes the electricity and water supply are cut off to threaten people to evict the land under occupation, other times people are forced to sign affidavits stating that they have abandoned the land under occupation. (<https://counterview.org/2016/11/04/himachal-government-has-been-trying-to-evade-implementation-of-forest-rights-act-since-2008/>)

This apathetic and callous approach of Forest department, in violation of the law, has caused fear and panic amongst the forest dependent people of Himachal to come forward to file their Forest Rights Claims. Dama Devi was the newest victim of this serious negligence. In this case the Forest department issued no prior notice or provided any information to the victim's family but went ahead and selectively targeted one individual when reportedly most households in the village hold forest land under their occupation.

IV. Key Observations and Recommendations

The independent fact-finding team after studying the case of Dama Devi and the background has the following observations

1. That the death of Dama Devi was infact due to the trauma which was preceded by sudden intimidation and threats faced by her at the hands of the 6 officials of the forest department on 26th July 2019
2. That there was no prior written notice or any other document that was furnished by the forest department to indicate to Dama Devi or her family that any such official visit or investigation was going to be undertaken
3. That the death of Dama Devi attracts the provisions of the section 3(1)(g) of the SCs, STs POA Amendment Act 2015 effective from 26 – 01 – 2016 and Section 304 of Indian Penal Code
4. That any attempt at forceful eviction or implication towards the same will be a gross violation of the Section 4(5) of the FRA
5. That the family of Dama Devi along with lakhs of forest dwellers, who have held some forest land under their occupation for fulfilling basic livelihood needs, are vulnerable to eviction by forest department and such cases of intimidation and violence. That the forest department has selectively acted upon cases of land occupation by moving eviction proceedings in a targeted fashion given that there are other occupants who are not being 'evicted'.
6. That the Himachal government has shown gross negligence and apathy in the cases of such forced evictions and failed to protect the rights of the most marginalized people who may be claimants under the Forest Rights Act 2006 or any other conferment policy of the state or center.
7. That the Himachal government and the Mandi Administration have systematically denied the eligible right holders under FRA to get full information of the Act and its provisions by getting blanket 'Nil' certificates issued by the FRCs

We also view the death of Dama Devi as part of the larger cycle of caste and gender based violence given the direct targeting of a 'landless woman' who was intensively dependent upon the land for her sustenance.

Immediate Demands

1. A detailed police investigation must be efficiently and effectively carried out without any further delay and the responded officials must be charged under Section 3(1) (g) of Scheduled Caste (Prevention of Atrocities) Act, 2016 and Section 304 of IPC.
2. Ensure safety and protection for the family members of Late Mrs. Dama Devi and all eye witnesses in the case
3. Ensure the process to ensure that the monetary compensation under Rule 12 (4) of Scheduled Caste (Prevention of Atrocities) Act, 2016 and as announced by the Government of Himachal Pradesh reaches the family as soon as possible
4. Joint independent investigation by the National Human Rights Commission, National Commission for Scheduled Caste, Central Information Commission against the eviction related onslaught of marginalized families from SCs
5. A High-Court monitored investigation be conducted against the intimidating behavior and illegal actions of Forest Department.

Over-all Demands

1. No eviction proceedings be initiated against any occupants from forest land. The State Level Monitoring Committee and Chief Secretary, GoHP must direct the head of concerned line departments (i.e., Revenue and forest) to issue orders to all the concerned officials in each directing that eviction without settling of forest rights under FRA is illegal and punishable.
2. The Nil claims under FRA in Mandi must be considered as Null and Void and process of settling rights under FRA must be started immediately. DC Mandi must ensure awareness on FRA and immediate filing of forest rights claims focusing on the individual claims of marginal forest land holders such as Dama Devi.
3. Prioritize on granting immediate titles to the Individual Forest Right holders from Scheduled Caste and other landless communities, especially those with occupations below 5 bighas of land
4. Awareness and Trainings must be immediately conducted on FRA for FRC members, Panchayat Representatives and Line departments for just and speedy implementation of the FRA
5. Set up a committee to look into Setting up of a State SC Commission in order to address cases of caste based violence District administration along with local NGOs and CBOs to initiate the Campaign for Untouchability and Atrocity, Violence, Discrimination and Exclusion Free region.

The state government will have to draw out an action plan to hold accountable and make transparent the functioning of Forest department as well as monitor the implementation of FRA, 2006 in the area and the state. The government must now cautiously participate in studying the issue of landlessness and marginalized land holders in regard to the existing social and economic inequities of the region emphasizing on the Scheduled Caste communities who stand in the worst condition in the society.

Annexures

Annexure 1: Copy of Family Register

2/2019

aadhaar.hp.gov.in/epanchayat/Reports/ParivarNakaReportDownload.aspx

घारूप 19
(नियम 21 और 34 देखें)
परिवार नकल

जिला : मंडी विकास खण्ड : मोहरर ग्राम पंचायत : सेरी गांव : टिकरी

परिवार नं० : 130800521000851701296

परिवार की आर्थिक स्थिति : बी०पी०एन०

Sr.No.	सक्रान न०	परिवार के मुखिया सहित परिवार के सदस्य के नाम	मुखिया	सम्बन्धी का नाम	सम्बन्धी के साथ संबन्ध	वर्ग	उपवर्ग	जन्म तिथि	आधार नं०	साक्षर या निरक्षर	व्यवसाय	घर का पता	दर्जा	टिप्पणी
3	181	देश राज	हां	बुद्धि राम	पिता	अनुसूचित जाति	चमार	28/06/1996	XXXX-XXXX-3661	मेट्रिक	कृषि	गांव टिकरी, डाकघर मौली-सेरी, तहसील चच्योट, जिला मण्डी (हि. प्र.)	अन्य	
1	181	दम्मा देवी	नहीं	बुद्धि राम	पति	अनुसूचित जाति	चमार	01/07/1966	XXXX-XXXX-3355	अशिक्षित	कृषि	गांव टिकरी, डाकघर मौली-सेरी, तहसील चच्योट, जिला मण्डी (हि. प्र.)	मृत्यु	
2	181	मांघली	नहीं	बुद्धि राम	पिता	अनुसूचित जाति	चमार	19/10/1983		मेट्रिक	कृषि	गांव टिकरी, डाकघर मौली-सेरी, तहसील चच्योट, जिला मण्डी (हि. प्र.)	स्थानांतरण	
4	181	निशा देवी	नहीं	देश राज	पति	अनुसूचित जाति	चमार	02/01/1999		अन्य	कृषि	गांव टिकरी, डाकघर मौली-सेरी, तहसील चच्योट, जिला मण्डी (हि. प्र.)	विवाह	

Disclaimer: Certified that this copy of parivar register is true as per the parivar register.

(M)

पंचायत सचिव / पंचायत सहायक
ग्राम पंचायत: सेरी
विकास ब्लॉक: मोहरर
जिला: मंडी

Print Date: 02/09/2019

Annexure 2 Copy of Complaint Letter

सेवा में,

माननीय मुख्य न्यायधीश
हिमाचल प्रदेश उच्च न्यायलय,
शिमला हि०प्र०।

विषय:- दलित विधवा महिला का उत्पीड़न करने व डरा धमका कर गैर इरादतन हत्या करने वारे शिकायत।

महोदय,

1. यह कि प्रार्थी देश राज पुत्र स्व० श्री बुधे राम निवासी गांव डंगैल डा० मौवीसेरी तह० चन्चोट जिला मण्डी हि०प्र० का स्थाई निवासी है और गरीब दलित परिवार से ताल्लुक रखता है।

2. यह कि प्रार्थी की माता स्व० श्रीमति दमा देवी ने अपने खेत के साथ वन भूमि पर कच्ची बाड़ लगाकर घास के लिए थोड़ा सा रकबा रोक रखा था। इस वन भूमि के समीप ही गांव के कुछ दबंग व्यक्तियों राजू, चेत राम, देविन्दर कुमार, जय चन्द, ठाकर दास, खूब राम, चमन लाल व विकास ने सरकारी भूमि अतिक्रमण कर अद्वैध तरीके से एक मन्दिर कुछ अर्सा पहले बना रखा है। गांव के यह दबंग व्यक्ति अक्सर प्रार्थी की विधवा मां के साथ लड़ाई-झगड़ा करते रहते थे और उसको परेशान करने के लिए कई तरह के हथकंडे अपनाते रहते थे।

3. यह कि दिनांक 27-07-2019 को इन दबंगों ने वन विभाग के कुछ वर्दीधारी कर्मचारियों/अधिकारियों को गांव में बुलाया और जहां पर उक्त रकबा है और प्रार्थी की माता को कब्जे वाली जगह पर बुलाया। उस वक्त प्रार्थी के घर पर अन्य कोई व्यक्ति मौजूद न था। उस वक्त वहां पर गांव के वह सभी दबंग व्यक्ति उपस्थित थे। वन विभाग के कर्मचारियों/अधिकारियों ने गांव इन दबंग व्यक्तियों के कहने पर प्रार्थी की माता को बिना किसी शिकायत के मौका पर धमकाया जिससे प्रार्थी की माता को मौका पर हार्ट अटैक आया और मौत हो गई। वन विभाग के कर्मचारियों/अधिकारियों ने मौका पर उसकी मदद करने के बजाय वहां से चुपचाप भाग खड़े हुये। गांव की कुछ महिलाओं ने प्रार्थी को आवाज देकर मौका पर बुलाया और प्रार्थी अपनी मां को अस्पताल ले गया जहां पर डाक्टर ने उसे मृत घोषित कर दिया।

Received
Copy
4
16-08-19

Superintendent of Police
Distt. Mandi (H. P.)

लगातार पेज 2 पर

4. यह कि प्रार्थी की माता एक दलित महिला थी और वन विभाग के कर्मचारियों/अधिकारियों ने बिना शिकायत के गैर कानूनी तरीके से उससे पूछताछ की जिससे घबराकर उसकी अकाल मृत्यु हुई है। वन विभाग के कर्मचारियों/अधिकारियों ने "एससी/एसटी एक्ट" के प्रावधानों का उल्लंघन कर दलित विधवा महिला को प्रताड़ित किया है। इसके अलावा वन विभाग ने "वन अधिकार कानून" की भी अवहेलना की है, जिसमें व्यवस्था दी है कि जब तक वन भूमि पर नजायज कब्जे के दावे निपटाये नहीं जाते तब तक ऐसे कब्जाधारियों के खिलाफ कोई भी कार्रवाई अमल में नहीं लाई जा सकती। माननीय सर्वोच्च न्यायलय ने हाल ही में यह व्यवस्था दी है कि जब तक कब्जाधारी व्यक्ति उस जमीन अथवा सम्पत्ति का अधिकार लेने का दावा नहीं करता तो उसे बेदखल नहीं किया जा सकता है।

5. यह कि प्रार्थी ने जब इसकी पड़ताल वन मण्डल सुकैत स्थित सुन्दरनगर से की तो पता चला कि प्रार्थी की माता के खिलाफ अवैध कब्जा की कोई शिकायत दर्ज न है, जिससे प्रमाणित होता है कि गांव के उपरोक्त दबंग व्यक्तियों ने वन विभाग के कर्मचारियों/अधिकारियों के साथ मिलकर सुनियोजित तरीके से प्रार्थी की माता को उसके कब्जे से बेदखल करने की साजिश रची थी। वन विभाग के कर्मचारियों ने मौका पर प्रार्थी की माता के अलावा अन्य किसी परिवार के सदस्य को न बुलाया था जिससे वन विभाग के कर्मचारियों/अधिकारियों की मन्शा पर कई सवाल उठते हैं।

6. यह कि वन विभाग के कर्मचारियों/अधिकारियों ने गांव के दबंग व्यक्तियों से मिलकर प्रार्थी की माता की गैर इरादतन हत्या की है। प्रार्थी ने इसकी शिकायत पुलिस थाना गोहर में दर्ज की मगर पुलिस ने कोई भी ठोस कार्रवाई न की क्योंकि उक्त दबंग लोग काफी प्रभावशाली व रसूखदार व्यक्ति हैं और उन्होंने मामले को दबा रहे हैं। पुलिस गांव के दबंग व्यक्तियों जिन्होंने आस्था के नाम पर खिलवाड़ कर वन भूमि पर अबैध मन्दिर का निर्माण कर रखा है और वन विभाग के कर्मचारियों/अधिकारियों को बचाने में लगी हुई है। शिकायत

दर्ज करने बाद पुलिस थाना गोहर के कई चक्कर काटे मगर पुलिस ने कोई गौर न किया है। अब तक इस मामले में कोई ठप्पेदार नहीं मिली है।

अतः जनाव से प्रार्थना है कि इस मामले की उचित जांच कर गांव के दबंग व्यक्तियों और वन विभाग के कर्मचारियों/अधिकारियों के खिलाफ साजिश रच कर प्रार्थी की माता की गैर इरादतन हत्या करने पर भारतीय दंड संहिता और दलित विधवा महिला को प्रताड़ित करने पर "एससी/एसटी एक्ट" और वन भूमि पर से बिना वन अधिकार तय किये ही बेदखल करने पर "वन अधिकार कानून" के तहत ठोस कार्रवाई करने और प्रार्थी को मुआवजा दिलाने के आदेश जारी किये जावें।

दिनांक 10-08-2019

प्रार्थी

प्रतिलिपि:-


1. माननीय मुख्यमंत्री, हिमाचल प्रदेश सरकार शिमला।
2. जिलाधीश मण्डी, सूचनार्थ व आवश्यक कार्यवाही हेतू।
3. पुलिस अधीक्षक मण्डी, सूचनार्थ व आवश्यक कार्यवाही हेतू।
4. अरण्यपाल मण्डी, सूचनार्थ व आवश्यक कार्यवाही हेतू।

दिनांक 10-08-2019

प्रार्थी

देश राज पुत्र स्व० श्री बुधे राम
निवासी गांव डंगेल डा० मौवीसेरी
तह० चच्योट जिला मण्डी हि०प्र०
मो० :- 9882241757 व 9816816892

Annexure 3 Copy of FIR



N.C.R.B. (एन.सी.आर.बी.)
I.I.F. (प्रतिकृतित रिपोर्ट फॉर्म -I)

FIRST INFORMATION REPORT
(Under Section 154 Cr.P.C.)
प्रथम सूचना रिपोर्ट
(धारा 154 दंड प्रक्रिया संहिता के तहत)

1. District (जिला): MANDI P.S. (थाना): GOHAR Year (वर्ष): 2019
FIR No. (प्र.सू.रि. सं.): 0084 Date and Time of FIR (प्र.सू.रि. की दिनांक और समय): 28/08/2019 17:11 hrs

2.

S.No. (क्र.सं.)	Acts (अधिनियम)	Sections (धारा(एँ))
1	SC AND THE ST (PREVENTION OF ATROCITIES) ACT, 1989	3(1)(vi)

3. (a) Occurrence of offence (अपराध की घटना):
1. Day (दिन): Friday Date From (दिनांक से): 25/07/2019 Date To (दिनांक तक): 26/07/2019
Time Period (समय अवधि): Pahar 4 Time From (समय से): 12:30 hrs Time To (समय तक): 12:50 hrs
(b) Information received at P.S. (थाना जहाँ सूचना प्राप्त हुई): Date (दिनांक): 28/08/2019 Time (समय): 17:04 hrs
(c) General Diary Reference (सूचना संदर्भ): Entry No. (प्रविष्टि सं.): 033 Date & Time (दिनांक और समय): 28/08/2019 17:04 hrs

4. Type of Information (सूचना का प्रकार): Written

5. Place of Occurrence (घटनास्थल):
1. (a) Direction and distance from P.S. (थाना से दूरी और दिशा): WEST. 15 Km(s) Beat No. (बीट सं.): 03-महरोट मीठी
(b) Address (पता): DANGAIL PO MOVI SERI ,CHACHIOT
(c) In case, outside the limit of this Police Station, then (यदि थाना सीमा के बाहर है तो):
Name of P.S. (थाना का नाम): GOHAR District(State) (जिला (राज्य)): MANDI(HIMACHAL PRADESH)

6. Complainant / Informant (शिकायतकर्ता/सूचनाकर्ता):
(a) Name (नाम): DESH RAJ
(b) Mother's Name (माँ का नाम): LT SMT DAMA DEVI
(c) Date/Year of Birth (जन्म तिथि / वर्ष): 1995 (d) Nationality (राष्ट्रियता): INDIA
(e) UID No. (यूआईडी सं.): (f) Passport No. (पासपोर्ट सं.): Date of Issue (जारी करने की तिथि):
(g) Place of Issue (जारी करने का स्थान):
(g) Id details (Ration Card, Voter ID Card, Passport, UID No., Driving License, PAN)

S.No. (क्र.सं.)	Id Type (पहचान पत्र का प्रकार)	Id Number (पहचान संख्या)
1		

(h) Address (पता):

S.No. (क्र.सं.)	Address Type (पता का प्रकार)	Address (पता)
1	Present Address	DANGAILPO MOVI SERI ,CHACHIOT ,GOHAR,MANDI,HIMACHAL PRADESH,INDIA
2	Permanent Address	DANGAILPO MOVI SERI ,CHACHIOT ,GOHAR,MANDI,HIMACHAL PRADESH,INDIA

(i) Occupation (व्यवसाय): Mobile (मोबाइल सं.):
(j) Phone number (दूरभाष सं.):

7. Details of known/suspected/unknown accused with full particulars (ज्ञात / संदिग्ध / अज्ञात अभियुक्त का पूरा विवरण सहित वर्णन):

S.No. (क्र.सं.)	Name (नाम)	Alias (उपनाम)	Relative's Name (रिश्तेदार का नाम)	Present Address (वर्तमान पता)
1	Unknown1			

8. Reasons for delay in reporting by the complainant/informant (शिकायतकर्ता / सूचनाकर्ता द्वारा रिपोर्ट देरी से दर्ज कराने के कारण):

1

9. Particulars of properties of interest (संबन्धित सम्पत्ति का विवरण):

S.No. (क्र.सं.)	Property Category (संपत्ति श्रेणी)	Property Type (सम्पत्ति का प्रकार)	Description (विवरण)	Value(in Rs/-) (मूल्य (₹ में))
-----------------	------------------------------------	------------------------------------	---------------------	--------------------------------

10. Total value of property (In Rs/-)-सम्पत्ति का कुल मूल्य(₹ में):

11. Inquest Report / U.D. case No., if any (मृत्यु समीक्षा रिपोर्ट / यू.डी.प्रकरण सं., यदि कोई हो):

S.No. (क्र.सं.)	UIDB Number (यू.डी.प्रकरण सं.)
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12. First information contents (प्रथम सूचना तथ्य):

इस समय दर्ज है कि देशराज पुत्र स्व० टमा देवी गांव डंगोल डा० मौवीसेरी तहसील चच्योट जिला मण्डी हि० प्र० ने हाजिर थाना आकर एक शिकायत पत्र पेश पुलिस किया जिसका सार इस प्रकार से है - सेवा में, थाना प्रभारी पुलिस थाना गोहर तहसील चच्योट जिला मण्डी (हि० प्र०) विषय : सुकेत वन मण्डल की बग्गी वीट के वन विभाग के कर्मचारियों के खिलाफ अनुसूचित जाति, जन जाति अत्याचार निवारण कानून के अन्तर्गत प्रथम सूचना रिपोर्ट दर्ज करने वाले प्रार्थना पत्र। महोदय जी, निवेदन है कि मैं देशराज पुत्र स्व. टमा देवी गांव डंगोल पंचायत मौवीसेरी तहसील चच्योट जिला मण्डी का निवासी हूँ मैं अनुसूचित जाति से सम्बन्धित एक सीमांत वन आश्रित परिवार से हूँ। महोदय, दिनांक 26 जुलाई 2019 को मेरी मां टमा देवी दोपहर 12:30 के लगभग भोजन के समय जब घर से पानी लेने के लिए अपनी जमीन के पास वाली बावड़ी पर गई, तब उसे आवाज देकर गांव के कुछ लोगों ने मन्दिर से लगती हुई हमारी बान्धी हुई जमीन पर बुलाया था। वहां पर हमारे गांव के 40 से 50 लोगों के साथ सुकेत वन मण्डल बग्गी वीट के वन विभाग के 6 अधिकारी व कर्मचारी जिनमें एक महिला कर्मचारी भी थी, पहले से मौजूद थे। वन विभाग के इन खाकी वर्दीधारी अधिकारियों ने मेरी मां को सभी लोगों के बीच बुलाया व बिना किसी शिकायत या सूचना के जमीन से बेदखली को लेकर वहां पर पूछताछ व धमकाना शुरू कर दिया। इस भीड़ में मेरी माता जी को डराने धमकाने वाले गांव के 7 अन्य लोग भी शामिल थे। उस समय इस टबगाई के माहौल में मेरी मां घबरा कर उनके आगे हाथ जोड़ने लगीं। वहां मौजूद कुछ लोगों ने बताया कि वन विभाग के अधिकारी व कर्मचारियों ने मेरी माता जी को बड़े गुस्से से धमकी देते हुये पुछा कि जिस जमीन पर बाड़ लगाई है, फसल बीबी है, क्या यह जमीन आप की है, उसे खाली कर दे ?माता जी ने हाथ जोड़ कर गिडगिडाते हुये कहा कि यह जमीन मेरे पुर्खा की है और मैं इस जमीन पर खेती करते हुये अपने परिवार का पालन पोषण करती आ रही हूँ। लेकिन अधिकारियों ने जब धमकाना नहीं छोड़ा, तब वे रोते रोते, हाथ जोड़ते जोड़ते वही गिर पड़ी। उस समय वन विभाग के अधिकारियों ने मौके पर मां की मट्ट करके बजाय तुरन्त अपनी खाकी टोपियां उतार टी और वहां मौजूद महिलाओं की तरफ कहते हुए कहा कि इसे यहां से जल्दी ले जाओ। तब गांव की कुछ महिलाओं ने ये कहते हुए कि मेरी मां को कुछ हो गया है, मुझे आवाज देकर घटना स्थल पर बुलाया, जब मैं वहां पहुंचा तो मेरी मां वहां पर बेहोश जैसी गिर पड़ी थी। तब मैंने जल्दी -2 में 108 को एम्बुलेंस के लिए काल किया और किसी - तरह मां को सड़क तक पहुंचाया। मैं लिफ्ट लेकर गोहर अस्पताल लेकर जा रहा था तभी रास्ते में नैहरा मोड़ के पास एम्बुलेंस मिल गई। गोहर अस्पताल पहुंच कर डाक्टरों ने मेरी मां को तुरन्त मृत घोषित कर दिया। महोदय इस घटना के तुरन्त बाद मैं उसी दिन पुलिस थाना गोहर प्रथम सूचना रिपोर्ट दर्ज करवाने गया था लेकिन वहां पर प्रथम सूचना रिपोर्ट दर्ज नहीं की गई। मेरी मां की मौत में वन विभाग के यह 6 अधिकारी मुख्य रूप से दोषी है जिन्में एक डिप्टी रेंजर विनोद कुमार शर्मा था, दो गाईं थे जिसमें महिला गाईं सन्गीता शामिल थी और चार फोरस्ट वर्कर मौके पे मौजूद थे। साथ में मेरे गांव के सात अन्य लोग खुब राम पुत्र तिखु राम जय चन्द पुत्र खुब राम, ठाकुर दास पुत्र खुब राम देवेन्द कुमार, चेत राम, राजु पुत्र तवारु राम और चमन लाल भी शामिल है। क्योंकि ये हमारी जमीन को मंदिर के बहाने हथियाना चाहते है। ये पहले भी हर वक मेरी माता को धमकाते रहते थे और हमारे खिलाफ झूठी शिकायतें करते रहते है इसलिये इनके खिलाफ भी भारतीय टण्ड संहिता के तहत मामला दर्ज किया जाये। वन विभाग बिना कोई सूचना दिये, मेरी माता को डराने धमकाने और हमारी जमीन को छुड़वाने के लिये वावर्टी आ धमके थे। जिससे साफ होता है कि ये वन विभाग के ये कर्मचारी अधिकारी गांव के चन्द लोगों के साथ मिलकर सोची समझी योजना के साथ मेरी मां पर गैर कानुनी तरीके से दयाव वनाते हुये हमारी जमीन को कब्जाने की नियत से आये थे। जिसके कारण माता जी की मौत हो गई वन अधिकारी कानून जो वन पर निर्भर परिवारों जिनका वन भूमि पर कब्जा 13 दिसम्बर 2005 से पहले का हो को जिवीका चलाने के लिये कब्जा कि गई वन भूमि पर व्यक्तिगत अधिकार देता है लेकिन इसके बावजूद वन विभाग द्वारा मेरी बुढ़ी गरीब दलित माता को इस तरीके से डराना, प्रताडित करना न केवल गैर कानुनी वल्कि बहुत ही अमानवीय व्यवहार है। यह मामला वन विभाग द्वारा इरादतन हत्या का मामला है वन विभाग के बग्गी वीट के इन 6 अधिकारियों ने वन अधिकार कानून की धारा 4(1),4(5) का स्पष्ट रूप से उल्लंघन किया है। अतः महोदय से गुजारिश है कि वन विभाग से सम्बन्धित इन सभी 6 कर्मचारियों के खिलाफ अनुसूचित जाति, जन जाति अत्याचार निवारण कानून की धारा 3(2)(ह) और भारतीय टण्ड संहिता के तहत इरादतन हत्या का मामला दर्ज किया जाये व इस पर ठोस कानुनी कार्यवाही की जाये ताकि मुझे न्याय मिल पाये। धन्यवाद सहित Sd. Desh raj देशराज गांव डंगोल पंचायत मौवीसेरी तहसील चच्योट, मण्डी। कार्यवाही थाना हस्व आमदा शिकायत कर्ता कि शिकायत को शब्द वशब्द लिखा गया। मजबुन शिकायत पत्र से मामला जूम जेर धारा 3(1)(f) scst act का बकूह में आना पाया जा रहा है जिसपर मुकदमा पंजीकृत याना किया गया जो अभियोग विशेष नोडयत का है। इसलिए प्रथम सूचना रिपोर्ट को ही विशेष रिपोर्ट समझा जाए।

13. Action taken: Since the above information reveals commission of offence(s) u/s as mentioned at Item No. 2.

(की गयी कार्यवाही : वृ कि उपरोक्त जानकारी से पता चलता है कि अपराध करने का तरीका मट सं. 2 में उल्लेख धारा के तहत है।)

or (या)

(1) Registered the case and took up the investigation:
(प्रकरण दर्ज किया गया और जांच के लिए लिया गया):

(2) Directed (Name of I.O.) (जांच अधिकारी का नाम): Virender Kumar Rank (पद): HC (Head Constable)
No. (सं.): 892 to take up the investigation (को जांच अपने पास में लेने के लिए निर्देश दिया गया) or (या)

(3) Refused investigation due to (जांच के लिए):

Annexure 4 Copy of Second Application

दिनांक: 3 - 9 - 2019

सेवा में,

पुलिस अधिक्षक महोदय मंडी,

जिला मण्डी (हि. प्र.)

विषय: सुकेत वन मण्डल की बग्गी बोट के कर्मचारियों-अधिकारियों के खिलाफ अनुसूचित जाति, जन जाति अत्याचार निवारण कानून के अन्तर्गत दर्ज प्रथम सूचना रिपोर्ट नम्बर 0084 दिनांक 28 अगस्त 2019 में छुटी धाराओं को जोड़ने के लिये निवेदन।

महोदय जी,

मैं देशराज पुत्र स्व. दमा देवी गांव डंगैल पंचायत मौवीसेरी तहसील चच्योट जिला मण्डी का स्थाई निवासी हूँ। मैं अनुसूचित जाति से सम्बन्धित एक सीमांत वन आश्रित परिवार से हूँ। महोदय, दिनांक 26 जुलाई 2019 को हमारे आवेदन पर थाना गोहर में एफ आई आर नम्बर 0084 दर्ज किया गया है। इसकी जांच के लिये डी एस पी महोदय घटनास्थल पर आये थे। मान्यवर, इस एफ आई आर में महत्वपूर्ण तथ्य के अनुसार कुछ धाराएँ नहीं लगाई गई हैं। अतः आपसे विनम्र आग्रह है कि आप जो हमारा मूल आवेदन है के अनुसार धाराओं को जोड़े। जिससे हमें न्याय मिल सके। जिसमें वन अधिकार कानून 2016 की अवहेलना हुई है। जिनमें वन अधिकार कानून की धारा 4(1), 4(5) का उल्लंघन किया है। वन विभाग से सम्बन्धित इन कर्मचारियों-अधिकारियों के खिलाफ अनुसूचित जाति, जन जाति अत्याचार निवारण कानून की धारा 3(2)(g) और भारतीय दण्ड संहिता के तहत गैर इरादतन हत्या का मामला दर्ज करते हुये इनके खिलाफ ठोस कार्यवाही की जाए। ताकी हमें न्याय मिल सके। धन्यवाद सहित।

दिनांक: 3 सितम्बर 2019,

आवेदक:

देशराज सपुत्र स्व0 श्री मती दमा देवी

गांव डंगैल पंचायत मौवी सेरी

तहसील चच्योट हि0प्र0।

संलग्न-

भारत का राजस्व प्रतिलिपि।

Annexure 5 Copy of Jamabandi of a revenue village from Mandi showing najayaz kabza in record.

जिला 06 भागीरथी मंडी		उप-तहसील 12 मंडी 007501		कटनगाँव वृत्त हदबंदी नं. 533		पट्टा नं. 52 अट 2011-2012		रकबा इकाई वीथी-नं. 10				
सू. क्र.	खसती-नं.	सबब नशी या तहसील सबब नशी नम्बरादा जमा, मुसामता	नाम मालिक व पदनाम	नाम किरानदार व पदनाम	पट्टा नं. व वीथी नम्बर	वर्ग	क्षेत्रफल बघा	रकबा हदबंदी व नैवेद्य खाल सब किसम आरथी वीथी इकाईये में	जमा नं. मुताब. सब किसम व तहसील	किसम का किसम वीथी व तहसील बघ	मुसामता व इकाई मुसामता व इकाई	कीमत
1	2	3	4	5	6	7	8	9	10	11	12	13
								03-07-02				
	100 97			कमना बरा निवासी कुंभे बरिन परिभारत मुताबिक नवरा बरिन			1 525778 94 266 267	अंजन मीठुन गैर मीठुन 76-03-19 अंजन मीठुन गैर मीठुन 136-12-13 अंजन मीठुन गैर मीठुन 03-14-04 अंजन मीठुन गैर मीठुन 74-14-11 अंजन मीठुन गैर मीठुन				
	101 98			मनमू पुन विद्याल पुन मीठु स्थानिक बासी - यथापन बरिन			13	388-14-00 अकृप अंजन मीठुन गैर मीठुन 388-14-00				
			मोठे पू-साम्पति				किता 56 बटा 8 अकृप बासी अकृप 01-14-00	631-00-13 अकृप 629-06-13 यथापन इकाई 16-03-06 यथापन इकाई 147-12-14 अंजन मीठुन गैर मीठुन 388-14-00 गै.मु. मीठु 76-16-13				
			मोठे कुल - पैर :				किता 479 पतना 478 मिटा 1 बटा 158 अकृप	851-15-02			167.11 पतना 87.06 सबब 74.05	

*P.D. - Tehsildar
Teh. Aut Dist. Mandi (H.P.)*

मौज 06 मण्डो पनारसा

खसरी 12 ओट मोहल 003701 सनसोई

बामुनगो वन ओट

पटवार वन पनारसा इन्वन्त न. 519

रकबा इन्वन्त साल 2015-2016

1	2	3	4	5	6	7		9	10	11	12	13
						सर्विस	हाल					
133	131						410/265	81-02-17 मंगल मेहेरुजा गैर मेहेरुजा विल 14 बटा 9				
134	132						364/149	अकूट मंगल मेहेरुजा गैर मेहेरुजा 733-15-04				
135	135						297	00-01-10 गै.मु.मुकून				
							257	00-04-12 गै.मु.मकन				
							258	00-01-18 गै.मु.मकन				
							259	00-02-10 गै.मु.मकन				
							260	04-08-04 04-00-00 बालनी सोना 00-08-04 गै.मु.मोड				
							विल 4 अकूट	04-17-04 अकूट				
							बालनी सोना 04-00-00	गै. मु.मोड 00-17-04				

P.O. G. Jhaskar
Teh. Aut Distt. Mandi (H.P.)

Annexure 6: Sample of the 'Nil' Certificates taken from FRC

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पुरसूचित जनजाति और अन्य परम्परागत वन निवासी (वन अधिकारों की मान्यता) अधिनियम 2006

वन अधिकार समिति उहाल एलएल
 ग्राम सभा.....
 प्रतिनिधि प्रस्ताव-1
 दिनांक 01/04/2017

प्रस्ताव संख्या:-

वन अधिकार समिति ग्राम सभा उहाल एलएल की बैठक आज दिनांक 01-04-2017 को 11-60 बजे स्थान उहाल एलएल में श्री/श्रीमति उहाल एलएल की अध्यक्षता में की गई, जिसमें उहाल एलएल गांव के अनुसूचित जनजाति और अन्य परम्परागत वन निवासी (वन अधिकारों की मान्यता) अधिनियम 2006 के अन्तर्गत उहाल एलएल जंगल/वन क्षेत्र में (जिसमें उहाल एलएल विभाग द्वारा के निर्माण के लिए हेक्टियर वन भूमि के उपयोग की मंजूरी प्रस्तावित है) वन अधिकारों के लिए दावे हेतु प्राप्त हुए गांव वासियों के वन अधिकारों के आवेदनो पर चर्चा की गई। वन अधिकारियों के प्रस्तावों के साथ प्रस्तुत दस्तावेजों के अध्ययन तथा उस पर विस्तृत चर्चा के उपरान्त वन अधिकार समिति राभा द्वारा निम्नलिखित पात्रों का दावा नियमानुसार सही पाया गया -

क्रम संख्या	पात्र गांववासी का नाम	जंगल का नाम	वन अधिकारी का ब्यौरा
1.			
2.		<u>NIL</u>	

तदनुसार यह वन अधिकार समिति इस दावे/इन दावों को पारित करने हेतु ग्राम सभा से इसकी सिफारिश करती है।

उपरोक्त में से निम्नलिखित पात्रों का दावा नियमानुसार सही नहीं पाया गया:-

क्रम संख्या	पात्र गांववासी का नाम
1.	
2.	<u>NIL</u>

तदनुसार ग्राम सभा इस दावे/इन दावों का निरसत करने की सिफारिश करती है।

या

जंगल/वन क्षेत्र में कोई भी वन अधिकार का दावा प्राप्त नहीं हुआ।

स्थान उहाल एलएल वन अधिकार समिति सचिव [Signature]
 मुद्दान-हरिपुर ग्राम पंचायत मुद्दान-हरिपुर ग्राम पंचायत हरिपुर
 दिनांक 1/4/2017 अधिकृत हस्ताक्षरकर्ता

ग्रामवासी/ग्राम वासियों के नाम जिन्होंने इस वन क्षेत्र/जंगल में वन अधिकार के दावा के लिए आवेदन किया है।

प्रोजेक्ट/कार्य का नाम जिसके लिए वन (संरक्षण) अधिनियम 1930 के अन्तर्गत वन भूमि के उपयोग की अनुमति दी जानी है।

सचिव
 वन अधिकार समिति
 मुद्दान-हरिपुर ग्राम पंचायत