

From

The Deputy Commissioner, Kullu  
Distt. Kullu (HP)

To

The Project Head,  
Manali Ropeways Private Limited,  
Manali Distt. Kullu.

No: .....1899...../DRA  
Dated: 12/12/18...

**Subject:** Diversion of 8.9899 Hect. of Forest Land in favour of Manali Ropeways Pvt. Ltd. Solang Valley, Tehsil Manali Distt. Kullu (HP) for the construction of Manali Ropeway project within the jurisdiction of Kullu forest Division Distt. Kullu (HP) (Oline No. FP/HP/Others/31593/2018).

Sir,

Please refer to your letter No. MRPL/FRA/22 dated 22/10/2018, vide which you have requested to issue the NOC/ FRA certificate as per the format, prescribed by the ministry, for linear project i.e. "FORM-I", on the subject cited above.

The matter was discussed in District Level Committee on dated 26/11/2018 and in this context, it is submitted that the above mentioned FORM-I requires to certify that:

- a) the complete process for identification and settlement of rights under the FRA has been carried out for the entire ..... hectares of forest are proposed for diversion. A copy of records of all consultations and meetings of the Forest Rights Committee(s). Gram Sabha(s), Sub-Division Level Committee(s) and the District Level Committee are enclosed as annexure .... to ..... annexure.....
- b) the diversion of forest land for facilities managed by the Govt. as required under section 3 (2) of the FRA have been completed and the Gram Sabhas have given their consent to it,
- c) the proposal does not involve recognised rights of Primitive Tribal Groups and Pre-agricultural communities.

As far as point 'A' is concerned it is informed that the complete process for identification and settlement of rights under Forest Right Act have carried out for the Mohal Kothi. The meeting of Forest Right Act committee was duly held on dated 01/10/2017. (The copy of same annexed as 'A'), in which no individual claim was received, but one community claim was received. The Sub Division Level Committee meeting was held on dated 30/12/2017. (The copy of same is annexed as 'B'), in which also no individual claim was received, but one



community claim was considered and forwarded to DLC for consideration and recognition. The District Level Committee meeting was held on dated 06/3/2018. (The copy of same is annexed as 'C'), in which the community right of people living in Muhal Kothi were duly recognised and a title recognising community rights was also issued. (The copy of same annexed as 'D'). Hence proper procedure has been adopted as per Forest Right Act and rights have been duly conferred.

As far as point 'B' is concerned, it relates to the diversion of Forest Land for facilities manage by the Govt. as required under section 3(2) of the Forest Right Act, but here the case has not been moved under FRA but clearance under FCA is warranted, hence there is no need to certify this. Also it is pertinent to mention here that as per the letter No. F.No. 11-9/98-FC (pt.) dated 05<sup>th</sup> February, 2013 issued by Ministry of Environment and Forests (FC Division) Government of India where linear diversion of use of forest land involved, unless recognised rights of PTG/ PAC are being, affected, is exempted from the requirement of obtaining consent of the concerned Gram Sabha(s) as stipulated in clause (c) read with clause (b), (e) and (f) in second para of this Ministry's said letter dated 03/8/2009. Furthermore, it is also clarified that ropeway project shall be considered as liner project for the purpose of guidelines dated 03/8/2009 and 05/02/2013 issued in this regard, vide letter No. F.No. 11-09/1998-FC (Pt.) dated 23<sup>rd</sup> October, 2017 issued by the Ministry of Environment, Forest & Climate Change (Forest Conservation Division) Govt. of India. (The copy of same is annexed as 'E').

Now coming to the point 'C', it is clarified that there are no Primitive Tribal Groups and Pre-agricultural communities in Mohal Kothi and hence it does not involved recognised rights of PTG and PAC.

This is for favour of information and further necessary action at your end please.

Encl: As above

Yours faithfully



(Yunus, IAS)

**Deputy Commissioner,  
Kullu**

e-mail: [dc-kul-hp@nic.in](mailto:dc-kul-hp@nic.in)  
Ph 01902 222727

प्रस्ताव संख्या ..01....

दिनांक 02-10-2017.

वन अधिकार समिति, मुहाल सभा ..... काठ ..... की बैठक आज दिनांक ..... को 11 बजे, स्थान ..... में श्री/श्री मती ..... की अध्यक्षता में की गई जिसमें ..... मुहाल के अनुसूचित जनजाति व अन्य परम्परागत वन निवासी (वन अधिकारों की मान्यता) अधिनियम 2006 को अंतर्गत वन अधिकारों के लिए दावे प्राप्त हुए। गांववासियों के वन अधिकारों के आवेदनों पर चर्चा की गई। वन अधिकारों के प्रस्तावों के साथ प्रस्तुत दस्तावेजों के अध्ययन तथा उस पर विस्तृत चर्चा के उपरांत निम्न प्रकार से कार्यवाही की गई।

कुल प्राप्त आवेदन ① २१॥१३६॥५३

सही दावों का व्यौरा :-

1. पारित. सी.डी. जडी रुकी. धांस पानी, जमरती. व वालन लकी आये हुन को।  
2. जल स्रोतों के सूरक्षाएं सब समर्थन देने में 34 प्रतिशत देना।  
3. जम आये काल आये ने भूमि 2006 के अनुसार जागी आये काल दी सबको पूरा।  
तदनुसार यह मुहाल सभा इस दावे /इन दावों को पारित करने हेतु मुहाल सभा से इसकी सिफारिश करती है।  
उपरोक्त में से निम्नलिखित पात्रों का दावा नियमानुसार सही पाया गया।

क्र० संख्या	पात्र गाँव वासी का नाम
	रामचन्द्र गाँव वासी भोहरा बोट

उत्तर :-

तदनुसार मुहांस सभा इस दावे /इन दावों को निरस्त करने की सिफारिश करती है।

या

..... मुहाल/गाँव में कोई भी वन अधिकार का दावा प्राप्त नहीं हुआ।

स्थान ०६६  
दिनांक २-१०-१७

सचिव

वन अधिकार समिति  
सचिव  
वन अधिकार समिति  
... कीठी, ग्राम पंचायत पलवान  
... नाली, जिला कुल्लू (हि.प्र.)

અધ્યક્ષ

वन अधिकार समिति

प्रधान ३१ मर्च १९८८  
वन अधिकारी कार्यालय  
मुंबई  
प्रधान, वन विभाग, वन विभाग  
विशेष कार्यालय, जिला मुख्यालय, वि. प्र.



## Annexure-III

**OFFICE OF THE SUB DIVISIONAL OFFICER (CIVIL),  
MANALI, DISTRICT KULLU, (H.P.)**

Proceeding of the meeting of the Sub Divisional Level Committee constituted under Schedule Tribe & Other Traditional Forest dwellers (Recognition of Rights) Act (FRA), 2006.

A meeting of the Sub Divisional Committee Manali constituted under FRA, 2006 was held under the Chairmanship/Chairpersonship of Mr. H.R. Baiswa 1A3, S.D.O.(C), Manali on dated 30.12.2017 at 2:30 PM at Manali in which the application(s) of ..... Claim Muhal, ..... claiming rights in Sub Division Manali forest area(s) under FRA, 2006 duly processed and recommended by the concerned Muhal Sabha were discussed to consider the same for recommendation to the District Level Committee.

After scrutiny of the documents and detailed discussions, the claim of the following applicants were found to be in order and recommended for admission to the District Level Committee.

Sr. No.	Name of the applicant	Name of the Forest Detail of the Forest Rights
1.	<u>.....</u>	<u>.....</u>
2.	<u>.....</u>	<u>.....</u>

Claims of the following applicants were not found in order and rejected:-

Sr. No.	Name of the applicant	Name of the Forest Detail of the Forest Rights
1.	<u>.....</u>	<u>.....</u>
2.	<u>.....</u>	<u>.....</u>

As informed by ....., application/s was/were received claiming rights in .....

Forest area.

Place: Manali

Date: 30.12.2017

.....  
S.D.O. (C) Cum Chairmanship/Chairpersonship  
SDLC, Manali, Distt. Kullu, H.P.

As informed by ..... application/s was/were received claiming rights in ..... Forest area.

It was suggested and unanimously approved by the members of the Committee that the community rights of the forest dwellers of each of the Muhals as expressed and recorded in Naksha Bartan and Wazib-ul-Arz prepared during revenue settlement and the Forest Settlement Report of the Forest Department should be recommended under section 6(3) of the Act for final approval by the District Level Committee. The enjoyment of community rights which are overlapping shall continue to be concurrent by respective Muhals and the maps maintained by the Forest Department showing existing legal boundaries of reserve forests, protected forests, National Parks and Sanctuaries, as the case may be, shall be considered to be community forest resource maps in respect of each Muhal. Hence, SDLC recommends such community rights for approval by the District Level Committee.

Place: Manali

Date:

.....  
S.D.O. (C) Cum  
Chairmanship/Chairpersonship  
SDLC, Manali, Distt. Kullu, H.P.

Annexure - C

**Proceedings of the meeting of the District Level Committee constituted under Schedule Tribes & Other Traditional Forest Dwellers (Recognition of Forest Rights) Act (FRA), 2006.**

A meeting of the District Level Committee of Kullu District, constituted under FRA, 2006 was held under the Chairmanship of Sh. Yunus, Deputy Commissioner, Kullu on **06-03-2018 at 11-00 AM** at Kullu in which the settlement of community rights in Gram Panchayat Plachan forest area under FRA, 2006, of Muhal Kothi duly processed and recommended by the Sub Division Level Committee(s) of **Manali** Sub Division(s), were discussed to consider the same for admission by the District Level Committee.

After scrutiny of the documents and detailed discussions that no new community /individual claims have been received from the Muhal Sabha Kothi. Hence the DLC has recommended that community rights as recorded in wazib-Ul-Arj and forest settlement be recognised of Muhal Kothi.

**Name of Applicant**  
Secretary Gram Sabha Muhal Kothi.

Place : Kullu  
Dated:

**Decision (Admitted/Rejected)**  
Admitted

  
(Yunus)  
District Collector, Kullu.  
*ofc*



## Annexure - D


### Title to Community Forest Rights.

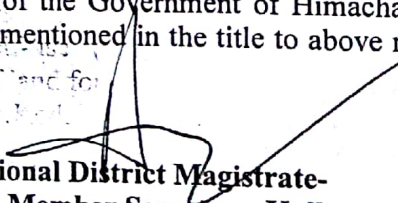
See rule 8(h) of the Scheduled Tribes and Other Traditional forest Dwellers (Recognition of Forest rights) rules, 2008.

1	Name(s) of the holder(s) of community	All Permanent Residents of Revenue Estate Mohal Kothi.
2	Village/ Gram Sabah	Mohal Kothi
3	Gram Panchayat	Palchan
4	Tehsil/ Taluka	Manali
5	District	Kullu
6	Scheduled Tribes/ Other Traditional Forest Dweller	Scheduled Tribes/Other Traditional Forest Dweller
7	Nature of community Rights	Following right that stand recorded in the revenue record namely in the Naksha Bartan and Wajib-ul- Arj of revenue estate Muhal Kothi. (1) Grazing, (2) Grass reaping for fodder, (3) Leafage reaping for fodder, (4) Picking of toppled leafage for manure, (5) Timber for house building , (6) Fire wood for daily use, (7) Timber for cremation, (8) Timber for Agriculture tools. (9) Timber for house pots & pounder, (10) Grass reaping for roof of house, (11) Grass reaping for rope of other agriculture needs, (12) Wild fruits, flowers and herbs for self-use (13) Use of water for human and cattle, (14) use of land for cremation and (15) collection of herbs like Dhoop, Kod, Kuth Chukri and Aatls etc.
8	Condition if any:	
9	Description of boundaries including customary boundaries and / or by prominent landmarks including Khasra/ compartment No.	Entire forest land of Muhal Kothi.

Name(s) if the holder(s) of community forest right: All PERMANENT RESIDENTS OF REVENUE ESTATE "KOTHI".

We, the undersigned, hereby, for and on behalf of the Government of Himachal Pradesh affix our signatures to confirm the forest right as mentioned in the title to above mentioned holders of community forest rights.

  
Divisional Forest Officer,  
Kullu.

  
Additional District Magistrate-  
cum -Member Secretary, Kullu.

  
Deputy Commissioner,  
Kullu.

Annexure - E

F. No.11-09/1998-FC(Pt.)  
Government of India  
Ministry of Environment, Forest & Climate Change  
(Forest Conservation Division)

Indira Paryavaran Bhawan,  
Jor Bagh Road, Aliganj,  
New Delhi-110003.  
Dated: 23<sup>rd</sup> October, 2017.

To

The Principal Secretary (Forests)  
All States/ Union Territory Governments

Sub: Diversion of forest land for non-forest purposes under the Forest (Conservation) Act, 1980- ensuring compliance of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Right) Act,-2006.

Sir,

Kindly refer this Ministry letter of even number dated 03.08.2009 and 05.02.2013 wherein this Ministry issued detailed guideline on submission of evidences for having initiated and completed the process of settlements of rights under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Right) Act, 2006.

This Ministry has received representation from Himachal Pradesh to consider the Ropeway Project as liner project for the purpose of these guidelines. The Ministry has examined the matter and considering the nature of the rope way project, I am directed to convey that ropeway project shall be considered as liner project for the purpose of guidelines dated 03.08.2009 and 05.02.2013 issued in this regards.

This issue with the approval of competent authority.

  
23/10/17  
(Naresh Kumar)

Dy. Inspector General of Forests (FC)

Copy to:

1. All PCCFs States/UTs.
2. All Regional Office, MOEF&CC.
3. Secretary, M/o Tribal Affairs, Shastri Bhawan, New Delhi.
4. Nodal Officers (FCA) O/o the PCCFs All States/UTs.
5. Dir(ROHQ)/All AIGFs(FC), MOEF&CC, New Delhi.
6. PPS to Secretary, MOEF&CC, New Delhi.
7. PPS to DGF&SS, MOEF&CC, New Delhi.
8. PPS to IGF(FC), MOEF&CC, New Delhi.
9. Guard File .

  
23/10/17  
(Naresh Kumar)

Dy. Inspector General of Forests (FC)