FORM II

(for projects other than linear projects)
Government Of Himachal Pradesh
Office of the District Collector, Mandi

Dated Mandi, the 30.12 2019

TO WHOSOEVER IT MAY CONCERN

In compliance of the Ministry of Environment and Forests (MoEF), Government of India's letter No. 11-9/98-FC(pt) dated 3rd August, 2009 wherein the MoEF issued guidelines on submission of evidences for having initiated and completed the process of settlement of rights under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 ('FRA', for short) on the forest land proposed to be diverted for non-forest purposes, it is certified that 8-1-15 Bighas (0.69 hectare) of forest land proposed to be diverted in favour of Sh. Ved Kumar s/o Chatter Singh Village Firnoo, P.O. Sarahan, Tehsil Karsog for the purpose of extraction of Sand, Stone & Bajri in Mandi District falls within jurisdiction of muhal Firnoo, in Tehsil Karsog.

It is further certified that:

- (a) The complete process of identification and settlement of rights under the FRA has been carried out for the entire 8-1-15 Bighas (0.69 hectare) of forest land 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 I to V.
- (b) The proposal of such diversion (with full details of the project and its implications, in vernacular/local language) have been placed before each concerned Gram Sabha of forest Dwellers under the FRA.
- (c) The each of concerned Gram Sabha (s), has certified that all formalities/ processes under the FRA has been carried out, and They have given their consent to the proposed Diversion and the compensation and ameliorative measures, if any, having understood the purpose and details of proposed diversion. Copies of certificates issued by Gram Sabhas of said Tehsils are enclosed as annexure V.
- (d) The discussion and decision on such proposals had taken place only when there is quorum of minimum 50% of the members of each Gram Sabha present.
- (e) There is no PTG and PAC in the jurisdiction of Mandi District.
- (f) The Rights of the Premitive Tribal Groups and Pre-Agricultural Communities, where applicable has been specifically safeguarded as per section 3(1)(e) of the FRA.

Encl: As above.

District Collector, Mandi District, Mandi H.P.

Mandi Distt. Mandi

Proceeding of the meeting of the District Level Forest Right Committee held under the Chairmanship of Deputy Commissioner, Mandi on 28.09.2019.

1. Addl. District Magistrate, Mandi

(Member Secretary)

- 2. Divisional Forest Officer, Suket
- 3. Divisional Forest Officer, Mandi
- 4. Divisional Forest Officer, Nachan
- 5. Sh. Sant Ram Thakur, Zila Parishad Member, V.P.O Khalwahan, Tehsil Balichowki. (Member)
- Sh. Shyam Singh Chauhan, Village Mungar, P.O. Sarahan, Tehsil Karsog. (Member)
- Smt. Champa Thakur, V.P.O Dawahan, Tehsil Kotli, District Mandi H.P. (Member)

In addition to it the meeting was also attended by:-

- 8. Sub Divisional Officer (Civil) Gohar
- 9. District Revenue Officer, Mandi

At the very outset the Chairman-cum Deputy Commissioner Mandi, welcomed all the participants. The Member Secretary with the permission of the chair started the meeting. Following proposals under FRA were taken up for discussion:-

		n .	
Non L	ınear	Proi	ects:-

S.No	Sub-Division	Name of Scheme
1	Karsog	8-1-15 Bighas (0.69 Hectare) forest land proposed to be diverted in favour of Sh. Ved Kumar s/o Chatter Singh, Village Firnoo, P.O. Sarahan, Tehsil Karsog District Mandi H.P. for the purpose of extraction of Sand, Stone & Bajri in muhal Firnoo, Tehsil Karsog.
2	-do-	0.23 hectare forest land proposed to be diverted in favour of Nagar Panchayat Karsog for the construction of Imbla- Bimbla Sangam Mokash Dham (Shamshanghat) in muhal Lower Karsog, Tehsil Karsog.
3	-do-	0-15-04 Bighas forest land proposed to be diverted for the construction of Shikari Hydro Project in muhal DPF Churasani/247, Sub Tehsil Pangana.
. 2	-do-	03-09-02 Bighas forest land proposed to be diverted in favour of Shikari Hydro project in muhal Mashegal/334, Sub Tehsil Pangna.
2	Balh	01-01-17 Bighas forest land proposed to be diverted in favour of Urban Development Department for the construction of Parking at Rewalsar.
3	-do-	23-00-00 Bighas forest land proposed to be diverted in favour of Industries Department (Sericulture Wing) for construction of Sericulture Farm in muhals Riggar & DPF Kashal, Tehsil Balh.
14	-do-	19-00-18 Bighas forest land proposed to be diverted in favour of Agriculture Department for construction of Subzi Mandi in muhal Majhethal, Tehsil Balh.

The detailed discussion and scrutiny of the proposal and documents placed on record revealed that no claim under FRA 2006 against the above said proposals have been

3854/2019(4)

Further Commissioner (Tribal Development), Himachal Pradesh vide his letter No. TBD.F(TDM)1-1/2007-XXIII dated 17-07-2015 has informed that no Particularly Vulnerable Tribal Group (PVTG) exists in the State. Thus for above linear projects DLC recommends the issuance for FRA Certificates in the light of guidelines given in letter No. F.No.11-9/98-FC (pt) dated 05-02-2013.

Individual Claims

S.No	Name of Sub Division	Name of Muhal	Gram Panchayat	Matter to be discussed
1	Gohar	Dhisti	Dhishti	Individual claim of Sh. Nirmal Singh s/o Late Ganga Ram Village Saryach P.O Jachh Tehsil Chachyot District Mandi H.P.
2	-do-	Bhurla	Lot	Individual claim of Sh. Ranjit Singh s/o Sewak Ram Village Bhurla P.O Jachh Tehsil Chachyot District Mandi H.P.

1. Shri Nirmal Singh S/O Shri Ganga Ram:-

The District Level Committee (DLC) thoroughly examined the proposals and the recommendation of Sub Divisional Level Committee (SDLC). It was found that as per the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 and Rules, the other traditional forest dweller occupying forest land before 13.12.2005 and have resided in the area for three generation is considered as OTFD, whereas the said Shri Nirmal Singh has started the construction work over the land in question in the year 2010 i.e. after the date fixed in the Act ibid.

Secondly, as per the provisions to the Act/Rule 3(3), when a member of the FRC is also a claimant of individual Forest right, he shall inform the committee and shall not participate in the verification proceedings when his claim is considered. Whereas Shri Nirmal Singh was Pradhan of FRC committee which passed resolution in favour of his claim on forest land which is clear cut violation of FRA, 2006.

Thirdly, the legal heirs of Shri Ganga Ram viz. Shri Nirmal Singh, Jitender, Dumnu. Puran Singh, Rinku sons, Smt. Kamli, Smt. Bindra daughters and Smt. Bhama Devi w/o Shri Ganga Ram S/o Shri Jagesar own total land measuring 26-6-3 bighas situated in Muhal Saryach/199, Tehsil Chachiot, District Mandi, which clearly shows that said Shri Nirmal Singh

854/2019(4)

intentionally intends to grab the Govt./Forest land by constructing thereupon a luxurious house on Khasra Nos. 203/1, 212/1 Kita-2 area measuring 0-7-0 bigha situated in Muhal Saryach/199, and his bonafide livelihood is not on forest.

Fourthly, As per the section 2(0) "other traditional Forest Dwellers" means any member or community who has at least for three generations prior to 13th day of December, 2005 primarily resided on the forest land or depend upon forest land for livelihood needs. The explanation of clause (0) provides "generations mean a period comprising of 25 years. In other words the 2006 Act recognizes a person's as OTFD if he/she is occupying the forest land since 12.12.1930. Thus such person must establish the fact that he was primarily resided in the forest. But claimant Shri Nirmal Singh, in his statements had admitted that his family was allotted a house in 1995-96 by government aid which was constructed in the 'Abadi Deh' and electricity meter connection was installed in the house in 1995 (document attached) in the name of Shri Jitender Kumar who is the brother of the claimant. However, in his statement Shri Nirmal Singh clearly revealed that he used this house for residential purpose since its construction. So Nirmal Singh and other claimant were not primarily residing in forest land and recently encroached the forest land by starting construction in the year 2010.

Thus the claim of Sh. Nirmal Singh is devoid of merits. Hence, the District Level Committee rejected the same.

2. Shri Ranjeet Singh S/o Shri Sewak Ram R/o Village Bhurla:

which has gutted in fire before 1989, was located on above claimed land and they constructed their new house on the same land. An enquiry was conducted through Revenue field agency regarding Khasra No.864/1 which is claimed by Ranjeet Singh under FRA, 2006. But report submitted by the Field Kanungo. Bag clearly states that Khasra No.864/1 as claimed by Ranjeet Singh was never in possession of Ranjeet Singh and his family. As per the revenue record Khasra No.864/1 was already included in the of Nalwatru s/o Jhaptu who had applied for regularization of encroachment in the year 2002 which is entered at Sr. No. 1 in the Register of Regularization of encroachment PC Dhisti (copy attached). In addition to this Shri Amar Singh S/o Shri Nalwatru S/o Jhaptu R/o Bhurla stated that ancestors of Ranjeet Singh and his own ancestors were living jointly in a single house which was constructed in Abadi Deh an Khasra No. 848. He further stated that the portion of Ranjeet Singh's ancestral house had gutted in a fire accident about 27-28 years ago and he also stated that they never constructed their house on the same spot i.e. in Abadi Deh. He constructed the house at a distance of about 100 meters away from the Abadi Deh and Khasra No.864/1. Similarly Shri Ranjeet Singh in his statement stated that the house of his

File No.DCOM-L.R0ADM4(LRC)/19/2019-LRC Branch-DC Office Mandi

J854/2019(4)

family met with a fire accident in the year 1989, however the revenue record reveals that the house was gutted by the fire in the year 1992.

Keeping in view the facts narrated above it is quite clear that Ranjeet Singh and his ancestors were never in possession of Khasra No.864/1 as claimed by him and his ancestral house was located in Abadi Deh land and hence, they were never dependent upon forest land for their bonafide livelihood needs and thus he is not covered in the definition of OTFD.

Secondly, As per section 2(0) "other traditional Forest Dwellers" means any member or community who has atleast for three generations prior to 13th day of December, 2005 primarily or community who has atleast for three generations prior to 13th day of December, 2005 primarily resided on the forest land or depend upon forest land for livelihood needs. The explanation of clause (0) provides "generations mean a period comprising of 25 years. In other words, the Act mean a period comprising of 25 years. In other words, the Act recognizes a person's as OTFD if he is occupying the forest land since 12.12.1930, so to qualify as recognizes a person must established the fact that he was primarily residing. But claimant Shri OTFD the person must established that his house had met with fire accident in the year 1989. Whereas electricity meter connection which was installed in the year 1995 in the name of Shri Sewak Ram s/o Sh. Ranjeet Singh claimant which has been attached as proof for claiming Singh claimant which has been attached as proof for claiming AE, HPSEBL Gohar, it was found that electricity meter was above land. But on enquiry from AE, HPSEBL Gohar, it was found that electricity meter was installed, but it is difficult to verify on which land or Khasra No. this connection was installed in absence of original file which no traceable the in AE, HPSEBL, Gohar. It is also pertinent to mention here that as per the revenue record the claimant Ranjeet Singh and his family owns 2-1-6 bighas of land in its name and thus they did not come in the ambit of OTFD, therefore, this is clear case of illegal encroachment on forest land belonging to the government of Himachal Pradesh.

Hence, the District Level Committee rejected the claim of Sh. Ranjeet Singh.

S.No	unity Claims Name of Sub-Division	Name of Muhal	Oram Panchayat	Matter to be discussed
1	Gohar	Saryach	Dhisti	Community Forest Claim of muhal Saryach
2	Gohar	Bhurla	Lot	Community Forest Claim of muhal Bhurla
3	Gohar	Lot	Lot	Community Forest Claim of muhal Lot
4	Gohar	Khani	Khani	Community Forest Claim of muhal Khani
5	Gohar	Sudhrani	Khalwahan	Community Forest Claim of muhal Sudhrani
6	Gohar	Basoot	Thachi	Community-Forest Claim of muhal Basoot
7	Gohar	Bhijhad	Thachi	Community forest claim of muhal

File No.DCOM-L.R0ADM4(LRC)/19/2019-LRC Branch-DC Office Mandi

3854/2019(4)

8	Gohar	Salwad	Bhanwas	Community forest claim of muhal Salwad
9	Gohar	Baggi	Bhanwas	Community forest claim of muhal Baggi
10	Gohar	Bung	Bhanwas	Community forest claim of muhal Bung
11	Gohar	Dadwas	Thachi	Comminity forest claim of muhal
				Dadwas

From the perusal of record it was reveled that the Maps have not been prepared by Forest/Revenue Authorities or are not duly signed by them. There is an apprehension of conflict of rights and overlapping of claims of different Gram sabhas on same chunk of land. Thus the files and the due process to be followed as envisaged is incomplete. The District Level Committee unanimously decided that before issuing Pattas of Community Claims, the due process of law be followed. Hence all files of Community claims received from the Sub Divisional Officer (Civil) Gohar returned to him with the observation that the due process of law got completed before recommending the cases to the District Level Committee.

Deputy Commissioner, Mandi District, Mandi. committee (SDLC) on Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (FRA) convened on dated 13th of August, 2019 at 11:00 AM under the Chairmanship of Sh. Surender Thakur HAS Sub-Divisional Officer (C), Karsog Distt. Mandi (HP)

The following members/ officers were present in the meeting:-

- 1. Sh. Dimple Thakur, Junior Engineer HPPWD, Karsog
- 2. Sh. Puneet, Junior Engineer, HP & IPH, Karsog
- 3. Sh. Gian Chand, S.P.I. Dev. Block Karsog
- 4. Smt. Pushpa Thakur, B.O. Mumel, Forest Division Karsog
- 5. Smt. Tara Devi
- 6. Sh. Mast Ram
- 7. Sh. Bhupender Sharma, Superintendent, BDO Karsog
- 8. Sh. Tanzin Dawa, Naib Tehsildar

- Official Member
- Official Member
- Official Member
- Official Member
- -Non Official Member
- -Non Official Member
- -Official Member-
- -Member Secretary

At the very outset, Chairman welcomed all the participants and thereafter Member Secretary with prior permission of the Chair put forth the agenda items of the meeting for deliberation, consideration and recommendation to the Distt. Level Committee (DLC) on FRA. Agenda items of the meeting were put forth for deliberations/ considerations for issuance of the FRA Certificate by the SDLC. Details of which are tabulated as under:-

Sr.	Name of the	Name of	Name of	Quorum	Resolution	Area	Remarks,
No.	Scheme /	Department/	the Muhal		No./ Date	involved	if any
	Proposal	Executive Agency	Sabha	100		in Bigha	
1	C/o Mining	M/s Sh. Ved	Firnu/599	132/260	01/19.07.19	08-01-15	Annexure
	Lease At Firnu	Kumar S/o				Bighas	I, II, III & V
	(Extraction of	Sh. Chattar Singh	No. A.			(0.69	attached .
	Sand, Stone &	Vill. Firnu P.O.	A STATE OF THE STA			Hectare)	ALC:
	Bajri)	Sarahan , Tehsil		de la		"	
		Karsog , Distt.	1	The second	A Comment		
		Mandi (Mining	. 9	The second		120	1 1
	- A	Contractor)		1 - 000		4	

ter detailed deliberation and scrutiny of the proposals and documents placed on ecord all the members of the SDLC unanimously decided to recommend the proposal tabulated herein above to the DLC for issuance of the FRA Certificate. The Annexure, I, II, V and III in original along with the copy of the resolution of the FRC/ Muhal Sabha and other relevant documents placed at ANNEXURE "A" for kind perusal of the DLC please.

Regarding the status of the constitution of the FRCs member secretary apprised that in all the 367 FRCs of 566 Revenue Muhals have been constituted and 90 days statutory period of invitation of claims have also been completed.

At the end meeting ended with vote of thanks to the Chair.

(Surender Thakur) HAS SDO (C)-Cum-Chairman, SDLC, Karsog Distt. Mandi (HP)

Endst No. KSG-SDLC-FRA/2016-

Dated Karsog the 13th Aug., 2019

Copy to :-

- 1. Deputy Commissioner, Mandi-Cum-Chairman, DLC on FRA for information and further necessary action please.
- 2. SDO (C)-Cum- Chairman, Karsog Distt. Mandi for information please.
- 3. DFO, Karsog, Distt. Mandi for information.
- 4. Ex. En. HPPWD Karsog / Ex. En. HP & I & PH Karsog for information and necessary action.
- 5. BDO, Karsog Distt. Mandi for information and necessary action.
- 6. All the Members for information.

(Tanzin Dawa)

Naib Tehsildar Cum-Member Sec., SDLC, Karsog Distt. Mandi (HP) OFFICE OF THE SDO (Civil), KARSOG DISTRICT MANDI (H.P)

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

A meeting of the Sub Divisional Level Committee of Karsog Sub Division constituted under FRA, 2006 was held under the chairmanship/ Chairpersonship of Sh. Surender Thakur HAS Sub-Division Officer (c), Karsog on dated 13th of August, 2019 at 11:00 AM at Karsog in which the application(s) of the applicant(s) of M/s Ved Kumar S/o Sh. Chattar Singh, Village Firnu, P.O. Sarahan, Tehsil Karsog Distt. Mandi H.P. (for extraction of Sand, Stone & Bajri in Khasra No. 495/60/1 & 549/1/1 area measuring 08-01-15 Bighas)(Name of the applicant) Muhal Firnu/599 claiming rights in Muhal Firnu/599 forest area(s) under FRA, 2006 duly processed and recommended by the Muhal Firnu/599 Gram 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 Applicants *Name of the Forest	Detail of the forest Rights
1.	NA	
2.		

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

Sr. No.	Name of the Applicants* Name of the Forest	Detail of the Forest
Rights	and the second s	
1.	NA	
2.		

As informed by Muhal Firnu/599 Gram Sabha no application was received claiming rights in Muhal Firnu/599 Forest area.

FFICE OF THE SDO (Civil), KARSOG DISTRICT MANDI (H.P)

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

A meeting of the Sub Divisional Level Committee of Karsog Sub Division constituted under FRA, 2006 was held under the chairmanship/ Chairpersonship of Sh. Surender Thakur HAS Sub-Division Officer (c), Karsog on dated 13th of August, 2019 at 11:00 AM at Karsog in which the application(s) of the applicant(s) of M/s Ved Kumar S/o Sh. Chattar Singh, Village Firnu, P.O. Sarahan, Tehsil Karsog Distt. Mandi H.P. (for extraction of Sand, Stone & Bajri in Khasra No. 495/60/1 & 549/1/1 area measuring 08-01-15 Bighas) (Name of the applicant) Muhal Firnu/599 claiming rights in Muhal Firnu/599 forest area(s) under FRA, 2006 duly processed and recommended by the Muhal Firnu/599 Gram 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 Applicants *Name of the Forest	Detail of the forest Rights
1.	NA	
2.		
4		
Claims	of the following applicants were not found in order and	d rejected:-
Sr. No. Rights	Name of the Applicants* Name of the Forest	Detail of the Forest
1. 2.		
Δ	s informed by Muhal Firnu/599 Gram Sabha	no application was received

claiming rights in Muhal Firnu/599 Forest area.

SDO(Civil)-Cum-Carmanship/Chairpersonship
SDLC, Karsog, Distt. Mandi (H.P.)

अनुस्चित जनजाति और अन्य परंपराह वन निवासी (वन अधिकारी की मान्यता) अधिनियम, 2006

ंग्राण सभा : ग्रे.प्रिट्स. विकास खंड करसोग जिला मण्डी (हि. प्र.)

प्रतिलिपि प्रस्ताव

गणपूर्ति : 132) 260

दिनांक 19:07-2019

प्रस्ताव संख्या .../..

विषयः लेट जिल्ला को लेट प्रतानित जिल्ला के निर्माण हेतू मुहाल के निर्माण हेतू मुहाल के निर्माण हेतू मुहाल के लिए सहमित प्रदान करने हेतू।

प्राप्त सभा जिस्सू की बैठक अज दिनांक 19:07-2019 बजे स्थान 11:00 किस्सू में की गई, जिसमें जिस्सू की रेत रोज विकास की रेत रोज विकास की निर्माण हेतू मुहाल जिस्सू के जिसमें के उपयोग की मंजूरी के लिए सहमित प्रदान करने पर धर्चा की गई।

समी ग्राम व सियों ने संबंधित वन भूमि के प्रस्तावित कार्य हेतू उपयोग के उन्हेश्यों को पूरी तरह समझने के बाद सर्व सन्मित से ये निर्णय लिया कि व ग्राम एभा उपरोक्त प्रस्ताव के लिए जन भूति दिए जाने पर सहमत है।

स्थान : .ग्रे.श्रे.स्यू.... दिनांक : क्वा...19.: १७७-२०19

Henry

अधिकृतं हस्ताक्षरकर्ता प्राम सञ्जावः अशहन गाम खायतं अशहन DATE

Scanned by CamScanner

Sumce Dey) 26 29 पोन्भी देवी Grashi . 62 Sales Bleste नम् अस्ट्रिशी 75 gt-U/Stork यह सतीश कुमार MINE शात्य 82

Scanned by CamScanner



