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No. KNR-8(SK) FRA-Cor.(Voll-II)/2022- 935  
Office of the Deputy Commissioner  
Kinnaur at Reckong Peo.

To

The Executive Engineer,  
Indo China Border Road Division-III  
CPWD, Reckong Peo, Kinnaur.  
Himachal Pradesh-172107  
Date: - 172107 Reckong Peo

9th June, 2022.

**Subject: -**

**Issue of Forest Right Act clearances certificate for forest land reg.**

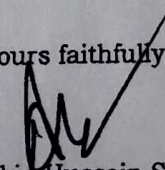
Sir,

Kindly refer to the letter no.:F.No.11-9/98-FC9pt.) from the ministry of Environment and Forest (FC Division), Government of India dated:- 5th February, 2013 wherein their stated that proposals seeking prior approval of Central Government under Forest (conservation) Act, 1980 for projects like construction of roads, canals, laying of pipe lines/optical fibers and transmission lines etc. where linear diversion of use of forest land in several villages are involved, unless recognised rights of PTG/PAC are being affected, are exempted from the requirement of obtaining consent of 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:- 3.8.2009. Further the Ministry has accorded general approval under section 2 (ii) of the Forest conservation act 1980 to the State Government vide letter No.F.No. 11-246/2014-FC dated 04.04.2014, 09.01.2015, 21.12.2017 & 19-04-2018 for creation of border security related infrastructure and roads to be implemented by border road organisation (BRO), Indo Tibetan Border Police Force (ITBP), Border security Force (BSF), Sashastar Seema Bal (SSB) and other road construction agencies vested with job by Ministry of defence and Home in their respective jurisdiction in area falling within 100 km of LAC, 15 km of Indo-Nepal border, 10 km of Indo-Myanmar border and 5 km from all other international borders of India. However the proposal of diversion of forest land for the construction of Indo China Border roads Namgia-Dogri-Lukma via (MM ridge, Lukma-II), Dubling-RishiDogri-LamcheDogri, Dumti-Nithal Thach in which FRA certificate is sought for FCA clearance are discussed in District Level Forest Right Committee held on dated 26-05-2022 under the chairmanship of Deputy commissioner Kinnaur. All the members of DLC unanimously decided to comply with the above exemption to linear projects of strategic importance and recommended the same for further necessary action.

Therefore, accordingly for the below mentioned projects where you have sought the Forest Rights Act (FRA) Certificate, the Ministry's letter of exemption may kindly be referred:-

Sr.No.	Name of Road	Lenght (in km)	Area (In Hect.)
1	Namgia - Dogri - Lukma via (MM Ridge, Lukma-II), ITBP (Defence Road)	31.43	85-39-03
2	Dubling-RishiDogri-LamcheDogri road, ITBP (Defence road)	25	50-09-10
3	Dumti - Nithal Thach, ITBP (Defence Road)	8.24	14-44-20

Yours faithfully,

  
Abid Hussain Sadiq (IAS)  
Deputy Commissioner-Cum-  
Chairman DLC Kinnaur.



R-1

Today on dated 14-03-2022 a meeting of Sub-Divisional Level Committee (SDLC) as per the provis STOTFDRR Act, 2006 was conducted in the office of the Addl. District Magistrate, Pooh und chairmanship of Sh. Ashwani Kumar (HPAS) ADM Pooh in presence of following official and non-c members:-

**Non-Officials Members:**

1. Smt. Indu Kiran Chairperson BDC Pooh.
2. Sh. Dorje Negi Member BDC Pooh.

**Officials Members:**

1. Sh. Shiv Kumar Research Officer ITDP Kinnaur.
2. Sh. Pratap Singh Range Forest Officer Pooh.
3. Sh. Manmohan Singh Range Forest Officer Akpa.
4. Sh. Hukam Lal Range Forest Officer Mallang.

Firstly, chairman welcomed all the members of SDLC and apprised them all about STO Act, 2006 and latest amendments. Thereafter meeting was started as per the agenda items.

The details of claims received from various Forest Rights Committee are as under:-

1	Individual Claims FRC Nako	22
2	Individual Claims FRC Pooh	30
3	Individual Claims FRC Dubling	20
4	Individual Claims FRC Thangi	45
5	Individual Claims FRC Karla	8
6	Individual Claims FRC Chuling	34
7	Community Claims FRC Dubling	1
8	Community Claims FRC Thangi	2
9	Community Claims FRC Chuling	1
	Total	163

After thorough scrutiny of 159 individual claims and 4 community claims SDLC has the conclusion that there are certain discrepancies in most of the claims which needs to be referred bac concerned FRC's alongwith observations. The detail of cases referred back to FRC's are as under:-

1	Individual Claims FRC Nako	1
2	Individual Claims FRC Dubling	9
3	Individual Claims FRC Pooh	13
4	Individual Claims FRC Thangi	23
5	Individual Claims FRC Chuling	34
6	Individual Claims FRC Karla	4
7	Community FRC Dubling	1
8	Community FRC Thangi	2
9	Community FRC Chuling	1
	Total	88

75 No of individual claims were found proper as per the requirements of STOTFDRR Act, 2 Rules framed thereunder. Therefore, SDLC unanimously decided to approve the same and forwarded these District Level Committee for further necessary action. 75 No. of individual claims were unanimously appr SDLC. The details of cases approved by the SDLC are as under:-

		Kinnaur			
75	Kundan Lal S/o Sada Dandub	Vill. Karla P.O Spillow Tehsil Pooh Distt. Kinnaur	390	0-03-54	Up Mohal S

In addition to it 2 cases of ICBR-Ph-II Roads were also received though the office of Commissioner in which FRA Certificate was sought for FCA clearance. After detailed examination of the same was found that as per the instruction issued by Environment and forests GOI, vide letter no. F.No.11-9/9 dated 05.02.2013, linear projects like construction of roads, canals, laying of pipelines, optical fibres, transmission lines are exempted from requirement of obtaining clearance of the concerned Gram Sabha(s) unless the rights of PTG/PAC are being effected.

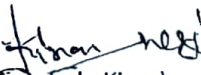
Since ICBR Phase -II are linear projects and has strategic importance as well, therefore some roads should be constructed in expeditious manner. Accordingly SDLC recommends the same to DLC for further action. The details are as under:-


Sr. No.	Name of Department	Purpose	Area in Hects.
1.	ITBP	Construction of Dublin-Rishi Dogri- Lamche Dogri Road.	50-09-10
2.	ITBP	Construction of Namgia-Dogri-Lukma-I VIA (MMRIDGE, Lukma -II).	85-42-21

Regarding second evidence to prove forest rights claims the non official members inside the meeting passed judgement by hon'ble high Court of Gujrat in case titled as Arch Vahini vs. State of Gujrat whereby it was held by hon'ble Court that insistence upon any particular form of evidence is illegal. Further non official members said that SDLC being selective on Rule 13 and not considering Rule 13(1)(c) is so defeating the spirit of forest Right Act 2006. The Chairman said that SDLC will entertain any evidence submitted under FRA-2006 and Rules framed thereunder provided it proves the claim of the claimant beyond reasonable doubt. Considering improper evidence may lead to misuse of FRA provisions by unscrupulous claimants. Therefore, evidence adduced by the claimant should clearly prove his claim. Moreover, the misuse of space technology has already taken up with Worthy Deputy Commissioner-Cum- Chairman DLC for action.

Meeting ended with thanks to the Chair and all the members.


  
(Sh. Ashwani Kumar) HPAS  
Chairman SDLC Pooh

  
(Smt. Indu Kiran)  
Member of SDLC Pooh

  
(Sh. Dorje Negi)  
Member of SDLC Pooh

  
(Sh. Shyam Kumar)  
Member Secretary of SDLC Pooh

  
(Sh. Pratap Singh)  
Member of SDLC Pooh

  
(Sh. Manoj Singh)  
Member of SDLC Pooh

  
(Sh. Shankar Dass)  
Member of SDLC Pooh



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

**Minutes of the District level Committee meeting held on 26-05-2022 at 11:00 AM under the chairmanship of Deputy Commissioner -Cum-Chairperson District Level Forest Right Committee Kinnaur in his office to discuss the implementation of scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.**

**The following non-Official/ official members attended the meeting:-**

1. Sh. Shanta Kumar Member District Level Committee for FRA, Kinnaur.
2. Smt. Aradhana Member District Level Committee for FRA, Kinnaur.
3. Sh. Nihal Singh Member District Level Committee for FRA, Kinnaur.
4. Deputy Conservator of Forest (Member).
5. Project Officer ITDP Kinnaur (Member Secretary).

**Special Invitees**

1. Dr. ( Maj. Retd.) Shashank Gupta SDM-Cum-Chairman SDLC Kalpa
2. Sh. Chander Mohan Tehsildar Nichar
3. Sh. Vinod Kumar Tehsildar Moorang
4. Sh. Vivek Negi Tehsildar Kalpa

At the outset of the meeting POITDP-Cum-member secretary welcomed the Chairperson and all the participants and thereafter agenda-wise discussion was taken as follows:

1. Member secretary apprised that a meeting of SDLC Pooh, Kalpa & Nichar was held on dated 14-03-2022, 29-04-2022, 06-04-2022, 07-05-2022 & 04-04-2022 in which the SDLC's recommended the individual claims and cases of diversion of forest land for non forest purpose in which FRA certificate is sought for FCA clearance are as under:-

➤ **Claims recommended under FRA, 2006**

S.no.	Type of claim	No. of claim	Recommended for	Recommended by	Date of meeting of SDLC
1	Individual	75	Final Approval	SDLC Pooh	14-03-2022
2	Individual	25	Final Approval	SDLC Kalpa	07-05-2022
3.	Individual	4	Rejection	SDLC Kalpa	07-05-2022

Member secretary apprised that after due perusal of proceedings and scrutiny of claim files of both the SDLC it is noted that only 60 claims (38 of SDLC Pooh & 22 of SDLC Kalpa) are fit for final approval and 40 claim files needs to be refer back to respective SDLC due to certain discrepancies, however 4 claims needs to be rejected as recommended by SDLC Kalpa. After above deliberations the committee unanimously approved the 60 individual claims, rejected the 4 individual claims and decided to refer back the 40 claims to respective SDLC for correction of discrepancies. The detail of all above claims is annexed with this minute as annexure -A. During the scrutiny of claim files at DLC level it was found that there were some revenue related discrepancies in most of the claim files needs to be rectified at SDLC level before referring them to DLC for final approval. Worthy chair directed all the chairman of SDLC's to properly scrutinize all the claim files with the help of revenue agency under their respective jurisdiction and rectify the discrepancies before referring the same to DLC for final approval.

- Deputy Conservator of Forest (Member DLC) raised the issue regarding spike up in fresh encroachments in the district as the process of recognition of claims has fasten up. DLC decided that the forest and revenue authority must keep watch of such cases and take proper action against such unscrupulous persons under due course of law so that the spirit of Forest Right Act, 2006 should not be defeated. Worthy chair directed revenue officers to coordinate with the forest department to identify such cases and take action against such encroachers.

**Cases recommended for FRA certificate under FCA clearance**

Sr. No	User agency	Diversion proposed for	Area in Hect.	Recommended by SDLC	Date of SDLC meeting
1	ITBP	Dumti-Nithal-Tbach defence road	14-44-20	Kalpa	06-04-2022
2	ITBP	Dubling-RishiDogri-Lamcha Dogri defence road	50-09-10	Pooh	14-03-2022
3	ITBP	Namgia-Dogri-Lukma defence road	85-39-03	Pooh	14-03-2022
4	HPPWD	Road from mini secretariat to 1 <sup>st</sup> curve Bara Kamba via Garshu juhlla	1-28-09	Nichar	04-04-2022
5	Intelligence Bureau	Straitgic Boarder Post	0-03-00 0-15-00	Pooh	29-04-2022
6	Sarchander Negi	Setting up of BPCL RO/Petrol pump Service station & allied services	0-06-00 0-02-70	Pooh	29-04-2022
7	ITDP R/Peo	Construction of helipad	1-40-30	Pooh	29-04-2022

➤ After scrutiny of above mention cases only one case construction of helipad needs to refer back to SDLC due to certain discrepancy noticed, three cases (Sr.No.1 to 3) of the construction of Indo China border roads Phase-II are linear projects and has strategic importance and as per the instruction issued by Ministry of Environment & Forest GOI vide letter No.F.No.11-9/98-FC (pt) & F.No.11/246/214-FC dated 04.04.2014,09.01.2015,21.12.2017 and 19.04.2018 are exempted from obtaining consent of Gram Sabha(s).in rest of the cases (Sr.No.4 to 6) FRA certificate may be issued. The DLC unanimously agreed to comply with the above notification of the Ministry of Environment & Forest GOI and recommended the cases of diversion of forest land for construction of Indo China border roads Phase – II for further necessary action. In rest of the cases of diversion of forest land for non forest purpose as mentioned above in sr.no.4 to 6 DLC agreed to issue FRA certificate.

2. Member secretary apprised that the 47 claims of village Lippa which were earlier rejected by DLC on dated 15-12-2018, now the claimants have filed the application to review their rejected claims. DLC unanimously decided to review the claims of village Lippa and refer it back to SDLC Pooh for reconsideration as per the earlier direction issued by GOI vide its letter No/23011/18/2015-FRA dated 27.7.2015 in which GOI emphasised that "claims rejected on the ground of insufficient evidence or which prima-facie requires additional examination may be re-examined". The list of 47 claims of village Lippa referred back to SDLC Pooh for examination is annexed with this minute as **annexure-B**.

Meeting ended with thanks to the chair and all the participants.

**Members of District Level Committee :-**

1. Sh. Shanta Kumar  
V.P.O. Nako Sub.tehsil Hangrang  
(Non official Member)

2. Smt Aradhana  
V.P.O. Sangla Tehsil Sangla  
(Non Official Member)

3. Sh. Nihal Singh  
V.P.O. Katgaon Teh. Nichar  
(Non Official member)

4. Deputy conservator of forest  
Deputy Conservator of Forests,  
Official Member DLC Kinnaur,  
Kinnaur Forest Division at R/Peo HP.

5. Project Officer ITDP - cum-  
Member secretary DLC Kinnaur

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