

No. TBD.F(TDM)1-1/2007-X
Tribal Development Department
Himachal Pradesh, Shimla

From

Commissioner(Tribal Dev.)
Himachal Pradesh, Bijlani House, Shimla-2

To

1. Dr. Ram Lal Markanda, Hon'ble MLA, Lahaul-Spiti
Set No. 703, New Metropole Hostel, Shimla-171001
2. Sh. Tejwant Singh Negi, Hon'ble MLA, Kinnaur
Set No. 311, Jawahar Vidhayak Sadan, Shimla-171004
3. Sh. Bhani Chand Thakur,
Village Chaloli, P.O. Dharwas, Tehsil Pangi, Distt. Chamba
4. The Additional Chief Secretary (Forests) to the
Govt. of H.P. Shimla-2
5. The Principal Secretary -cum- FC (Revenue) to the
Govt. of H.P. Shimla-2
6. The Principal Secretary (Panchayati Raj) to the
Govt. of H.P. Shimla-2
7. The Principal Chief Conservator of Forest,
H.P. Shimla-1

Dated Shimla-2

21st February, 2012

Subject:-

Minutes of the State Level Monitoring Committee meeting held on 10.02.2012 at 3.00 PM under the chairpersonship of the Chief Secretary to Govt. of H.P in her office to review/discuss the implementation of Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.

Sir,

I am directed to enclose herewith a copy of minutes of the State Level Monitoring Committee meeting held on **10.02.2012 at 3.00 PM** under the chairpersonship of the Chief Secretary to Govt. of H.P in her office chamber to review/discuss the implementation of Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 for your information please.

Yours faithfully,


Deputy Director (TD)
H.P. Shimla-2

Endst No. & Dated:- As above.

Copy for information and necessary action to:-

1. The Deputy Commissioner, Kinnaur/Chamba/Lahaul-Spiti.
2. The Joint Secretary (TD) to the Govt. of H.P. Shimla-2.


Deputy Director (TD)
H.P. Shimla-2

59

Minutes of the State Level Monitoring Committee meeting held on 10.02.2012 at 1.00 PM under the chairpersonship of the Chief Secretary to Govt. of H.P in her office to review/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. Dr. Ram Lal Markanda, Hon'ble MLA Lahaul-Spiti
2. Sh. Tejwant Negi, Hon'ble MLA, Kinnaur
3. Sh. Bhani Chand, Tribal Advisory Council member
4. Sh. S. Roy, Addl. Chief Secretary(Forest)
5. Dr. P.C. Kapoor, Commissioner-cum-Pr. Secretary(Tribal Dev.)
6. Sh. S.K.B.S. Negi , Principal Secretary(Panchayati Raj)
7. Sh. Rakesh Mehta, Deputy Secretary(Revenue)

Special Invitees

1. Sh. Sharabh C. Negi, Deputy Commissioner, Chamba
2. Sh. Rajiv Shankar, Deputy Commissioner, Lahaul-Spiti
3. Dr. Sunil K. Chaudhary, Deputy Commissioner, Kinnaur

1. Commissioner-cum-Principal Secretary (Tribal Dev.) welcomed the Chairperson and the participants and thereafter agenda-wise discussion was taken as follows:

2. Commissioner-cum-Principal Secretary (TD) apprised about the action taken on the decisions of the previous meeting held on 25.03.2011 as under :

- i) Issue regarding implementation of the Act in non-tribal areas of the State has been approved for placing before the Cabinet.
- ii) Issue of eligibility guidelines like any govt. employee(regular or contract) income tax payee, practicing professionals, businessmen and traders being excluded for vesting rights under this Act was taken up with the Law deptt. The comments of Law Deptt. are awaited.
- iii) Over the issue of sanction of Nautor Land not to be mixed with conferment of Pattas under Forest Rights Act, the Deptt. of Revenue was requested to take necessary action.

3. The progress of the implementation of the Act in the tribal areas was reviewed and district wise position was noted as under:

- Commissioner-cum-Principal Secretary (Tribal Dev.) presented the overview of progress of the claims in **Distt. Chamba**. Deputy Commissioner, Chamba then apprised that approved claims have been referred back to SDLC in respect of ITDP Bharmour and Pangi in view of

58

decision taken in the previous SLMC meeting not to mix the Nautor cases with Forest Rights Act. The titles of the approved claims received after verification from SDLC will be issued accordingly. The Chairperson expressed satisfaction over the progress of the claims.

- Commissioner-cum-Principal Secretary (Tribal Dev.) presented the overview of progress of the claims in **Distt. Kinnaur**. The progress in respect of Distt. Kinnaur was observed to be slow. DC Kinnaur apprised that the cases are being decided as per eligibility guidelines and provisions of the Act and the claims received at DLC level were referred back to SDLCs for verification and 83 individual claims have been rejected as 74 were employees, 7 traders and 2 income tax payees. Further, the High Court, H.P ruling to lodge FIR against the persons having encroached more than 10 bighas land is also affecting the progress.
- Commissioner-cum-Principal Secretary (Tribal Dev.) presented the overview of progress of the claims in **Distt. Lahaul & Spiti**. Deputy Commissioner, Lahaul & Spiti apprised that claims under community rights received from the SDLC Spiti had been approved by the Distt. Level Committee but titles had been withheld due to issue of jurisdiction of DFO Lahaul in Spiti. The titles have not been issued since the Distt. Level Committee was re-constituted due to Panchayati Raj elections in September, 2011. The meeting was called three times and latest was on 13.12.2011 to decide the claims received from Spiti but DFO Spiti was unable to attend due to adverse weather conditions. Chairperson directed the Deputy Commissioner, Lahaul & Spiti to re-convene the meeting as and when the valley opens and ACS (Forest) assured that he will direct DFO Spiti to be present in that meeting. Further DC Lahaul-Spiti was requested to expedite the progress under the Act in respect of ITDP Lahaul.

4. MLA Kinnaur also raised the FIR issue which contravenes the Section 4(5) of the Act reproduced as under:

- Save as otherwise provided, no member of a forest dwelling Scheduled Tribe or other traditional forest dweller shall be evicted or removed from forest land under his occupation till the recognition and verification procedure is complete.

5. MLA Lahaul-Spiti and TAC Member raised the issue of regularization policy of encroachments in the year 2002 under which tribal people have applied accordingly but no decision has yet been taken. Now the tribal people have applied under the Act as cut off date is 13.12.2005 but FIRs are being lodged against them.

ACS(Forest) agreed that FIR will not be lodged in tribal areas in such cases.

55

6. All the non-official members raised the issue of the eligibility guidelines, like any govt. employee(regular or on contract), income tax payee, practicing professionals, businessmen and traders being excluded for vesting of rights under this Act, circulated to the field authorities as per decision taken in the State Level Monitoring Committee meeting on 11.11.2009. They suggested that this decision be reviewed and these guidelines be withdrawn. Chairperson stated that whole issue will be presented in the Cabinet meeting.

The meeting ended with vote of thanks to and from the chair.
