COMMUNITY FOREST RIGHTS

The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights Act), 2006 (hereafter Forest Rights Act or FRA), came into force in 2008. It aspires to undo the "historic injustice" meted out to forest dependent communities by recognizing and vesting in them the rights to use, manage and conserve forest resources and to legally hold forest lands that they have been residing on and cultivating. The preamble of the Act recognizes forest dwellers as "integral" to the survival and sustainability of forest and their role in conservation of biodiversity. It also recognizes that insecure tenure and lack of established rights over forests have resulted in the marginalization and displacement of forest dependent communities.
The FRA recognises a number of rights of forest dependent communities. Particularly empowering are provisions under Sec 3(1) of the Act which recognize the community forest rights (CFR) of the Gram Sabhas (GS)[1] of forest dwelling communities.

These rights include:

- Community rights such as *nistar*, by whatever name called, including those used in erstwhile Princely States, *zamindari* or such intermediary regimes;

- Right of ownership, access to collect, use, and dispose of minor forest produce which has been traditionally collected within or outside village boundaries;

- Other community rights of uses or entitlements such as fish and other products of water bodies, grazing (both settled or transhumant) and traditional seasonal resource access of nomadic or pastoralist communities;

- Rights including community tenures of habitat and habitation for primitive tribal groups and pre-agricultural communities;

- Rights of settlement and conversion of all forest villages, old habitation, unsurveyed villages and other villages in forests, whether recorded, notified or not into revenue villages;

- Right to protect, regenerate or conserve or manage any community forest resource which they have been traditionally protecting and conserving for sustainable use;

- Rights which are recognised under any State law or laws of any Autonomous District Council or Autonomous Regional Council or which are accepted as rights of tribals under any traditional or customary law of the concerned tribes of any State;

- Right of access to biodiversity and community right to intellectual property and traditional knowledge related to biodiversity and cultural diversity; and

- Any other traditional right customarily enjoyed by the forest dwelling Scheduled Tribes or other traditional forest dwellers, excluding the traditional right of hunting or trapping.

The right to protect, regenerate, conserve or manage any community forest resource (CFRe[2]) which they have been traditionally protecting and conserving for sustainable use, under Sec 3(1)(i) along with the above mentioned rights of the Act has the potential to change the top-down centralized style of governance of forests to enable greater site-specific management by communities, and provide collective livelihood security to communities, particularly when read with other provisions of the Act.

Box I: Significance of Community Forest Rights

Forest conservation, management, and governance

Sec 5 of the Act empowers communities to "protect forests, wildlife and biodiversity, and to ensure protection of catchments, water sources and other ecologically sensitive areas". When read with Section 3(1)(i) of the Act and Rule 4(1)(e) and (f) of the Amendment rules of 2012, (which elaborate on the constitution of a committee which can perform these functions as well as prepare conservation and management plans for its CFRe), Sec 5 creates a space for forest dwelling communities to practice forest management and governance by using their own knowledge systems and institutions and integrating them with modern scientific knowledge.

Ensuring livelihood security

Sec 3 (1)(c) of FRA, vests the rights over collection and sale of Non-Timber Forest Produce (NTFP) i.e. Minor Forest Produce (MFP) as the Act refers to it, in the hands of communities. Vesting rights over commercially important MFP, which has been under the monopoly of state and contractors thus far, in the communities, has great significance. The Act clearly defines MFP in Section 2(i)) and provides elaborate guidelines under the Amendment Rules, 2012, for their sale, for a change in the transit permit regime, etc. Rule 16 of the Amendment Rules, 2012, provides for government schemes related to land improvement, land productivity, basic amenities and livelihood measures of various government departments to be provided to communities whose rights over CFR have been recognised, paving a way for convergence of governmental schemes towards village development, according to their own needs.

Influencing decision-making on developmental projects

While acknowledging the forced relocation of forest dwelling communities due to State developmental interventions, Section 4(5) of the Act attempts to prevent further relocation and displacement of forest dwellers by providing that "no member of a forest dwelling scheduled tribe or other traditional forest dweller shall be evicted or removed from the land under his occupation till the recognition and verification process is complete". Thus, according to this Act, in areas where the process of recording of rights under FRA has not started, forest dwellers cannot be evicted. Additionally, Sec 5 empowers the village GSs to ensure that the habitat of forest communities is preserved from any form of destructive practices affecting their cultural and natural heritage, and to take decisions to regulate access to community forest resources and stop any activity that adversely affects wild animals, forest and biodiversity and to ensure that these decisions are complied with. These provisions have the potential to significantly democratise the decision-making process for various developmental projects in the country.

[2] CFRe is defined as "the customary common forest land within the traditional or customary boundaries of the village or seasonal use of landscape in the case of pastoral communities, to which the community had traditional access". The rights over CFRe as well as other CRs can be recognized over any forest land including reserved forests, protected forests and protected areas such as Sanctuaries and National Parks.

village, mentioning the kinds of activities and future land use was prepared in 1910. However, after the abolition of *zamindari* in 1950, *nistar* lands were taken over by the revenue department, and subsequently the ownership was passed to forest department through a notification, without any changes made to the revenue records. This has lead to a situation of dual and conflicting ownership of forest land by Forest Department and revenue department in Chhattisgarh which can be resolved if these rights are recognised under the Forest Rights Act[3].

Status of FRA implementation

The Department of Tribal Development is the nodal agency for the implementation of the Act in Chhattisgarh. Implementation of FRA in the State has been conducted in several phases starting immediately after the notification of Rules.

In 2012, the government identified around 5,299 villages of 18 districts for implementation of the law. However there has been little progress since. An overview of Ministary of Tribal Affairs status reports on implementation of the Act shows that the number of community claims filed have only been recorded for the years 2010-2012, and there is no differentiation between the type of community claims filed (CFR or CFRe or developmental rights under Sec 3(2)), and titles received.

Table 1: Status of CFR Claims in Chhattisgarh (2008-2014)

Particulars	2008	2009	2010	2011	2012	2013	2014 (July)
Claims received at GS	NA	NA	4,042	4,736	4,736	NA	NA
Claims forwarded to SDLC	NA	NA	NA	NA	NA	NA	NA
Claims forwarded to DLC	NA	NA	NA	NA	NA	NA	NA
Claims approved by DLC	NA	NA	NA	NA	NA	NA	NA
Titles distributed	NA	NA	250	775	775	NA	NA
Rejected	NA	NA	NA	NA	NA	NA	NA

Source: www.fra.org.in

Till date, no clear information on the status of community rights claims is available in Chhattisgarh despite repeated requests by civil society organisations.

Table 2: Status of Community Rights in Feb 2014, as presented in the Chhattisgarh Vidhan Sabha

S. No	District	Total Claims Received	Titles distributed	Area of forest land covered (in ha)	Average area of forest land covered (in acres)
1	Jagdalpur	2,421	1,890	491.159	0.66
2	Kondagoan	658	658	7,721.45	29.81
3	Sukma	292	0	0	0.00
4	Dantewada	647	208	0	0.00
5	Bijapur	102	102	67.787	1.69
6	Kanker	761	262	418.94	4.06
7	Narayanpur	63	50	43.37	2.20
8	Dhamtari	471	224	359.06	4.07
9	Gariyaband	99	5	11.5	5.84
10	Balod	0	0	0	0
11	Rajnandgaon	671	671	22,908.215	86.72
12	Raigarh	90	79	183.8	5.91
13	Jashpur	206	69	30.765	1.13
14	Bilaspur	550	311	187.037	1.53
15	Korba	1,526	0	0	0
16	Koriya	644	605	5,072.88	21.30
17	Mahasamund	0	0	0	0
18	Sarguja	1,080	248	367.682	3.77
19	Balrampur	19	14	20.41	3.70
20	Surajpur	566	0	0	0.00
21	Balodabazar	129	55	38.02	1.76
22	Mungeli	51	50	40.793	2.07
23	Janjgir	0	0	0	0
24	Kawardha	89	89	6,998.993	199.75
	Total	**11,135**	**5,590**	**44,961.861**	**375.97**

Source: Department of Tribal Development, Government of Chhattisgarh, 2014

According to the information provided in the Chhattisgarh Vidhan Sabha (See Table 2 above) in February 2014, 7,047 CFR titles have been distributed in the state, whereas in a meeting held on the 23rd of July 2014 in Raipur, the officials of Chhattisgarh Government informed the Tribal Advisory Council (TAC) that only 6,012 CFR titles had been distributed in the state by June 2014. The data presented in the Vidhan Sabha is only available for 24 districts out of the 27 districts of Chhattisgarh. Thus, no titles have been distributed in 6 districts. Moreover, the state provides information on community rights claims and titles issued to STs and Other Traditional Forest Dwellers, separately.

[3] For a detailed report over conflicting forest land records, see: Garg, A. (2005). *Orange Areas: Examining the Origin and Status*. National Centre for Advocacy Studies: Pune. Available at: http://www.doccentre.org/docsweb/adivasis_&_forests/orange_areas.htm

If average area of forest land recognised for each claim is calculated based on the data given in Table 6, it can be clearly observed that barring only a few districts, the community rights recognised are over a little more 3-5 acres. Thus, it seems like the titles have been distributed over developmental rights under Section 3(2) rather than CFR.

In Chhattisgarh, several factors are affecting the filing of claims and recognition of rights:

- In many villages, Panchayat Secretaries are involved in filing claim forms without the village GS being involved, thus making the entire process of filing claims illegal.

- The Forest Department has been given a key role by the State Level Monitoring Committee (SLMC) to control the process of FRA implementation on the ground. The SLMC has constituted a sub-committee headed by the Principle Chief Conservator of Forests (PCCF) of the State Forest Department to help review the FRA implementation process and expedite its implementation. This sub-committee has taken a decision to involve the Van Suraksha Samiti in the formation and reconstitution of the FRC.

- The Forest Department has been entrusted with compilation of status reports on the implementation process in Sanctuaries.

- Most claims are still pending with the SDLCs (Sub Divisional Level Committee) with no decision on the claims being communicated to the claimant villages.

SITUATING TRIBAL SELF-RULE (PESA)

Background

The provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996, more popularly known as the PESA Act came into force as a sequel to the 73rd amendment of IX Schedule of Indian Constitution. The 73rd amendment in 1992 provided constitutional sanction to the Panchayat Raj for functioning as an organic and integral part of the nation's democratic processes. The application of this amendment excluded the areas covered by the Fifth and Sixth Schedules. The areas of the Fifth Schedule, according to the Article-244, cover the Scheduled and Tribal areas other than the areas of the Sixth Schedule like in Assam, Meghalaya, Tripura, Nagland and Mozoram. The areas of the Fifth Schedule are spread over nine states viz. Abndhra Pradesh, Jharkhand, Gujarat, Himachal Pradesh, Maharashtra, Madhya Pradesh, Chhattisgarh, Orissa and Rajasthan. The PESA Act, 1996 is regarded as a corrective legal measure to the 73rd amendment in form of extension of the provisions of the Panchayat Raj to the Scheduled and Tribal areas falling under the Fifth Schedule.

Nuances of the Act

The PESA Act is based on the Bhuriya Committee recommendation that emphasized creation of a judicial base for continuity of the unique characters of tribal Societies and their traditional pattern of self-governance. It was therefore, recommended that the Amendment should focus the customary laws, life pattern, organization, cultural mores of tribes and the present day predicament of their exploitation, deprivation and marginalization. The Committee felt that "*while shaping the new Panchayat Raj structure in tribal areas, it is desirable to blend the traditional with the modern by treating the traditional institutions as the foundation on which the modern supra-structure should be built*" (Bhuriya Committee Report 1995). The Act favours promotion of the traditional Gram Sabha by allowing it to safeguard and preserve the traditions and customs of the people, their cultural identify community resources and the customary mode of dispute resolution. The Gram Sabha has been entrusted with the power of giving approval to the village level development programmes undertaken by the Panchayat, exercise control on local plans and generation of resources for such plans, including the tribal sub-plans, including the tribal sub-plans. It has given the power to exercise authority over allowing acquisition of land for mining and establishment of industries in Scheduled and Tribal Areas and to identify beneficiaries for the poverty alleviation programmes. Furthermore, it is also expected to enforce prohibition on the sale and consumption of any intoxicant in local area, to manage the village market and to exercise control over the money lending. The other salient feature of the PESA Act is the provision of reservation for the Scheduled Tribes in three-tier Panchayat bodies. The reservation for the STs shall not be less than one-half of the total number of seats, and all the seats of Chairpersons shall be reserved for the ST. These provisions intended to empower the Gram Sabha so that it could negotiate with the State directly to retain its traditional control on local resources and power of decision-making. It remains unexplored as to what extent the state performs its role in implementation of the Act, despite knowing that is would lose control on the rural vote bank after devolution of power to the Gram Sabha, and how the people would react when the state could not succeed in its endeavour for proper implementation of this Act.

The table below gives a comparative picture of the Act with central vs. the sampled States

Table 3: Comparative picture of the Act with central vs. the sampled States

Provisions	CentralAct	Andhra Pradesh	Chhattisgarh	Gujarat	Jharkhand	Orissa
Definition of village	Habitation/ hamlet or groups there of comprising a community	Same as Centre	Local area of a Panchayat comprising of scheduled area	Same as Centre	Same as Centre	Same as Centre
Community customs, resources and customary modes of dispute resolution	Makes Gram sabhas 'competent' to safeguard and preserve these	Same as center, except for dispute resolution , which must be without detriment' to other laws in force	Same as Centre for dispute resolution. Powers to mange natural resources limited by other laws in force.	Gram Sabhas must 'endeavor to safeguard'	Same as centre but in must conform to the constitution	Same as Centre, but consistent with other laws in force.
Approval of Development Plans, beneficiary selection certificate of utilization of Funds.	Mandatory for Gram sabhas	Gram sabhas	Gram Sabhas, but subject to state govt. rules/ orders, silent on utilization of funds.	Gram sabhas	Gram sabhas shall identify schemes for economic development, priorities them and approve them before implementation identify beneficiaries – all subject to orders the state government may issue from time to time	Gram sabhas
Land Acq. (consultation with)	Gram sabhas to be consulted	Mandal parishad	Gram sabhas	Taluka panch.	No provision for consultation	Zilla parishad
Planning/ Management of minor water bodies	Gram sabhas to manage	Gram, mandal or panchayat	Gr. panch.	Talluka panch.	Gram sabhas to advise gram panchayat; GP has powers only to implement minor irrigation schemes; construct and manage drinking water supplies; Panchayat samiti and Zilla parishad have management and owership rights over	Zilla Parishad

					minor water bodies subject to state government's delineation	
Recommendation for license or mining lease for minor minerals	Gram sabha or Gram Panchayat	Gram Sabha	No mention	No mention but amended Mines and Mineral Act gives recc power to Gr. Panch.	No provision	Zilla Parishad
Regulation of Liquor sales/ consumption	Gram Sabha and Gram Panchayat	Gram Sabha or Gr. panch.	No mention	Tuluka panch.	No mention	Gr. Panch. Subject to control of GS
Minor Forest produce	Ownership by Gram sabha	Gr. sabha or Gr. panch. according to govt. prescriptions	No mention but MFP amended	Gr. Panch. but Guj. MFP nationalization Act continues to apply	No ownership – only rights to manage preservation of MFP, storing, processing and marketing to given to GP and Ps.	Gr. subject to control by GS
Prevention and Restoration of Alienated land	Gram Sabha and Gr. Panchayat	GS or GP as acc to rules as may be prescribed	No mention but Land Rev. Code amended to give Power to GS	No mention but land Rev. Code Amended to give power to Zilla panchayat	Zilla Parishad can restore alienated land, but not prevent alienation Cornered better by laws	Gram Sabha subj. to Control by GS

The Fifth Schedule

The Fifth Schedule covers the majority of the tribal area in the country and guarantees tribal autonomy and tribal rights over land through a Tribal Advisory Council in each State. There has been an attempt to give more autonomy to tribal areas under fifth schedule by passing the PESA or *Panchayats* (Extension to the Scheduled Areas) Act. But this did not succeed. A major event in its history is the samatha judgement. In its 1997 Samatha decision, the Supreme Court ruled that the Fifth Schedule enjoined Governors to bar purchase of tribal land for mining activity by any entity that was not state-owned. This judgment however, led to an opposite reaction from the Ministry of Mines, and subsequent appeals from the Andhra Pradesh government claiming that Samatha would have an adverse effect not only on the mining sector but also on non-agricultural activities especially industrial activity and hence would impact the economic development throughout the country. In response, the Governors were then given unfettered authority in the transfer of Scheduled Tribe land to the government and allotment to non-tribals, altering the balance of power and undermining the stated goal of tribal autonomy.

For detailed report of 5th Scheduled Act see: Constitution Society & Fifth Scheduled Available at: www.constitution.org & www.lawmin.nic.in

Status of Elephant –Human Conflicts within Amdari ,korgi & Lurgi villages under balrampur District and Bhatgao SECL(South Eastern Coalfields Limited) and CMDC(Chhattisgarh Mineral Development Corporation Ltd) with in CHAURA & KOTEYA village under surajpur district , Chhattisgarh

ELEPHANT-HUMAN CONFLICT IN CHHATTISGARH

HEC in CG resulted 198 human deaths between 2005-06 and 2012-2013

The state of Chhattisgarh (earlier part of Madhya Pradesh) came into existence on 1st November, 2000. The geographical area of Chhattisgarh is 135,191 sq. km and its total population according to the 2011 census is 255 lakh. Out of this, ST and SC populations constitute 31% and 12% respectively. It is one of the largest tribal dominated states in the country having one tenth of all ST members in the country. The recorded forest area in Chhattisgarh is around 59,772 sq. km.

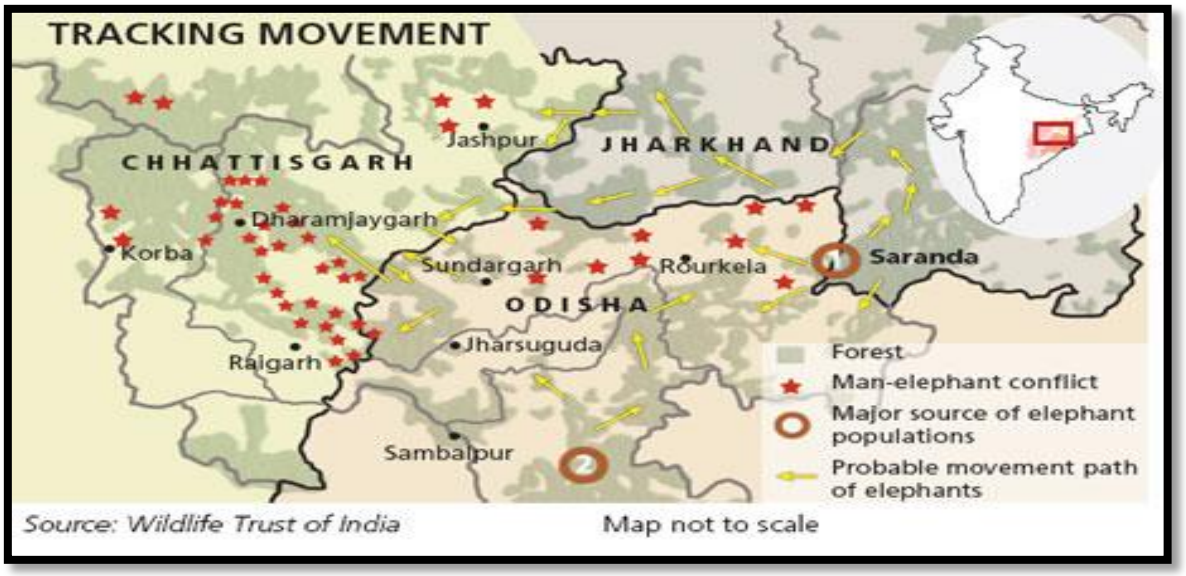
Human-Elephant Conflicts (HEC) in Chhattisgarh Started with 18 elephant migrated in the 80's from the neighbour state of Orissa and Jharkhand. And over the year the migration increased .The estimate of elephant population in 2012 stands contact with human population who have no experience of how to protect them self and their property from wild elephant sever damage is common. The Human- Elephant Conflicts (HEC) issue has become increasingly sever in Chhattisgarh -198 people lost their life due to elephant conflicts between 2005-06 and 2012-13.

Street protection in condemnation of the forest department failure to manage the issue is common. The state assembly has been several questions raised on the issue, and there have been demands voiced by different section for an elephant corridor or similar refuge that will keep elephant away from crop and villages. The conflicts reached such a level that in 2010.The state Government doubled the compensation due to elephant.

SEMARSOT ELEPHANT CORRIDOR IN CHHATTISGARH

To answer the question 'why the conflicts is so high in Chhattisgarh? One needs to look at the neighbouring central India state of Jharkhand and Orissa as well. These three state together holds less than 10% of India's elephant but an on average they alone account for approximately 65% of Human constantly. Due to Elephant conflicts in a year mining. Especially coal and iron ore mining are the two biggest threats to elephant habitats in these three states.

The Chhattisgarh Govt. has thus for ignored the recommendation made by both independent research institution such as *wildlife trust of India* or by *project elephant* to secure certain forest regions in Balrampur and Surajpur forest division for elephant conversation, choosing instead to side with mining interests and open up these area for Coal mining. This is ensuring a counting escalation of Human Elephant Conflicts in the region. This report is an attempt to capture the current conflcts scenario in Chhattisgarh and also look at wildlife presence in and around the proposed coal area especially the raigarh, Sarguja, korba and surajpur district of the state. When forests are diverted for coal or any other mining, local people inherit the problems. In the case of human – wildlife conflict, no mining company ever pays compensation for people killed or property damage because of wildlife. That is displaced or disturbed due to the mining.



According to Elephant Task force report 2010; Gajan-securing the Future of elephant in India, Clearly state that the biggest challenges faced by elephant in the country are reduction in living space and human –elephant conflicts.There is serious conflicts in state like West Bengal, Orissa,Jharkhand and Chattiesgarh;2/3 of the money spent on elephant conservation goes directly or indirectly for Human-Elephant Conflicts. Over the past three decades, more Elephant presence has been recorded in the states of Andhra Pradesh and Chhattisgarh state causing more damage to crops and habitats. Increased mining in Orissa and Jharkhand in particular are believed to have played a role in the elephant migration.

According to the minister of Environment and forest (MOEF), there are 2,865 elephant in Orissa, Jharkhand &Chhattisgarh of which Orissa has close to 70 %(1,930 elephant) followed by Jharkhand (688 elephant) Chhattisgarh (247 elephant) as of 2012.

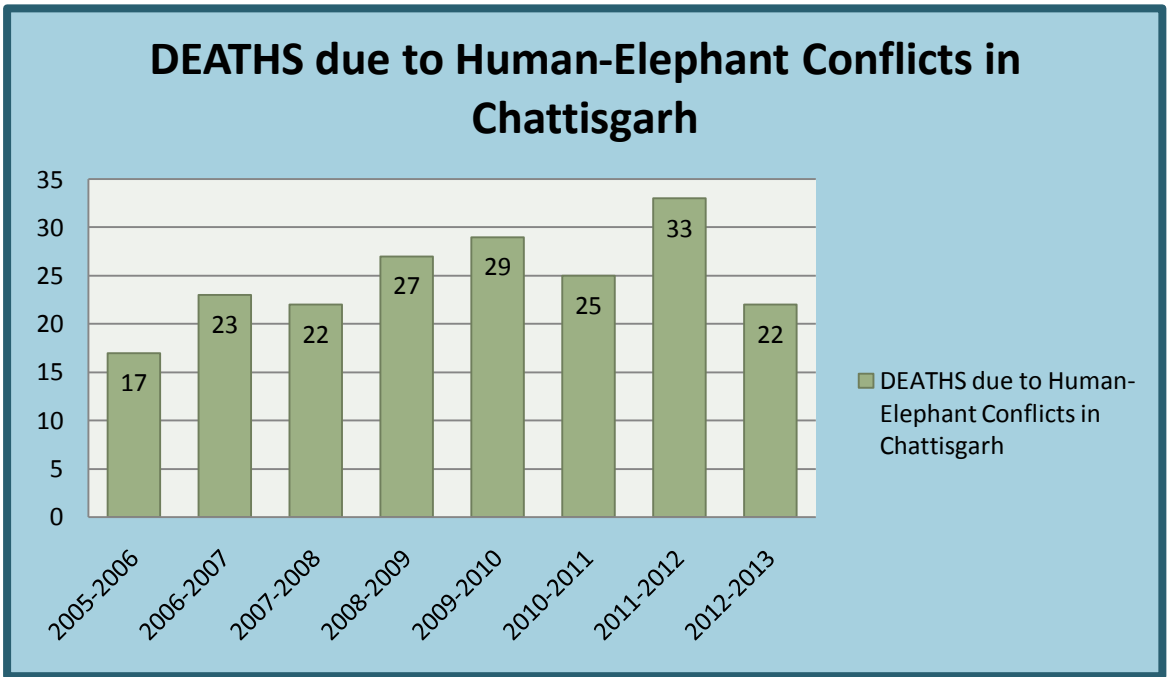
year	2002	2007	2012
Chhattisgarh	-	122	247
Orissa	1841	1862	1930
Jharkhand	772	624	668
All India	26328	27657-27682	29391-30711

The Elephant Task report 2010 notes mining, especially open cast mining as one of the major factors impacting elephant conservation in central India where most of the elephant areas in *Singhbhum(Jharkhand),Keonihar,mayurbhanj,dhankana,angul and phubani (Orissa)* have been severely fragmented leading to increase human-elephant conflicts and movement of elephant into Chhattisgarh and West Bengal.

The coal mining and iron ore mining is the two 'single biggest threats' to elephant corridor in central India as a result of increasing mining activities in state like Orissa, Jharkhand, & Chhattisgarh.

Chattiesgarh,Orissa & Jharkhand have less than 10% of the elephant population in the country but on an average close to 65% of the Human deaths occurs due to Human Elephant Conflicts.

Currently the figure of human deaths due to elephant has risen eight times to average 25 deaths a year and the compensation paid has increased has risen three times to 51 lakhs a year 2012 alone. ***Human Elephant Conflicts in state of Chhattisgarh has seen 114 human injuries between 2005-06 and 2013-14, 8657 property damage incident between 2006-07 and 2013-14 and 99152 incident of crop damage between 2004-05 and 2013-14.*** This is clear proof that conflicts on the ground is getting worse by the day.



To control public anger the state Government in its order no.F7-32/2013/10-2 dated 22.09.10 has increased the compensation from Rs. 1, 00,000 to Rs. 2, 00,000 in case of a human death. The continued diversion of forest is leading the Human-Elephant Conflicts situation in Chhattisgarh.

Year	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13
Loss of life	24.50	40.50	43.50	46.0	64.0	42.0
Loss of crops/property	79.91	178.66	178.22	150.46	179.12	226.72

Amount of compensation paid for loss of life and loss of crop, property in CHATTISGARH during year 2007 - 2013 (Rs in Lakhs)

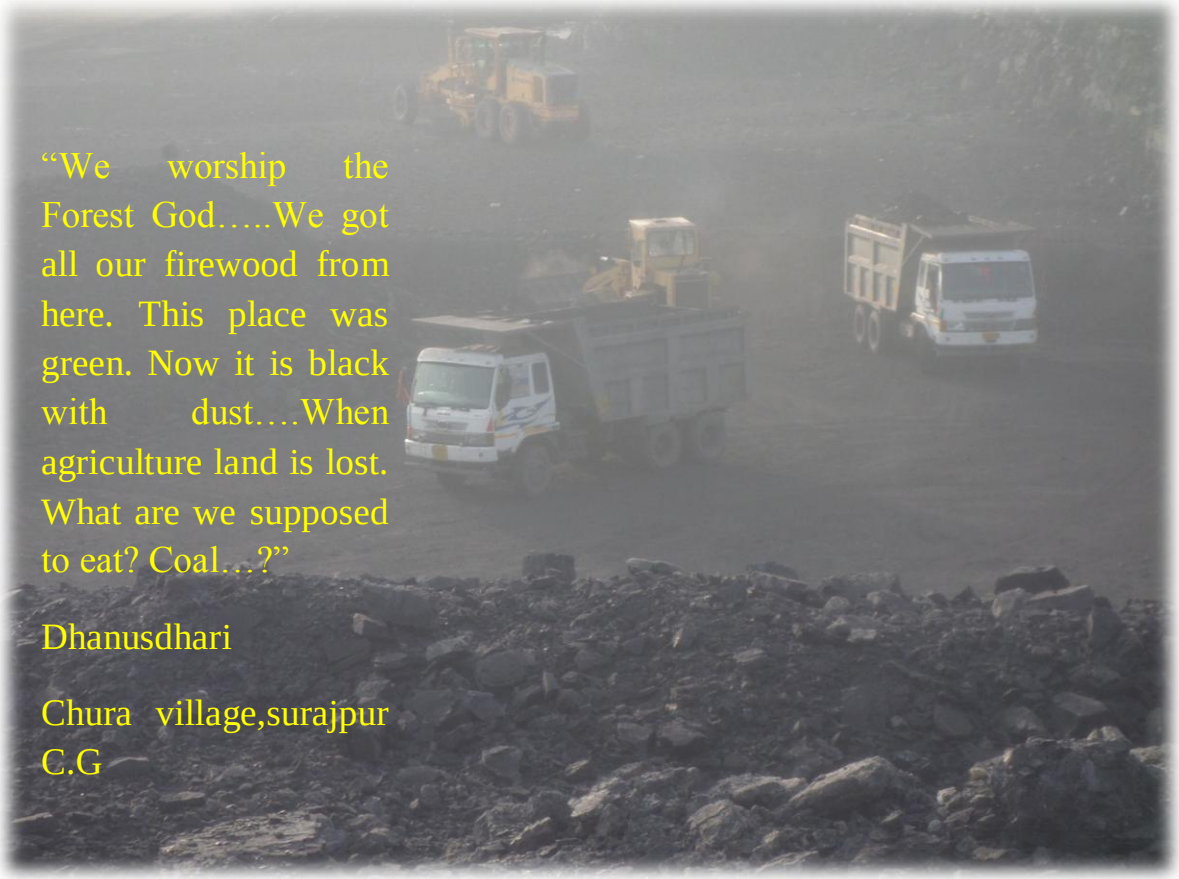
MINING, FORESTS AND TRIBALS

India is a mineral-rich country. It has a vast geological potential of over 20,000 known mineral deposits, and is in the top ranks in production of some key minerals such as coal, iron ore, chromites and bauxite. According to the Geological Survey of India (GSI), the national exploring agency, the country is yet to tap its complete potential: it has huge reserves of important minerals awaiting explorations and exploitation.

Unfortunately for India, almost all its minerals are in the same regions that hold its greenest forests and most abundant river systems. These lands are also largely inhabitated by India's poorest and most marginalized people – the scheduled tribes and scheduled castes – who depend on the very forests and watersheds for their survival.

Mining in India, therefore, is not "Dig & Sell" proposition as it is made out to be by industry. It is, in fact, a highly complex socio-economic and environmental challenge; at stake are natural resources as well as people – forests, wildlife, water, environmental quality and livelihoods.

- *Convention wisdom & geological evidence suggest that India is richly endowed with mineral resources. Explorations have found over 20,000 known mineral deposits & recoverable reserves of more than 60 minerals.*
- *If India's forests, mineral-bearing areas, regions of Tribal habitation and Watersheds are all mapped together, they will overlay one another on almost the same areas. In other words, India's major mineral reserves lie under its richest forests and in watersheds of its key rivers- these lands are also the homes of India's poorest people, its Tribals.*
- *The three Tribal-dominated states of Orrisa, Chhattisgarh and Jharkhand are the most productive mineral bearing states as well. They together account for 70% of India's Coal reserves, 80% of its high-grade Iron Ore, 60% of Bauxite and almost all chromite reserves. Also the forest cover in these states is far higher than the national average.*
- *Of the top 50 mineral-producing districts in the country, almost half are tribal. The average forest cover in these districts is 28%, much more than the national average of 20.9%.*



Coal is an important part of India's economic growth story. Nearly two-thirds of India's electricity is derived from coal, and the country is the third largest producer and consumer of the mineral in the world. The Indian government now plans to nearly double annual coal production by 2020 to meet growing energy requirements. However coal mining in India also has a different cost, borne by the communities affected by these mines, which are rarely meaningfully informed or consulted when their land is acquired, their forests decimated, and their livelihoods jeopardised. Crucial to India's coal plans is the role of the giant Coal India Limited (CIL) – the country's primary state-owned coal mining company and the world's largest coal producer. CIL aims to increase its output to 1 billion tonnes annually by 2020, primarily by increasing production in existing mines. Nearly 93 per cent of CIL's total production is through surface, or 'opencast', mines. About 70 per cent of India's coal is located in the central and eastern states of Chhattisgarh, Jharkhand and Orissa, where over 26 million members of Adivasi communities live, nearly a quarter of India's Adivasi population. Adivasi communities, who traditionally have strong links to land and forests, have suffered disproportionately from development-induced displacement and environmental destruction in India

A raft of domestic laws requires Indian authorities to consult, and in some cases seek the consent of, Adivasi communities before acquiring land or mining. International human rights law and standards also guarantee the right of Indigenous peoples to take part in the decisions that affect their lives and territories. However, these requirements

are regularly flouted. This report examines how land acquisition and mining in three mines in three different states run by three different CIL subsidiaries– which are all seeking to expand production- have breached Indian domestic laws, and India's obligations under international human rights law. It also demonstrates how CIL as a company has failed to meet its human rights responsibilities. The three coal mines profiled are South Eastern Coalfields Limited's Kusmunda mine in Chhattisgarh, Central Coalfields Limited's Tetariakhar mine in Jharkhand, and Mahanadi Coalfields Limited's Basundhara-West mine in Odisha. Adivasi communities in these areas complain that they have been routinely shut out from decision-making processes around their traditional lands, rights and resources. Many have had to wait for decades for the compensation and rehabilitation they were promised. The violations of their rights to consultation and consent – around land acquisition, environmental impacts, indigenous self-governance, and the use of traditional lands - has led to serious impacts on their lives and livelihoods. This report is based on research conducted between January 2014 and June 2016, which includes several interviews with members of Adivasi communities, activists and government officials.

"There is no answerability when this deliberate disrespect for the law is manifest."
High-Level Committee on Socio-Economic,
Health and Educational Status of Tribal Communities of India

LAND ACQUISITION: COAL BEARING AREAS ACT, 1957

Land acquisition for coal mining by the government is carried out under the Coal Bearing Areas (Acquisition and Development) Act (CBA Act). The Ministry of Coal is responsible for monitoring the implementation of the Act. Under the Act, when the government is satisfied that coal can be obtained from a certain area, it declares its "intention to acquire" the land in the official government gazette. There is no requirement to consult affected communities, or seek the free, prior and informed consent of Indigenous peoples, as stipulated by international law. Anyone who objects to the acquisition and who is entitled to claim compensation must file written objections within 30 days of the notice of acquisition to the office of the Coal Controller, under the Ministry of Coal which goes on to make recommendations to the central government. After considering the recommendations, the central government can issue a declaration of acquisition of the land and all rights over it. These rights can then be transferred to a government company such as CIL. There is no requirement for authorities to pay compensation before taking possession of land. The law has no provisions for ensuring that human rights impact assessments are conducted prior to land acquisition proceedings. There are no requirements to consult with non-landowners who may be affected by land acquisition, such as landless laborers. The law also does not offer adequate protection to communities from forced evictions. The CBA Act undermines communities' security of tenure and creates the legal basis for CIL to operate without due regard for the impact of its operations on human rights. The procedure for notification of acquisition under the Act does not amount to adequate notice as set out by international human rights law and standards. Despite a parliamentary committee pointing out in 2007 that "coal reserves in the country are mostly in the far-flung areas inhabited by the tribal communities" who "hardly have any access to the Official Gazette wherein they could see that their lands are to be acquired for public purposes", there have been no changes made to the process of informing communities that their land will be acquired.

South Eastern Coalfield Ltd. (SECL) Bhatgao zone has stared Mahan-2 and acquisition for Coal India Ltd. (CIL) only has to allow the CBA Act. Which does not require any form of consultation? A local Activist Mr.Jungsai Poya and team from CHAURI village asking a question through court notices for details about the projects compliance with the PESA ACT. SECL responded that in CBA Act. The PESA Act is not applicable.

The project under consideration, i.e. Mahan - II OCP is administratively under Bhatgaon Area of SECL headed by Chief General Manager, Bhatgaon Area. Geologically, Mahan – II comes under the Chaura Sub-Block, which is located in the northern part of Bisrampur Coalfield in Surguja District of Chhattisgarh. The Chaura Sub Block is situated in the northern part of Bisrampur Coalfield (i.e. north of Mahan River) in Balrampur (erstwhile Surguja) district of Chhattisgarh State. The Sub Block has been named after the village Chaura which is partly located in the north western part of the block.

The villages affected by the Mahan-2 mining project

Villages	Population
Chura	900
Kampapur	3000
Persawar	2000

Up-coming Mining Projects under SECL Bhatgaon Zone MAHAN-3 & MAHAN-4

Villages Affected by Mahan-3 mining project

Villages	population
Jagatnathpur	5000
Kampapur	3000
Chura	900
persawar	2000

Villages affected by Mahan-4 mining project

Villages	Population
Madan Nager	3000
Kanak Nager	3000
Chura	900
Jagatnath Pur	5000

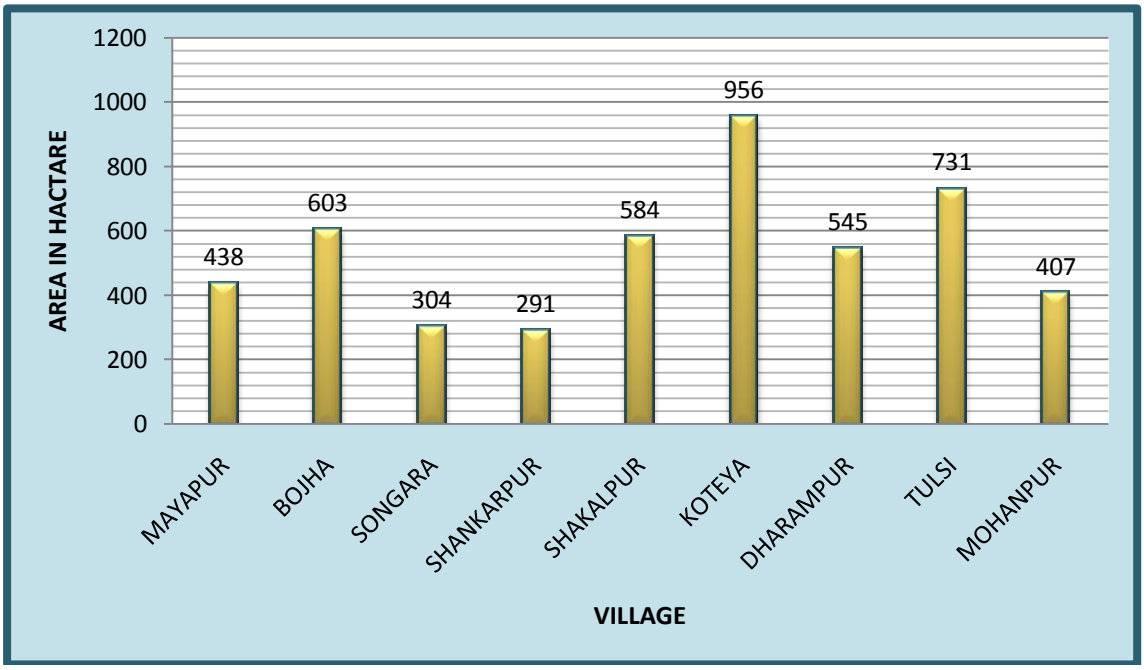
The state-owned Chhattisgarh Mineral Development Corporation(CMDC), singly or in joint venture, undertakes scientific exploration, commercial exploitation and viable trading of minerals in the State and ensures that the natural wealth which the state is endowed with, is transformed efficiently into prosperity for its people, in general and the country at large. Ministry of Coal (MOC), Govt. of India, in its memorandum no. 13016/8/2007-CA-1 dt. 25 July 2007, allocated Shankarpur (Bhtgaon II) & Extn. Coal block under the Government company dispensation for commercial extraction of coal by CMDC themselves or with its participation through a separate company which shall be necessarily a Government company eligible to do coal mining as per the provisions of Coal Mines (Nationalization) Act 1973. The Company such formed shall be free to sell its produced coal except to the consumers of Coal India Limited/SCCL against their existing linkages.

SHANKARPUR (BHATGAON II) & EXTN. COAL BLOCK is situated in the Bisrampur Coalfield in the command area of South Eastern Coalfields Limited. The block is spread over a combined area of 33.63 sq.km with a geological reserve of 80.13 million tones.

Chhattisgarh Mineral Development Corporation Ltd. envisages the establishment of a captive opencast coal mine over the land of villages Shankarpur, Koteya,Bojha, Mayapur,

Mohanpur, Shakalpur, Songara, Dharampur in District Sarguja, Chhattisgarh. The coal mine will operate within the "Shankarpur Block". The annual coal production is likely to be about 6.0 million tonnes per annum (MTPA). M/s. Chhattisgarh Mineral Development Corporation Ltd. (CMDC Ltd.) is intending to supply coal to the 1000 MW Power plant of ICPL, a JV company of the IFFCO & CSEB at a distance of 6 km from the mine site.

The village area falling within project as per the census 2001 is depicted through the following bar chart;



The legal boundary of 9 villages covers 4328 ha. Area out of which 3363 ha. Falls within the Coal Block.

Narrative Case Studies

Where do we go? How do we survive? Who will listen to us now? I understand that some people must make sacrifice for nation, but why must it always be us?"

1. Chaura-Dupi Pratappur, surapur

Case study on Mining and Displacement,Community Struggle against mining & the Leadership.

1. 1 Peoples Leader Jungsai Poya & Team

Chaura village situated in Surajpur district of chattisgarh , has been acquired by SECL BHATGAON ZONE under Open cast mining project MAHAN 2,3,4. The mining in MAHAN 2 has been going on which merely 3-4 KMs from Chaura village. The compensation rendered for the land acquisition was Rs 190000/acre. 500 acer then 252 acer land occupied by SECL for MAHAN 2 projects.

Situation started when the acquisition was proposed , many people of the village left their agricultural land for the sake of money , Mr. Dhanushdhari of the village informed this matter to the Sarpanch Mr. Sonsai, who along with the villagers decided to oppose the project. The protest slowly gained momentum, they felt the need of someone with the knowledge of all the laws and regulations, it was then Mr. Jungsai Poya from **Adivasi Gram Vikas Nyay Dal** came into picture. He along with Mr. Sonsai & Dhanushdhari started awaring the villagers of all the procedures to be taken as per law to protest the Mine.

They filed their petition to all the higher authorities including the Distric Collector, concerned Forest & revenue authorities but the results were null. They even pleaded for help from Political parties influential personals of the area but gained no support. They organized themselves and started protesting at the site. In the year 2009 24th Dec they staged a protest march at Mahan 2 site. SECL filed a FIR on 24 persons including jungsai Poya, Sukhdev,Manoj Poya,Sonsai,Laxmi Singh, Dhanushdhari, Lagni Bai in the prominence, the FIR framed was for threatening for death, arson, sabotaging the property etc.The company also charged a fine of 37.26 lakhs per head INR on the named persons, claiming the disruption of work has costed the company a loss of the same amount (`see Annexure 1). The lawyers in Rajpur declined to honor case of 12 persons because of the ill feeling towards the Tribals – stated the sarpanch Mr. Sonsai.

There was an attempt to murder Jungsai Poya in which Laxmi Singh was brutally assaulted by the goons, when they couldn't find Jungsai, after that they lodged a FIR against Laxmi Singh for assault. The victim was made convicted.

The trial is under District Court, Sarguja,Ambikapur,C.G , Jungsai Poya is active in protest irrespective of all the odds. The TRIBALS PEOPLE FORUM is presenting Jungsai Poya & his team's case in the Court.

1.2 Mining and Displacement

Mahan -2 mining project being conducted under S.E.C.L Bhatgaon zone in Chhattisgarh has three villages under the verge of extinction after the completion of the project.

In first phase 500 Acre land is taken by S.E.C.L and in 2nd phase 252 Acre land.

Mahan-2

Villages	Population
Chura	900
Kampapur	3000
Persavar	2000

Extension of this project Mahan-3 & Mahan-4 includes the areas as follows-

Villages	Poputation
Jagatnathpur	5000
Kampapur	3000
Chura	900
Persavar	2000

Villages	Popuation
Madan Nager	3000
Kanak Nager	3000
Chura	900
Jagatnathpur	5000

Mr.Poya said that – "when Chhattisgarh become a separate state. We *The Adivasi Community* were very happy and were hopeful that situation of our community will be better in the coming days. But after separate state the land, river and forest are taken from this community for mining projects, industrial and for Sanctuary. For NMDC (National Mineral Development Corporation) Iron ore plant Govt. displaced Beladila village including 4 other village. Iron is exported to Japan. Nobody knows where the people are going after village's displacement. They get only compensation or job. The other construction of the proposed Romellete Steel Plant at Hiranar was abandoned because of the opposition of the people in early 2000. Now the Chhattisgarh government has planned to shift it to the Nagarnar. It is pertinent to remind the public that the multinational Romelette belongs to Russia and the NMDC (National Mineral

Development Corporation) had commenced the construction at Hiranar with modern technology provided by the Romellete. Now the people of Nagarnar too have started vigorously opposing it. Since the last one year, Nagarnar has been converted into a battleground. A vehement propaganda campaign is being carried on in the newspapers to convince the people that the Nagarnar Plant is for the 'development' of Bastar. They are leaving no stone unturned to prove that the people of the region and the other people, including the People's War Party, who are opposing the construction of the plant, are 'anti development'. What kind of development is this .The people of Indigenous community who protect forest generation by generation but today "no one" stand to protect this community. They fight for their own land, own property but in the name of development other people take their property either fraud or given. "

1.3. Community struggle against mining – chaura duppi ,pratappur

Their protest is based on the fact that –

- The Gram sabha's approval has not been taken for the said project.
- PESA & FRA has been neglected in the acquisition of the land
- The method of acquisition is illegal, money as well as power is being used. They are forcing people to give away their lands either by greed or by fear. Many agents are involved for the same.

SECL has filed a written answer to court stating that –

SECL is not bound to adhere the Chattisgarh land Acqisition Act ,or PESA , the facilitate their projects under Coal Bearing Act , compensating the land owners .

Matter in fact the Coal Bearing Act has been rule out when the PESA Act was implemented in 1993 , in Section 129(c)3 it is clearly stated that land,water and forest use is solely under the jurisdiction of Gram Sabha. This implies that the SECL or any Commercial Body does not have any right to operate in these rural areas without the Gram Sabha's approval.

The FRA came into existence in the year 2006 and was implemented throughout the nation from 1st Jan 2008, but just a year later in 2009 case has been filed against the villagers of Chauri for disrupting the operation in Mahan2 project.

Reference-A Plan for Destruction :www.bannedthought.net, for detailed court statements see Annexure

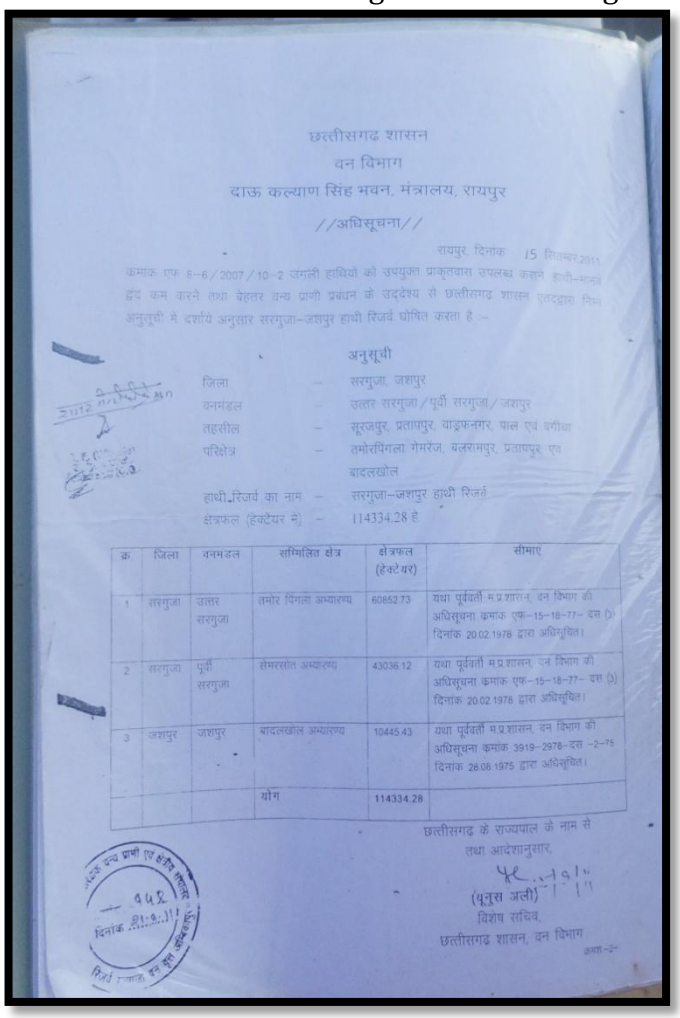
2. Semarsot Elephant Corridor

Gram Sabha Adikar Manch Guided by Mr.Blacius Tigga and his team, operate at Sargawa,Daldaliya and Sargandi Panchayat . Aim of the Org. to give Information about PESA and FRA to the Indigenous community of Chhattisgarh and Guide them how to use their rights under PESA and FRA.

Mr.Blacius Tigga and his team led us to the Lurgi village which is under Sargawa Panchayat, District Balrampur.Sargawa and Sargandi Panchayat is under Semersot –Elephant Corridor. A very serious Issue of displacement is prevailing there.

The Semersot Elephant Corridor stretches over 43,000 hectares of the surguja district – bordering Bihar and would directly result in the Displacement of 51 villages, according to IFDP(Institute for Food and Development Policy);Approximately 85 percent of the people who would be affected are tribal or indigenous people know as"Adivasis"

In the name of Elephant corridor Chhattisgarh govt. and forest authority either digiging a pond in the middle of the village or Plant a boi grass which is eaten by elephant only. All this projects is happen in populated area. The same situation is faced by Sargawa and Sargandi villages .



छत्तीसगढ़ शासन
वन विभाग
दाऊ कल्याण सिंह भवन, मंत्रालय, रायपुर
//अधिसूचना//

रायपुर, दिनांक 15 सितम्बर 2011

क्रमांक एफ 6–6/2007/10–2 जंगली हाथियों को उपयुक्त प्राकृतवास उपलब्ध कराने हाथी–मानव द्वंद कम करने तथा बेहतर वन्य प्राणी प्रबंधन के उद्देश्य से छत्तीसगढ़ शासन एतद्द्वारा निम्न अनुसूची में दर्शाये अनुसार सरगुजा–जशपुर हाथी रिजर्व घोषित करता है :–

अनुसूची

जिला – सरगुजा, जशपुर
वनमंडल – उत्तर सरगुजा/पूर्वी सरगुजा/जशपुर
तहसील – सूरजपुर, प्रतापपुर, वाड्रफनगर, पाल एवं बगीचा
परिक्षेत्र – तमोरपिंगला गेमरेंज, बलरामपुर, प्रतापपुर एवं बादलखोल
हाथी–रिजर्व का नाम – सरगुजा–जशपुर हाथी रिजर्व
क्षेत्रफल (हेक्टेयर में) – 114334.28 हे

क्र	जिला	वनमंडल	सम्मिलित क्षेत्र	क्षेत्रफल (हेक्टेयर)	सीमाएं
1	सरगुजा	उत्तर सरगुजा	तमोर पिंगला अभ्यारण्य	60852.73	यथा पूर्ववर्ती म.प्र.शासन, वन विभाग की अधिसूचना क्रमांक एफ–15–18–77– दस (3) दिनांक 20.02.1978 द्वारा अधिसूचित।
2	सरगुजा	पूर्वी सरगुजा	सेमरसोत अभ्यारण्य	43036.12	यथा पूर्ववर्ती म.प्र.शासन, वन विभाग की अधिसूचना क्रमांक एफ–15–18–77– दस (3) दिनांक 20.02.1978 द्वारा अधिसूचित।
3	जशपुर	जशपुर	बादलखोल अभ्यारण्य	10445.43	यथा पूर्ववर्ती म.प्र.शासन, वन विभाग की अधिसूचना क्रमांक 3919–2978–दस –2–75 दिनांक 28.06.1975 द्वारा अधिसूचित।
			योग	114334.28	

छत्तीसगढ़ के राज्यपाल के नाम से
तथा आदेशानुसार,
(धनुस जली)
विशेष सचिव,
छत्तीसगढ़ शासन, वन विभाग

Recently in govindpur village sargandi panchayat ,forest authority plant Boi Grass field for Elephant.Near to the village but the people of different villages which is near to the filed come together and protest against the project.

Between 5-15 of July 2016, the people of lurgi Village, sargawa panchayat protested against the forest authority project when two tractors loaded of Boi Grass were to be planted in lurgi Forest. But the people of this area protest against this project.

The Forest Authority filed a case against 13 people. 11 from sargawa and 2 from sargandi.

People of this selected area are very much supportive to each other. When this issue arise not only the male members but also female members of the community raise their voice in against the Forest Authorities' atrocities.

The area is inhabited by peoples from Nagesia, Kudaku, Oraon, Gupta and Muslim community and the population is of more than 5000 families.

> More than 5000 families have been given "Eviction Notes". Tens of thousands of people will be dispossessed of their traditional abodes and resources without any realistic perspective for proper reset lament if the proposed sanctuary is completed.

"Imagine if these area is converted into elephant corridor the cases of Human-Elephant conflict is inevitable, the loss of life and damaged of crops who will be responsible for all this? Now the question arise what happen when displacement take place. What will be the future identity of the coming generation .If their pace become Elephant Co-corridor. What will be their prove of the Indigenous community who belongs from this area. " - Mr. Blacius Tigga

Sitarampur, kusmi are few of the villages which is taken for corridor by Fraud signature.

Semersot Elephant Project first notification came in 1986. After this people are regularly protesting. Then 2nd notification came for "Semorsot Elephant Corridor. Then the people of the affected villages make a committee "Jan Sangrash Samiti".

29000 people Protest against this project in ambikapur. Where 12 leaders who guided this protest are arrested by police and they are bitten by the state forest service employ.

2.1 Community Forest Right

A meeting was Conducted under the guidance of Mr.Blacius Tigga on 17/06 /2013 in special gram Sabah meeting. With the permission of the District collector.

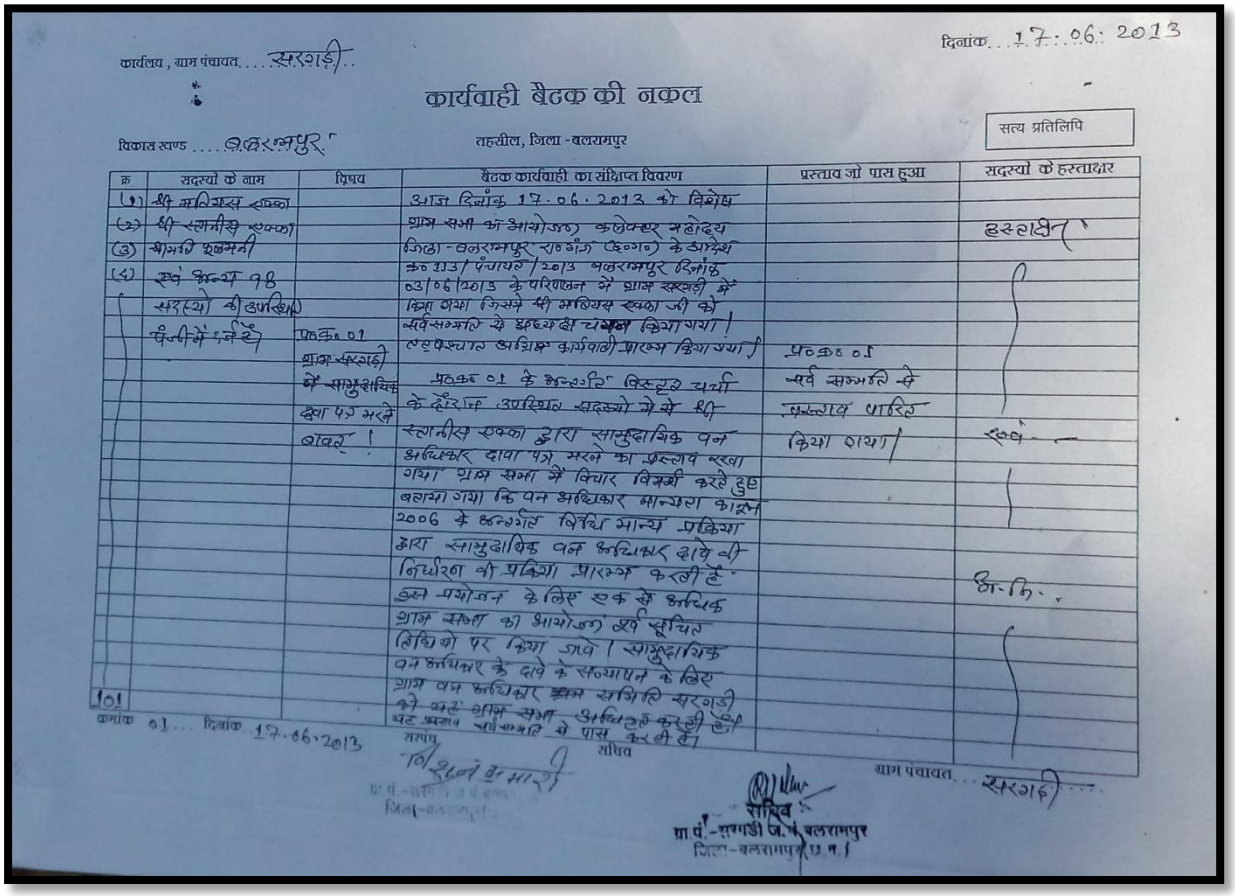
The Moto of this meeting was to convey the information and knowledge about CFR to the villagers. So they can apply and utilize their rights under this provision .some of the villagers got CFR but later ruled over. Lurgi village under sargawa panchayat and sargandi village under sargandi panchayat have applied for the CFR.

In Saragawa panchayat there is a illegal cutting of trees going on , people protest against this, but since they don't have any kind of CFR they are unable to stop this illegal work. There are so many cases which is faced by this villagers.

In sargawa village when people used forest trees to build a house then the forest authority charged fine on them in an amount of 9000,13000 or 12,500 etc. then there was a special meeting conducted under Gram Sabha to solve this issue and after a debate villagers won and they didn't gave any fine for the cutting.

In Kharsota, under Jashpur district people were celebrating holi and in every house of this village “Hariya” a traditional drink for celebration was made. Then a group of police come in one of the” Kudaku” caste family and charge Rs 5000 & take one goat from them. Then Mr.Tigga & team conducted a meeting under Gram Sabha for this issue both of the party present their view and result came in favor of the villager. The then S.P Mr. Tigga apologized for this and order to the team of police to return the case and goat. They return the case but not the goat.

In daldaliya we see the first case of FRA. In this area forest authority and police cutting a forest in an illegal way. Then the villagers protest against this cutting. But forest authority filed a case against the villagers and the case went 2yrs in the court but lastly the judgement came in favor of the villagers and now police and forest authority never interfere or disturb this area.



कार्यालय, ग्राम पंचायत.....सरगड़ी..

दिनांक...17.06.2013

कार्यवाही बैठक की नकल

विकास खण्ड .....बलरामपुर

तहसील, जिला - बलरामपुर

सत्य प्रतिलिपि

क्र	सदस्यों के नाम	विषय	बैठक कार्यवाही का संक्षिप्त विवरण	प्रस्ताव जो पास हुआ	सदस्यों के हस्ताक्षर
(1)	श्री मतिराम एक्का		आज दिनांक 17.06.2013 को विशेष		
(2)	श्री रमनीश एक्का		ग्राम सभा का आयोजन कलेक्टर महोदय		हस्ताक्षरित
(3)	श्रीमति फुलमनी		जिला - बलरामपुर रामगढ़ (छ.ग.) के आदेश		
(4)	एवं अन्य 78		क्र 113/पंचायत/2013 बलरामपुर दिनांक		
	सदस्यों की उपस्थिति		03/06/2013 के परिपालन में ग्राम सरगड़ी में		
	पंजीयन हुई है।		किया गया जिसमे श्री मतिराम एक्का जी को		
			सर्वसम्मति से इकरूप से चयन किया गया।		
			तदुपरान्त अग्रिम कार्यवाही प्रारम्भ किया गया।		
		प्रकरण 01 ग्राम सरगड़ी में सामुदायिक दावा पत्र भरने	प्रकरण 01 के अन्तर्गत विस्तृत चर्चा के दौरान उपस्थित सदस्यों ने श्री रमनीश एक्का द्वारा सामुदायिक वन अधिकार दावा पत्र भरने का प्रस्ताव रखा गया। ग्राम सभा में विचार विमर्श करते हुए बताया गया कि वन अधिकार मान्यता कानून 2006 के अन्तर्गत विधि मान्य प्रक्रिया द्वारा सामुदायिक वन अधिकार दावे की निर्धारण की प्रक्रिया प्रारम्भ करनी है। इस प्रयोजन के लिए एक से अधिक ग्राम सभा का आयोजन हुई उचित विधि को पर किया जावे। सामुदायिक वन अधिकार के दावे के सत्यापन के लिए ग्राम वन अधिकार समिति सरगड़ी को गठित करने सभा उपस्थित करती है। अतः प्रकरण सर्वसम्मति से पास करती है।	प्रकरण 01 सर्व सम्मति से प्रस्ताव पारित किया गया।	एवं —
					हा.नि.

प्रकाश 01... दिनांक 17.06.2013

सरपंच

सचिव

ग्राम पंचायत...सरगड़ी...

सचिव
ग्रा.पं.-सरगड़ी जि.-बलरामपुर
जिला-बलरामपुर (छ.ग.)

2.2 Women Active Participation

The women community of this sargawa panchayat, Dulduiya, & Sargandi is the example of Idol women active participation. Because they handle both kind of situation economical as well as social.

In Lurgi forest when forest authority planted a field of boi Grass. Women from the community were very articulated in raising their voice against this project.

Shivmani kujur and other village women's are famous in this area. even forest authority and police dept. know them very well. When the boi grass incident happened (5th to 15th July 2016) Shivmani Kujur and her team were the very first in opposition. It was a heavy rainy day when two tractors come from forest authority with a full of boi grass to be planted ….the group of women from this area came on the spot and protest against this….group of a women attack on them just because of their safe side because if this grass will planted the life of the people who belongs in this area was to be in jeopardy then the male of this area come and support in the protest.

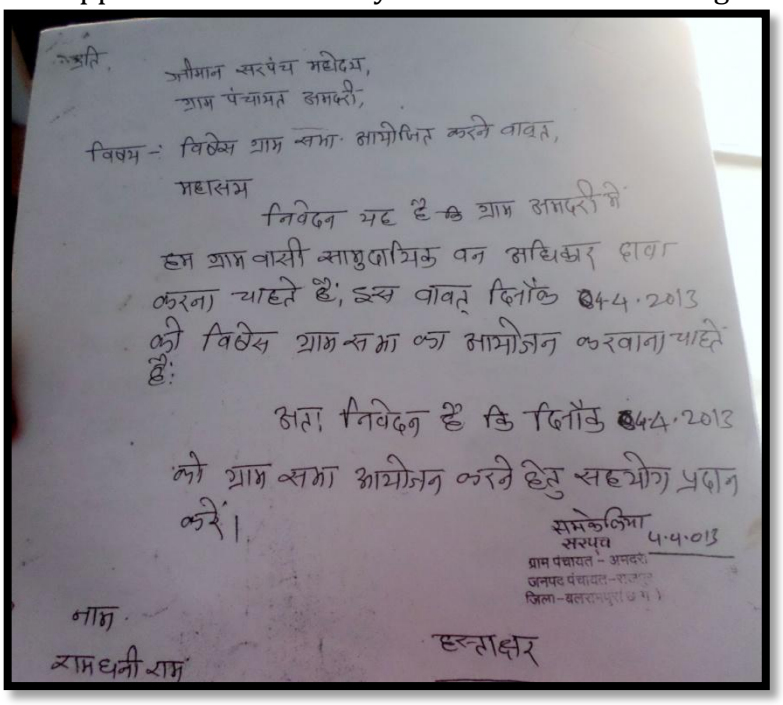
Mrs. Shivmani Kujur - 1st from the left

Most of the women from this village are house wife but they are financially strong because of SHG group. In 2007 they made 3 groups with a contribution of Rs 5 in a month, now there are 10 groups of SHG and they conduct meeting ones in a week. Now they contribute Rs 10 per month. They also work in Honey Bee Farming. They are very frequent in attending workshop and seminar in women issue in district level.

3. Community & Individual Forest Right entitlement- korgi & Amdari

Amdari & Korgi villages are situated in Rajpur, the residents belong to the Nagesia tribes and have been residing there from generations.

In the year 2012 the villagers have applied for Community & Individual Forest Right entitlement, following that they have applied for community Rights in 2013. The problem aroused when they were denied the entitlement, for the reason that their Caste has been charted as Nagesia Kisan in the documents, hence they could not be defined as Scheduled Tribe. The villagers have been struggling for their rights since then with the help & guidance of Adivasi Seva Mandal, headed by Mr.Anand Marabi.



प्रति,
श्रीमान सरपंच महोदय,
ग्राम पंचायत अमदरी,

विषय:- विशेष ग्राम सभा आयोजित करने बाबत,

महासभ

निवेदन यह है कि ग्राम अमदरी में
इस ग्रामवासी सामुदायिक वन अधिकार दावा
करना चाहते हैं; इस बाबत दिनांक 04.4.2013
को विशेष ग्रामसभा का आयोजन करवाना चाहते
हैं:

अतः निवेदन है कि दिनांक 04.4.2013
को ग्रामसभा आयोजन करने हेतु सहयोग प्रदान
करें।

सम्मेलिया
सरपंच 4.4.013
ग्राम पंचायत - अमदरी
जनपद पंचायत-राजपुर
जिला-बलरामपुर (छ.ग.)

नाम
रामधनी राम

हस्ताक्षर

In a conversation Anand Marabi said “they have received the acknowledgement of Application, which they have preceded through Block office to HDLC, but there is no progress afterwards. However another neighbor village KARRA, which has applied at the same time, has been entitled all the rights.”

The villagers have been offered 6-7 Acres of forest land by the Govt. Authorities instead of CR & IFR, for which they refused stating, they have been residing there since generations, and more even what good will be that small part of land for the village of more than 50 families.

3. 1 Elephant Menace - korgi & Amdari

The villagers are quit upscale in terms of agriculture and awareness. The residents belong to the Nagesia tribes and have been residing there from generations. The Annual income of villagers altogether from the agriculture of Tomato & Corn is about 1-1.5 Crores INR.

The village is located into the Elephant corridor; hence there is always a danger of encounter between elephant & Villagers. Though the villagers are residing there since generations, there have been very few noted incidents of elephants entering into villages or creating any such damages as of life or property.

It was since the year 2011 there has been a substantial increase in elephant raids to the village & crops. A very recent incident happened in October 2016 when A group of more than 20 elephants attacked the nearby village of Korgi named Gyora, destroying 16 houses , 4 persons has to loose their lifes in those encounters & 70% of the Crops damaged.

“There is a provision of compensation, but are not adequate for these lose. The govt. does not takes responsibility for the people residing in forest if anything happens in wild animal’s encounter. We have been living here from ages; we never had this issue of Elephant earlier, why now they are coming.” States one of the villager Rajkumar.

The Forest Dept. was constructing a Pond in Korgi Village, when people enquired about it , they were shocked to know that, this pond will serve as a water source for elephants, “if this would have happened , we all have to face elephants on a daily basis, how would we survived then” Village Sarpanch. Villagers agitated a very strong protest for this construction, henceforth the plan was dropped.

Wildlife preservation is indeed important, but the people who have been residing in forest from ages should also be taken into consideration.

4. Fighting against proposed coal mining & displacement

Koteya village is situated in SUrajpur District of Chattisgarh state. With a population of about 5000 this village is a home for Gond tribes and Harijans. 700 of them are Educated, 3000 Male and 2000 Female. Agriculture is the prime source of livelihood.

Non government organization Chetna Gramin Vikas Samit, Surguja (CGVS) started to work in this region and while conducting village meeting people shared about the incident status of coal mining's.

The Coal mining survey started from 2003 to 2005 in these villages, such as Koteya, Bagrda , Gawra, Paldha, Bharda, Manpur etc. In the beginning villagers were unaware about the reality of it and survey team responded just checking the water availability of depth, amount of water availability. With these words people agreed and did not object but instead watched peacefully.

In 2014-15 survey team came and proposed for starting of coal minings and in return people will be given money. This incident made aware village leaders to organize village level meeting by Koteya community to agitate and send away the survey. During this movement action women participated and came forward to chase the survey team. In the collectors meeting too villagers protest about taking money.

Till date there have been 2 encounters of the villagers and the CMDC,. In one encounter the Senior Officer of CMDC said to the villagers that , the company is testing the water & minerals of the village land, Ghuran questioned for the intention of the company asking , why is it necessary to load so many trucks of soil for testing, and where are they dumping those truck loads of soils.the strong will & protest of the villagers have prevented any operations in Koteya till now, although the Villages nearby have been acquired by the Company.

The village is affected from elephant's migration too,and there has been significant damage to life and property for which they are compensated for mere amounts of 2000 to 3000 INR.

At present villagers are completely aware about the situation and they are united to protest against the coal mines establishment. In continuation of protest people are

regularly conducting village meeting but in the meeting male groups are coming forward.

Future steps proposed by Koteya village of community:

- Form village level community to take ahead the application, information, visiting government department.
- In the formed committee Male, Women and youth leaders to be selected.
- Women and youth group meeting to conduct separately and made aware about the land dispute and coal mining's.
- Regularly collect the update information and made aware the community and committee.

5. Fighting for identity – a forgotten village SEMARKATHRA

Semarkathra village, situated in Balrampur district of Chattisgarh , is abode for the KUDAKU tribes , who had their livelihood by forest products, they had an exposure to agriculture when 8-10 Oraon tribe families established there residence at the village. They have been living in harmony since then.

It was in late 1980s when they realized that they have not been granted land patta & there is no identity or existence of Semarkathra village in the Map of Chattisgarh (then Madhya Pradesh). They organized themselves and pleaded to the Government Authority for the same.

In 1985-1986 Bharat Jan Andolan Started, the people of semarkathra actively participated , they used to travel to Ambikapur on foot, which used to take them 2-3 days to reach there. But a failure indeed they got. They have been approaching the Authorities since then.

The Sarpanch Mr. Michal Lakra along with the Ms. Priska Lakra of Mahila Jagruti Sangh have been able to get some positive intiations from Authorities, in late 2013-14 the application for the land patta was accepted, and the village was declare as a Revenue Village (Annexure 2). But again there has been no improvement since then.

Mr. Micheal Lakra and Priska lakra

Due to the absence of Khatiyan , they cannot get Caste & Residential Certificate,which is a must for employement application, current scenario is many of the young educated residents have to work at fields or other Daily wages job, although having a merit in their education. They cannot apply for any kind of Jobs.

Mr Michal Lakra shared “after the form approval, they were asked to make roads in the village, “BADE SAHAB” – higher officers will go there for inspection. They made it and waited daily, it has been till date no one came”More than 100 families of KUDAKU & ORAON people of semarkathra are unitedly fighting for their rights with a hope that someday they will be recognized & their village will be charted in the Map of Chattisgarh.

Conclusion

The Scheduled Tribes constituted about 8.2% of the total population in the country according to the 2011 Census. They also constituted 55.16% of the total displaced population, which indicates the extent of victimization of the tribes.

There has been a steady exploitation of natural resources from tribal areas for the purpose of nation building. The pressure on forests mostly comes from outside the forestry sector and among them one important cause is mining. Mines can occupy and spoil large tracts of land. Many mines have been opened during the last decades and still more are on the way. These affect the forest ecosystem, to which the tribal communities‟ social support system is intimately connected. The mines are located largely in the traditional habitats of the tribes and have been looked upon as the resources of the entire country. Tribal areas produce most of the country's coal, mica, bauxite and other minerals. They have been exploited in the name of national interest, unfortunately by extinguishing the rights of the scheduled tribes, and by paying nominal monetary compensation only for land. Tribal communities quite often had their habitats and homelands fragmented, their cultures disrupted, their communities shattered, and have been converted from owners of the resources within well knit contented communities to individual wage earners in urban agglomerates with uncertain futures and threatened existence. Since tribal land is generally non transferable, the land markets are underdeveloped and the cost of acquiring land in tribal areas is extremely low. The rate of compensation is, therefore, inadequate, usually based on national market value. The subsequent value of the land after implementation of the project is enormous but is never taken into account. This encourages the tendency to acquire land in excess of the requirement. Mining companies in particular usually acquire land far in excess of requirements.

A significant no of tribal people who are generally dependent on the natural and common resources are displaced and their ethos and life style is dismantled and denigrated for the sake of development projects. Apart from the loss of land Condition and life style (Of generation) Displacement causes other traumatic, Culture consequences, making life more miserable and impoverished.

Development-induced involuntary displacement of the tribes takes place in most states, mainly in the tribes’ concentrated region of Bihar, Orissa, and Andhra Pradesh, Madhya Pradesh, Gujrat, Maharashtra, Jharkhand & Chhattisgarh. Further, it has been observed that during the last 60 yrs, for various dam projects, about 6 crore people have been displaced, out of which 14 crores have practically turned into baggers in the streets or either victims of trafficking.

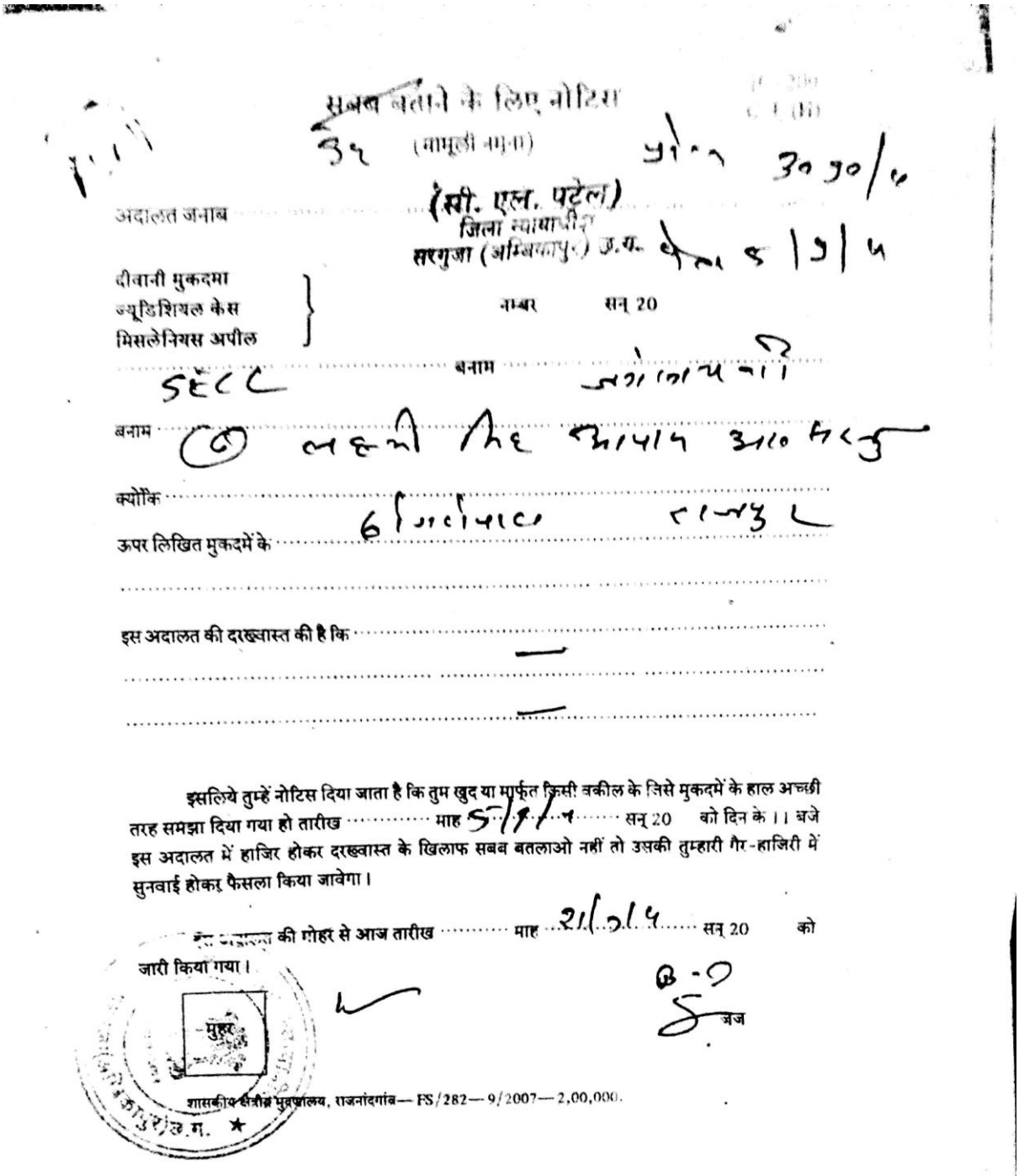
In spite of the existence of strict environment laws and regulations like the Forest Conservation Act and the Environment Protection Act there are serious violations of these legislations. Tribal areas, being remote and inaccessible and tribals being illiterate and ignorant, mining companies can easily violate all environmental rules and regulations. The mining companies normally go ahead with mining operations without any environment impact assessment studies or environment management plans submitted prior to the commencement of mining activity. This also contributes to over exploitation of natural resources in tribal areas. The exploitation of mineral resources through surface and underground mining has caused wide ranging environmental problems such as land degradation, air, water and noise pollution, etc. These problems are accentuated by the multiplier effect of mining in the tribal areas which has acted as a catalyst for urbanization and industrialization.

The Elephant Task report 2010 notes mining, especially open cast mining as one of the major factors impacting elephant conservation in central India where most of the elephant areas in *Singhbhum(Jharkhand),Keonihar,mayurbhanj,dhankana,angul and phubani (Orissa)* have been severely fragmented leading to increase human-elephant conflicts and movement of elephant into Chhattisgarh and West Bengal.

The coal mining and iron ore mining is the two 'single biggest threats' to elephant corridor in central India as a result of increasing mining activities in state like Orissa, Jharkhand, & Chhattisgarh.

ANNEXURE 1:

COURT SUMMON – SECL BHATGAON ZONE Vs JUNGSAI POYA, SUKHDEO POYA, MANOJ POYA, LUGNI BAI, SONSAI, LAXMI SINGH



सबब बताने के लिए नोटिस

(सामूली समन)

(सी. एल. पटेल)
जिला न्यायाधीश
सरगुजा (अम्बिकापुर) छ.ग.

अदालत जनाब .....

दीवानी मुकदमा
ज्यूडिशियल केस
मिसलेनियस अपील
} नम्बर सन् 20

बनाम .....

बनाम .....

क्योंकि .....

ऊपर लिखित मुकदमें के .....

.....

इस अदालत की दरख्वास्त की है कि .....

.....

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इसलिये तुम्हें नोटिस दिया जाता है कि तुम खुद या मार्फत किसी वकील के जिसे मुकदमें के हाल अच्छी तरह समझा दिया गया हो तारीख ..... माह ..... सन् 20 को दिन के ।। बजे इस अदालत में हाजिर होकर दरख्वास्त के खिलाफ सबब बतलाओ नहीं तो उसकी तुम्हारी गैर-हाजिरी में सुनवाई होकर फैसला किया जावेगा।

मेरे दस्तखत की मोहर से आज तारीख ..... माह ..... सन् 20 को जारी किया गया।

मुहर

न्याय

शासकीय केन्द्रीय मुद्रणालय, राजनांदगांव— FS/282—9/2007—2,00,000.

न्यायालय श्रीमान् जिला न्याय धीश महोदय, सरगुजा अम्बिकापुर छ0ग0

प्र.क. 28/1011

साउथ इस्टर्न कोल्ड फील्ड लिमिटेड

द्वारा– मुख्य महाप्रबंधक एस.ई.सी.एल.भटगांव क्षेत्र– भटगांव.

.....वादी

प्रति

1. जंगसाय आ0 रामचन्द्र निवासी ग्राम परसागुडी, पो0 परसागुडी तहसील राजपुर जिला–सरगुजा द0ग0
2. सुखदेव पोया आ0 लालसाय,
3. मनोज पोया आ0 नहीं मालूम(भतीजा सुखदेव पोया)
4. लगनी बाई नेताम पत्नि जोखन
5. सोनसाय आ0 बीगन राम
6. लक्ष्मी सिंह आयाम आ0 सरजू

सभी निवासी ग्राम ढोगरोपारा चउरा पो0 नरसिंहपुर, तहसील राजपुर जिला- सरगुजा छ0ग0

.....<u>प्रतिवादीगण</u>

<u>क्षतिपूर्ति हेतु वाद</u>

<u>वाद मूल्य–37,26,000/–रूपये</u>

<u>(तैतींस लाख सत्ताईस हजार रूपये)</u>

<u>न्याय शुल्क– 1,58,000/–रूपये</u>

<u>(एक लाख अन्ठावन हजार रूपये)</u>

वादी, प्रतिवादीगण के विरूद्व निम्न वाद रोजित करता है:–

1 यह कि वादी द्वारा कोल बैरिंग एक्ट–1956 के अनुसार विधिवत निजी एवं शासकीय भूमि का अधिग्रहण कर कोयला उत्खनन का कार्य करती है तथा उत्खनन किये गये कोयले को कंपनी द्वारा निर्धारित दर के अनुसार विक्रय का कार्य करती है।

2. यह कि इसी अनुक्रम में वादी द्वारा ग्राम ढोंगरोपारा चउरा एवं उसके आसपास के क्षेत्र में महान–2 खुली खदान परियोजना के अन्तर्गत कोयला उत्खनन का कार्य प्रारंभ किया गया है।

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3. यह कि वादी द्वारा उक्त परियोजना प्रारंभ करने के उपरांत शासन द्वारा निर्धारित नियमो के अनुसार संपूर्ण वैधानिक प्रकिया का पालन किया गया है तथा ग्रामवासियों को विधिवत भूमि के मुआवजे का भी भुगतान किया जा चुका है।

4. यह कि उपरोक्त वैधानिक प्रकिया पूर्ण करने के उपरांत भी प्रतिवादीगण द्वारा महान 2 खुली खदान परियोजना को आये दिन बिना किसी कारण व सूचना के बंद करा दिया जाता है, जिससे न केवल वादी को बिना कार्य के श्रमिकों को वेतन दिया जाता है एव कोयला उत्खनन का कार्य प्रभावित होनें से उन्हें लाखों रूपये की आर्थिक क्षति का सामना करना पडता है, जो कि एक राष्ट्रीयक्षति भी है।

5. यह कि प्रतिवादीगण द्वारा दिनांक–12.10.2009 को उक्त खदान बंद करा दिया गया था तदपश्चात पुलिस एवं जिला प्रशासन के सहयोग से खदान प्रारंभ किया करानें हेतु विशाल रैली का आयोजन किया गया, किंतु पुलिस एवं जिला प्रशासन की उपस्थिती में गया परंतु पुनः दिनांक– 10.12.2009 को खदान बंद कर दिये जाने से तदपश्चात दिनांक–13.12.2009 को चर्चा करने के उपरांत उक्त खदान प्रारंभ हुआ।

6. यह कि प्रतिवादीगण के समस्याओं के संबंध में वादी द्वारा बातचीत करने हेतु दिनांक– 15.12.2009 का लिखित निवेदन करते हुए दिनांक–19.12.2009 को वादी के कार्यालय में उपस्थित होकर वार्ता हेतु निवेदन किया गया, परंतु प्रतिवादीगण उपस्थित नही हुए तदपश्चात वादी द्वारा दिनांक– 23.12.2009 को प्रतिवादीगण को पुनः पत्र देकर दिनांक– 25.12.2009 को वार्ता हेतु उपस्थित होने का निवेदन किया परंतु इसी बीच दिनांक 24.12.2009 को सांय 4.15 पर प्रतिवादीगण 200 आंदोलनकारी जिसमें बच्चे,महिला एवं पुरूष के साथ शामिल थे, के द्वारा जबरन परियोजना में कार्यरत् कर्मचारियो एवं अधिकारियों को धमका कर एवं जान से मारने की धमकी देकर महान 2 खुली खदान परियोजना को बंद करा दिया गया जिससे उक्त कोयला खदान के कोयला उत्खनन का कार्य प्रभावित होनें से 37.26 लाख रूपये की आर्थिक क्षति वादी को हुई। जिसे वादी ,प्रतिवादीगण से प्राप्त करने का अधिकारी है तथा प्रतिवादीगण भुगतान करने हेतु बाध्य है।

7. यह कि वास्तव में उपरोक्त कोयला खदान में प्रतिवादीगण या किसी आंदोलनकारी की भूमि अधिग्रहित नहीं की गई है और न ही उक्त परियोजना में खुदाई की जा रही भूमि में प्रतिवादीगण का कोई हक व अधिकार है, परंतु उसके पश्चात भी प्रतिवादीगण द्वारा विधि–विरूद्व तरीके से वादी के उक्त कोयला खदान को बिना किसी कारण व आधार के अवैध संगठन बनाकर उसे बंद करा दे रहे है

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और प्रतिवादीगण के इस कृत्य से वादी को न केवल आर्थिक क्षति का सामना करना पड रहा है,बल्कि प्रतिवादीगणों के उक्त कृत्य एक आपराधिक कृत्य की श्रेणी में भी आता है, जिसके लिए प्रतिवादीगण व्यक्तिगत रूप से जिम्मेदार है।

8. यह कि प्रतिवादीगण द्वारा विधि–विरूद्व तरीके से कोयला उत्खनन में किये गये व्यवधान से वादी को कुल 37.26 लाख रूपये की क्षति हुई है, जिसे वादी, प्रतिवादीगण से प्राप्त करने का अधिकारी है एवं प्रतिवादीगण भुगतान करने हेतु जिम्मेदार हैं।

9. यह कि वाद का कारण दिनांक– 24.12.2009 को प्रतिवादीगण द्वारा महान–2 कोयला खदान में बलपूर्वक प्रवेश कर कोयला उत्खनन में व्यवधान उत्पन्न करने एवं तत्पश्चात वादी के अधिवक्ता द्वारा क्षतिपूर्ति हेतु प्रेषित वैधानिक नोटिस दिनांक– 24.12.2009 का कोई उत्तर न देने के कारण माननीय न्यायालय के क्षेत्राधिकार में उत्पन्न हुआ।

10. यह कि वाद का मूल्यांकन 37.26 लाख रूपये किया जाकर उस पर 1,58,000/–रूपये का न्यायशुल्क, न्याय सुत्रांक में प्रस्तुत है।

अतः श्रीमान् से निवेदन है, कि वादी को प्रतिवादीगण के विरूद्व निम्न प्रतिकार प्रदान करायी जाये:–

(अ) यह कि वादी को प्रतिवादीगण से बतौर क्षतिपूर्ति के रूप में 37.26 लाख रूपये दिलाया जाये।

(ब) यह कि वादी को क्षतिपूर्ति की रकम पर दावा दिनांक से रकम वसूली तक 9 प्रतिशत की दर से ब्याज दिलाया जाये।

(स) यह कि वाद व्यय वादी को प्रतिवादीगण से दिलाया जाये।

(द) अन्य प्रतिकार जो माननीय न्यायालय उचित समझे प्रदान करें।

दिनांक--

अधिवक्ता

हेतु–वादी

वादी

मुख्य महा प्रबंधक
Chief General Manager
भटगांव क्षेत्र
Bhatgaon Area

..4

सत्यापन

मै. ए.के.गर्ग मुख्य महाप्रबंधक एस.ई.सी.एल. भटगांव थाना भटगांव जिला सरगुजा छ0.ग0 यह घोषित करता हूं कि वाद पत्र की कंडिका कमांक–1 से 10 तक में वर्णित समस्त तथ्य मेरी निजी ज्ञान एवं दस्तावेजों के आधार पर अक्षरशः सत्य एवं सही है।

अतः आज दिनांक–　　को हस्ताक्षरित कर सत्यापित किया।

दिनांक

मुख्य वाणिज्य प्रबंधक
Chief General Manager
भटगांव क्षेत्र
Bhatgaon Area

ANNEXXURE: 1.1 =

SECL Vs JUNGSAI POYA & TEAM
DISTRICT COURT SARGUJA AMB5IKAPUR C.G

CANo 5672/12 वादी साक्षी क्र. 01 हरजीत सिंह की सत्यप्रतिलिपि

पंचम आदि.

न्यायालय श्रीमान् जिला न्यायाधीश महोदय, सरगुजा अम्बिकापुर छ0ग0

व्य.वाद प्र.क. /10 (C.S 2-B/11)

साउथ इस्टर्न कोल्ड फील्ड लिमिटेड

द्वारा– मुख्य महाप्रबंधक एस.ई.सी.एल.भटगांव क्षेत्र– भटगांव.

.....वादी

प्रति

1. जंगसाय आ0 रामचन्द्र निवासी ग्राम परसागुडी, पो0 परसागुडी तहसील राजपुर जिला–सरगुजा द0ग0
2. सुखदेव पोया आ0 लालसाय,
3. मनोज पोया आ0 नहीं मालूम(भतीजा सुखदेव पोया)
4. लगनी बाई नेताम पत्नि जोखन
5. सोनसाय आ0 बीगन राम
6. लक्ष्मी सिंह आयाम आ0 सरजू

सभी निवासी ग्राम ढोगरोपारा चउरा पो0 नरसिंहपुर, तहसील राजपुर जिला–सरगुजा छ0ग0

.....प्रतिवादीगण

01/07/2016 वादी द्वारा श्री मनोज गुप्ता, अधिवक्ता।

प्रतिवादीगण द्वारा श्री राकेश सिन्हा, अधिवक्ता।

प्रकरण आदेश 7 नियम 14 (3) व्य0प्र0सं0 के आवेदन पत्र पर तर्क हेतु नियत है।

प्रकरण में उभयपक्ष के अधिवक्तागण का तर्क श्रवण किया गया। तत्पश्चात् आवेदक/वादी की ओर से प्रस्तुत आदेश 7 नियम 14 (3) व्य0प्र0सं0 का निराकरण इस आदेश के द्वारा किया जा रहा है। वादी ने उक्त आवेदन इस आशय का प्रस्तुत किया है कि वादी द्वारा अपने वाद के समर्थन में कुछ फोटोप्रति दस्तावेज वाद पत्र के साथ प्रस्तुत किया गया है तथा उससे संबंधित मूल दस्तावेज आज माननीय न्यायालय के समक्ष प्रस्तुत किया जा रहा है। पूर्व में प्रस्तुत दस्तावेज की मूल प्रति वादी द्व रा न्यायालय में इस कारण प्रस्तुत नहीं किया गया था कि वादी को अपने कार्यालयीन कार्य हेतु उपरोक्त दस्तावेज की आवश्यकता समय–समय पर रहने के कारण उसे प्रस्तुत नहीं कर सका। दस्तावेज वादी साक्षी क0 2 एवं 3 से संबंधति है। ऐसी

शासकीय क्षेत्रीय मुद्रणालय, राजनांदगांव-FS/ 40-10/2015 -1,00,000.

Order Sheet [Contd.]

Case No ..... of 20 .....

Date of Order or Proceeding	Order or Proceeding with Signature of Presiding Officer	Signature of Parties or Pleaders where necessary

~~स्थिति में वादी साक्ष्य क0 1 के साक्ष्य के समय उसे न्यायालय में~~ प्रस्तुत नहीं किया जा सका। उक्त दस्तावेज प्रकरण के उचित निराकरण हेतु आवश्यक है। उक्त दस्तावेज प्रकरण में संलग्न नहीं किया गया तो वादी अपना पक्ष सही ढंग से न्यायालय के समक्ष प्रस्तुत नहीं कर सकेगा। उसे अपूर्णनीय क्षति होगी। उपरोक्त स्थिति में न्यायहित में प्रस्तुत दस्तावेज प्रकरण में संलग्न किया जाये तथा आवेदन पत्र स्वीकार कर दस्तावेज को प्रकरण में संलग्न किये जाने का निवेदन किया गया है।

प्रतिवादीगण की ओर से उक्त आवेदन का जवाब यह है कि वादी द्वारा न्यायालय के समक्ष असत्य वचन कर दस्तावेज प्रस्तुत किया जा रहा है। वाद पत्र के साथ जिन–जिन दस्तावेजों की फोटोप्रति प्रस्तुत नहीं किया गया है, उन दस्तावेजों को चालाकी पूर्वक प्रकरण में संलग्न करने के नियत से उल्लेखित किया गया है। वाद के समर्थन में फोटोप्रति दस्तावेज प्रस्तुत किया गया है। तथा उससे संबंधित मूल दस्तावेज आज न्यायालय के समक्ष प्रस्तुत किया जा रहा है। वादी द्वारा वाद पत्र के साथ प्रस्तुत दस्तावेज दिनांक 17/06/2016 के अवलोकन से स्पष्ट हो जायेगा कि न्यायालय के समक्ष स्वच्छ हाथों से आकर दस्तावेज प्रस्तुत नहीं किया गया है। वादी द्वारा जो दस्तावेज वाद पत्र के साथ पेश नहीं किया है। उन दस्तावेजों के संबंध में असत्य अभिवचन किया है। न्यायालय को गुमराह कर दस्तावेज पेश करने का कुप्रयास किया गया है। प्रकरण में वादी साक्षी क0

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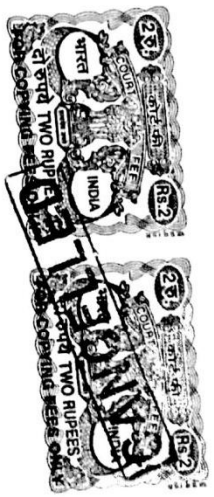
Date of Order or Proceeding	Order or Proceeding with Signature of Presiding Officer	Signature of Parties or Pleaders where necessary

का साक्ष्य अंकित हो चुका है। तथा वादी साक्षी द्वारा दिये गये कथन की भरपाई वाद पत्र के साथ संलग्न दस्तावेजों के अतिरिक्त दस्तावेजों को पेश कर प्रकरण में वादी द्वारा अपनी कमियों को दूर किये जाने के उद्देश्य से आवेदन प्रस्तुत कर प्रकरण में नया वाद विषय लाये जाने का प्रयास किया जा रहा है। यदि आवेदन पत्र स्वीकार कर दस्तावेजों को प्रकरण में संलग्न करने का आदेश पारित किया जाता है तो प्रतिवादीगण को अपूर्णनीय क्षति होगी।

अतिरिक्त कथन किया है कि प्रकरण में वादी साक्षी श्री हरजीत सिंह मदान जो प्रकरण के प्रभारी अधिकारी हैं, का साक्ष्य न्यायालय के समक्ष दिनांक 27/04/2016 को अंकित हो चुका है। उक्त साक्षी के साक्ष्य अंकित होने के उपरांत साक्ष्य के दौरान जिन बिंदुओं पर प्रतिवादीगण की ओर से प्रश्न पुछे गये हं, उन बिंदुओं की भरपाई हेतु दस्तावेजों को न्यायालय के समक्ष प्रस्तुत कर प्रकरण के न्यायिक निराकरण को प्रभावित किये जाने के उद्देश्य से आवेदन प्रस्तुत किया गया है, जो निरस्त किये जाने योग्य है। आदेश 7 नियम 14 व्य0प्र0सं0 के प्रावधान इस प्रकरण के वर्तमान परिस्थिति में लागू नहीं होते हैं। आदेश 7 नियम 14 व्य0प्र0सं0 में यह स्पष्ट प्रावधान किया गया है कि वादी जिन दस्तावेजों के आधार पर उन्हें वादपत्र के साथ संलग्न करेगा। यदि उक्त दस्तावेज उनके कब्जे में नहीं है तो इस संबंध में उल्लेखित किया जायेगा। परंतु वादी द्वारा वाद पत्र के साथ उक्त दस्तावेज प्रस्तुत नहीं किया और न ही इस बाबत् उल्लेखित किया गया कि वह किसके कब्जे में है। उक्त दस्तावेज वादी के



Order Sheet [Contd.]

Case No. ..... of 20.....

Date of Order or Proceeding	Order or Proceeding with Signature of Presiding Officer	Signature of Parties or Pleaders where necessary

आधिपत्य में थे, उसके आधिपत्य में होने के बावजूद जानबूझ कर वाद पत्र के साथ उक्त दस्तावेज प्रस्तुत नहीं किये गये तथा एक साक्षी के साक्ष्य अंकित होने के उपरांत दस्तावेजों को प्रस्तुत किया जाना प्रावधान के प्रतिकूल होने से आवेदन सव्यय निरस्त किये जाने का निवेदन किया गया है।

प्रकरण का अवलोकन किया गया। प्रकरण के अवलोकन से यह दर्शित होता है कि वादी ने अपने वाद पत्र के साथ दस्तावेजों की सूची प्रस्तुत किया है, जिसमें संलग्न दस्तावेज फोटोप्रति है। किन्तु वर्तमान में प्रस्तुत किया जा रहा, दस्तावेज की फोटोप्रति उक्त सूची में संलग्न नहीं है तथा प्रकरण में वादी साक्षी हरजीत सिंह मदान जो वाद के प्रभारी अधिकारी हैं, का साक्ष्य अंकित किया जा चुका है। तथा प्रतिवादीगण की ओर से जिन बिंदुओं पर प्रतिपरीक्षण किया गया है, उन बिंदुओं की पूर्ति करने के लिये यह दस्तावेज प्रस्तुत किया जा रहा है, जो किसी भी स्थिति में न्यायोचित नहीं है। क्योंकि वादी साक्ष्य के बाद उसकी कमजोरी को बाद में किसी भी रूप में पूरा नहीं किया जा सकता। वादी द्वारा उक्त दस्तावेज, जो प्रस्तुत करना चाह रहे हैं, यह मूल दस्तावेज की सत्यपित प्रति है तथा उक्त मूल दस्तावेज की सत्यपित प्रति को भी वाद प्रस्तुत करते समय प्रस्तुत किया जा सकता था। किन्तु उसके द्वारा दस्तावेज विलंब से प्रस्तुत करने हेतु आवेदन प्रस्तुत किया गया है, जो विधिसंगत् नहीं है।

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Date of Order or Proceeding	Order or Proceeding with Signature of Presiding Officer	Signature of Parties or Pleaders where necessary
	अतः वादी द्वारा प्रस्तुत आवेदन पत्र सव्यय निरस्त किया जाता है। प्रकरण शेष वादी साक्ष्य हेतु दिनांक 8/7/16 (दीपक कुमार देशलहरे) पंचम अतिरिक्त जिला न्यायाधीश अम्बिकापुर, जिला–सरगुजा (छ0ग0)	8/7/16 Custe 8-07-16

नृत्य प्रतिलिपिकार
8/7/16
न्यायालय जिला एवं सत्र न्यायाधीश
अम्बिकापुर (सरगुजा) छ.ग.

8/7/16

CRNO.5672/16 आदेश पर अप्लीकेशन दिनांक 01.07.016 की सत्यप्रतिलिपि

न्यायालय श्रीमान् जिला न्यायाधीश महोदय, सरगुजा अम्बिकापुर छ0ग0

अ. वा. प्र.क. 6B /1014 (C.S 2-B/11)

साउथ इस्टर्न कोल्ड फील्ड लिमिटेड

द्वारा– मुख्य महाप्रबंधक एस.ई.सी.एल.भटगांव क्षेत्र– भटगांव.

.....वादी

प्रति

1. जंगसाय आ0 रामचन्द्र निवासी ग्राम परसागुडी, पो0 परसागुडी तहसील राजपुर जिला–सरगुजा द0ग0
2. सुखदेव पोया आ0 लालसाय,
3. मनोज पोया आ0 नहीं मालूम(भतीजा सुखदेव पोया)
4. लगनी बाई नेताम पत्नि जोखन
5. सोनसाय आ0 बीगन राम
6. लक्ष्मी सिंह आयाम आ0 सरजू

सभी निवासी ग्राम ढोगरोपारा चउरा पो0 नरसिंहपुर, तहसील राजपुर जिला–सरगुजा छ0ग0

.....<u>प्रतिवादीगण</u>

PW 1 C.S No 1

FOR COPYING FEES ONLY FOR COPYING FEES ONLY

व्य0वा0क0 07B / 2011 (एस0ई0सी0एल0 भटगांव विरुद्ध जगराम व अन्य)
Witness No.....01...for.....वादी साक्षी .....Deposition taken on
the 27-04-2016 day of बुधवार Witness's apparent age 50 yr
States on affirmation..... ...My name is ..... हरजीत सिंह .....
Son of..... स्व0 श्री कुलजीत सिंह.....Occupation.....नौकरी
Address.....निवासी विश्रामपुर (एस0ई0सी0एल0) जिला सूरजपुर (छ0ग0)

साक्षी को शपथ दिलाई गई

साक्षी का शपथ पत्रीय साक्ष्य पूर्व से प्रस्तुत है।

/ मुख्य परीक्षण द्वारा श्री मनोज गुप्ता, अधि0 वास्ते वादी /

9— मेरे द्वारा प्रकरण में दस्तावेज प्रस्तुत किया गया है—संतोष सिंह अधिवक्ता द्वारा प्रेषित नोटिस, उसकी पावती **प्र0पी0 1** है। प्रकरण में मैंने पुलिस अधीक्षक महोदय, अम्बिकापुर को दिनांक 25/12/2009 को दिया गया आवेदन, मुख्य महाप्रबंधक भटगांव द्वारा आयोजक भारत जन अंदोलन को दिया गया पत्र दिनांक 15/12/2009, उपक्षेत्रिय प्रबंधक भटगांव महान उपक्षेत्र द्वारा आयोजक एवं कार्यकर्ता भारत जन आंदोलन को लिखा गया पत्र दिनांक 232/12/2009, उप क्षेत्रीय प्रबंधक महान उपक्षेत्र भटगांव द्वारा थाना प्रभारी राजपुर को लिखा गया पत्र 24/12/2009, उपक्षेत्रीय प्रबंधक एस0ई0सी0एल0 महान उपक्षेत्र द्वारा थाना प्रभारी राजपुर को लिखा आवेदन दिनांक 25/12/2009, उपक्षेत्रीय प्रबंधक महान उपक्षेत्र द्वारा थाना प्रभारी राजपुर को लिखा गया आवेदन दिनांक 25/12/2009, मुख्य महाप्रबंधक भटगांव द्वारा पुलिस अधीक्षक अम्बिकापुर को लिखा आवेदन दिनांक 18/12/2009, मुख्य महाप्रबंधक भटगांव क्षेत्र द्वारा आयोजक भारत जन आंदोलन को लिखा गया पत्र दिनांक 15/12/2009, भारत जन आंदोलन द्वारा मुख्य महा प्रबंधक एस0ई0सी0एल0 भटगांव को दिया गया पत्र, अनुविभागीय दण्डाधिकारी राजपुर द्वारा श्री एम्ब्रोस टोप्पो न्यायिक तहसीलदार, लुण्ड्रा को लिखा गया पत्र दिनांक 07/12/2009, भारतीय जन आंदोलन के कार्यकर्ता हरीराम द्वारा अनुविभागीय अधिकारी राजपुर को लिखा गया पत्र, मुख्य महाप्रबंध भटगांव पुलिस अधिक्षक अम्बिकापुर को लिखा गया पत्र दिनांक 08/12/2009, क्षेत्रीय

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अधिकारी एस0ई0सी0एल0 एवं खान प्रबंधक महान 2 द्वारा कलेक्टर महोदय, सरगुजा को लिखा गया पत्र दिनां 30/10/2009, खान प्रबंधक महान 2 द्वारा थाना प्रभारी राजपुर को लिखा गया पत्र दिनांक 30/10/2009, खान प्रबंधक महान 2 द्वारा पुलिस अधीक्षक अम्बिकापुर को लिखा गया पत्र दिनांक 14/10/2009, ग्राम वासी एवं भारत जन आंदोलन के कार्यकर्ता द्वारा श्रीमान् कलेक्टर महोदय, अम्बिकापुर को लिखा गया पत्र, ग्रामवासी एवं भारत जन आंदोलन के कार्यकर्ता द्वारा माननीय मुख्यमंत्री छ0ग0 राज्य रायपुर एवं कलेक्टर महोदय सरगुजा को लिखा गया पत्र, उक्त सभी दस्तावेजों की फोटोप्रति प्रस्तुत किया है।

/प्रति परीक्षण द्वारा श्री राकेश सिन्हा, अधिवक्ता वास्ते प्रतिवादीगण/

10— यह कहना सही है कि मैं मुख्य परीक्षण के रूप में शपथ पत्र के कंडिकाओं में लिखित कथन को पढ़कर सत्यपित कर हस्ताक्षर किया। यह कहना सही है कि मेरे द्वारा इस दावा को प्रस्तुत नहीं किया गया है। साक्षी स्वतः कहता है कि श्री अनिल कुमार गर्ग तत्कालीक मुख्य महाप्रबंधक भटगांव द्वारा प्रस्तुत किया गया है। मैं वर्तमान में उपक्षेत्रीय प्रबंधक आमगांव विश्रामपुर उपक्षेत्र एस0ई0सी0एल0 विश्रामपुर में पदस्थ हूँ। यह कहना सही है कि मेरे पास मुख्य महाप्रबंधक का कार्यभार नहीं है। यह कहना सही है कि मुझे इस प्रकरण में अधीकृत किया गया है। इस परियोजना में उत्खनन का कार्य अक्टुबर 2009 से प्रारंभ हुआ तथा मेरी पदस्थापना उपक्षेत्रीय प्रबंधक दिनांक 05/12/2009 को हुई है। यह कहना सही है कि मेरे मुख्य परीक्षण के कंडिका क0 2 में उल्लेखित बात सत्य है। आज मैं यह नहीं बता सकता है कि डंगरूपारा, चउरा एवं उसके आसपास का क्षेत्र नहीं बता सकता। यह कहना सही है कि जहां उत्खनन कार्य प्रारंभ होते वहां कर्मचारियों और कार्यो की सूची तैयार की जाती है। यह कहना सही है कि उक्त कर्मचारियों की एस0ई0सी0एल0 कार्यालय में जमा होनी चाहिए। यह सही है कि मैंने उक्त

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सूची इस वाद पत्र मे नही दिया है। मैं यह नहीं बता सकता कि उत्खनन कार्य मे कितने कर्मचारी कार्यरत् हैं। उक्त सूची महाप्रबंधक के कार्यालय मे उपलब्ध होनी चाहिए।

11– मैं उक्त सूची को पेश नहीं करा सकता, क्योंकि मैं वर्तमान मे उक्त क्षेत्र में पदस्थ नहीं हूँ। परियोजना प्रारंभ करने से पूर्व भूमि अधिग्रहण, मुआवजा, नौकरी प्रदान करना, अन्य आवश्यक प्रकियाएं (माईन्स प्लान इपुबल, इत्यादि) पूरी की जाती है।

प्रश्न– इस परियोजना को प्रारंभ करने के पूर्व कौन–कौन से प्रकिया का पालन किया जाता है?

उत्तर– उपरोक्त उल्लेखित प्रकियाओं का पालन करने से ही इस परियोजना का प्रारंभ होती है।

12– यह कहना सही है कि उपरोक्त प्रकियाओं का पालन के उपरांत ही परियोजना शुरू किया जाता है।

प्रश्न– आपके द्वारा अपने शपथ पत्र में यह उल्लेख किया गया है कि कंम्पनी द्वारा उक्त परियोजना प्रारंभ करने के उरांत शासन द्वारा निर्धारित सम्पूर्ण वैधानिक प्रकियाओं को पालन किया गया है यह बात सही है या उपरोक्त पांडिका में यह कहा कि संपूर्ण प्रकियाओं का पालन करने के उपरांत ही परियोजना प्रारंभ की गई?

उत्तर– परियोजना प्रारंभ करने हेतु आवश्यक उपर उल्लेखित भूमि अधिग्रहण आवश्यक अनुमति उपरांत उत्खनन प्रकिया शुरू की गई।

13– यह कहना सही है कि परियोजना प्रारंभ करने के पूर्व जिन प्रकियाओं को पालन किया गया, उसका दस्तावेज प्रकरण में प्रस्तुत नहीं किया गया है। यह कहना गलत है कि हमलोगों के द्वारा परियोजना प्रारंभ करने के पूर्व प्रकियाओं को पालन नहीं किया गया था, इस कारण प्रकरण में दस्तावेज प्रस्तुत नहीं किया हूँ। यह कहना सही है कि परियोजना के लिये जिन भूमि

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स्वामियों का भूमि अधिग्रहण किया जाता है, उन भूमि स्वामियों का सूची बनाया जाता है। यह कहना भी सही है कि ग्राम सभा द्वारा प्रस्ताव पारित किया जाता है।

14– यह कहना सही है कि भूमि स्वामियों का सूची एवं ग्राम सभा का प्रस्ताव हमारे राजस्व विभाग में उपलब्ध है। उक्त दस्तावेज मैं राजस्व विभाग से प्रस्तुत करवा सकता हूँ। यह कहना सही है कि मैं उक्त दस्तावेज प्रकरण में प्रस्तुत नहीं किया हूँ। उक्त दस्तावेज को प्रस्तुत कराने के लिये कोई निश्चित समय मैं नहीं बता सकता हूँ।

15– मैं मौखिक रूप से यह नहीं बता सकता कि किन–किन किसानों को कितना मुआवजा प्राप्त हुआ है, किन्तु मैं दस्तावेज देखकर बता सकता हूँ।

प्रश्न– प्रतिवादीगण द्वारा किस–किस तारीख को उत्खनन कार्य को प्रभावित किया गया था?

उत्तर– मेरी पदस्थापन के बाद दिनांक 10/12/2009 तथा 24–25/12/2009 इत्यादि को उत्खनन कार्य को प्रभावित किया गया था।

16– दिनांक 10/12/2009 की रैली में 200–300 लोग तथा दिनांक 24/12/2009 के रैली में लगभग 400–500 लोग थे। साक्षी से यह पूछे जाने पर कि जब रैली में 400–500 लोग सम्मिलित थे तो उन लोगों के विरूद्ध थाना में रिपोर्ट क्यों दर्ज नहीं करवाया? साक्षी का कहना है कि जिन व्यक्तियों को मैं प्रतिवादी बनाया हूँ, वही लोग रैली का अगवाई करते थे। इस कारण मैं इन्हीं लोगों के विरूद्ध थाना में रिपोर्ट दर्ज कराया था।

17– यह कहना गलत है कि मैं प्रतिवादीगण से दुर्भावना रखता था, इस कारण उनके विरूद्ध रिपोर्ट दर्ज कराया हूँ। यह कहना गलत है कि ग्राम सभा का प्रस्ताव पारित नहीं कराये एवं कृषकों को मुआवजा नहीं दिलाये जाने के कारण हमारे समक्ष प्रतिवादीगण द्वारा आवेदन प्रस्तुत किया जाता था, जिससे दुर्भावना रखने के कारण उनके विरूद्ध यह मुकदमा प्रस्तुत किया हूँ। साक्षी

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स्वतः कहता है कि प्रतिवादीगण को पत्र के द्वारा बैठक के लिये कई बार सूचित किया गया, उसके बाद भी उपस्थित नहीं हुये।

नोटः– मध्यान काल होने कारण साक्षी का प्रतिपरीक्षण स्थगित किया गया।

गवाह को पढ़कर सुनाया, समझाया गया सही होना स्वीकार किया।

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मेरे निर्देशन में टंकित।

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नोटः– मध्यान काल पश्चात् साक्षी का प्रतिपरीक्षण पुनः प्रारंभ किया गया।

18– यह कहना सही है कि मेरे द्वारा 37.26 लाख रूपये के संबंध में कोई दस्तावेज प्रस्तुत नहीं किया है। यह कहना सही है कि दिनांक 10/12/2009 को उत्खनन कार्य बंद नहीं कराया गया था।

प्रश्न– क्या दिनांक 10/12/2009 को आंदोलनकारियों के द्वारा खदान का कार्य बंद नहीं कराया गया था?

उत्तर– आंशिक रूप से कार्य प्रभावित रहा।

19– आंदोलन में गांव के कृषक और भूमि स्वामी सम्मिलित थे? साक्षी का कहना है कि संभावतः रहे होंगे। आंदोलन के समय मेरा कार्यालय मुख्य महाप्रबंधक के कार्यालय भटगांव में स्थित था। महान 2 परियोजना मेरे कार्यालय से लगभग 36–37 किमी की दूरी पर स्थित है। कम्पनी द्वारा उल्लेखित उपमहाप्रबंधक की हैसियत से जो जिम्मेदारियां दी गई है, उनका निर्वाहन करना भी मेरी जिम्मेदारी थी। यह कहना गलत है कि परियोजना से संबंधित कार्यों का संचालन कार्यालय में बैठ कर करना होता है। साक्षी स्वतः कहता है कि खदान संचालन के लिये कार्य स्थल पर जाना होता है और मैं घटना दिनांक

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10/12/2009 तथा दिनांक 24/12/2009 को स्वयं उपस्थित था। मुझे इस बात की जानकारी नहीं है कि भटगांव क्षेत्र अनुसूचित क्षेत्र के अंतर्गत आता है। मुझे इस बात की भी जानकारी नहीं है कि इन क्षेत्रों में पंचायत के उपबंध लागू होते हैं।

20— मुझे इस बात की जानकारी नहीं है कि इन क्षेत्रों में पेशा एक्ट लागू होता है। यह कहना गलत है कि मैं अपने अधिवक्ता को प्रतिवादीगण को नोटिस भेजने के लिये कोई सूचना नहीं दिया था। यह कहना सही है कि मेरे द्वारा अधिवक्ता को प्रतिवादीगण को सूचना देने के लिये पत्र नहीं दिया गया था। यह कहना गलत है कि हमारे कंपनी के अधिवक्ता द्वारा प्रतिवादीगण को क्या नोटिस भेजा था, इसकी जानकारी नहीं था। नोटिस कब भेजी गई थी, इसकी तारीख मुझे याद नहीं है।

21— यह कहना सही है कि मैं आंदोलन में 400—500 लोग उपस्थित थे, उन में से प्रतिवादीगणों के नाम के अलावा अन्य लोगों का नाम एवं पता जानने का प्रयास नहीं किया। यह कहना गलत है कि दिनांक 10/12/2009 एवं दिनांक 24/12/2009 को प्रतिवादीगण द्वारा कोई आंदोलन नहीं किया गया था, क्योंकि मैं उन्हें पूर्व से जानता था, इसलिये उनके विरूद्ध झूठा दावा प्रस्तुत किया है। यह कहना गलत है कि हमने बढ़ा—चढ़ाकर क्षतिपूर्ति का दावा प्रस्तुत किया हैं। यह कहना सही है कि क्षति के संबंध में कोई दस्तावेज प्रस्तुत नहीं है।

22— यह कहना सही है कि दिनांक 10/12/2009 को उत्खनन स्थल पर शासन द्वारा पुलिस बल उपलब्ध कराया गया। यह कहना गलत है कि मैं प्रतिवादीगण के प्रति दुर्भावना पूर्वक दावा किया है।

गवाह को पढ़कर सुनाया, समझाया
गया सही होना स्वीकार किया।

(दीपक कुमार देशलहरे)
पंचम अपर जिला न्यायाधीश
अम्बिकापुर, जिला सरगुजा (छ0ग0)

मेरे निर्देशन में टंकित।

(दीपक कुमार देशलहरे)
पंचम अपर जिला न्यायाधीश
अम्बिकापुर,जिला सरगुजा(छ0ग0)

23/7/16

मुख्य प्रतिलिपिकार
कार्यालय जिला

27.4.16

`ANNEXURE 2:

NOTIFICATION FOR REVENUE VILLAGE – SEMARKATHRA, BALRAMPUR, C.G

OFFICE OF THE COLLECTOR, DISTRICT BALRAMPUR-RAMANUJGANJ (C.G.)

// NOTIFICATION//

Date 25 Jan. 2014

No. 234 /2015/ Whereas, the Forest Villages Shown in Schedule below have been provided the recognition of District forest rights relating to modification as revenue village by the forest Rights Committe Balrampur-Ramanujganj (Name of District) under the provision of clause (h) of sub-section (1) of section 3 of the Scheduled Tribes and Other Traditional Forest Dewllers (Recognition of Forest Rights)Act, 2006 (No. 2 of 2007)

And Whereas as per the Revenue Department's Notification No F 4-137/Seven-1/2013 dated 01/01/2014 under section 90 reas with Section 73 of the Chhattisgarh Land Revenue Code, 1959 (No- 20 of 1959), the powers of settlement Officers relating to constitution of revenue village have been vested in the undersigned:

Therefore, in exercise of the powers conferred by section 73 of the Chhattisgarh Land Revenue Code, 1959 (No. 20 of 1959), it is, hereby, declare that forest village shown in column (2) of schedule below shall be revenue village, from the date of this notification, namely:-

s.no.	Name of forest village	Total Area of village (in hectare)	Boundaries of forest village	Patwari Halka Number	Name of Gram Panchayat	Tahsil	District
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
1.	Semrakathra	310.000	1. North- Nadhi 2. South- Forest of Big Tree 3. East- Gram Doura 4. West- Gram Kodoura	01	Karamdiha	Rajpur	Balrampur - Ramanujga

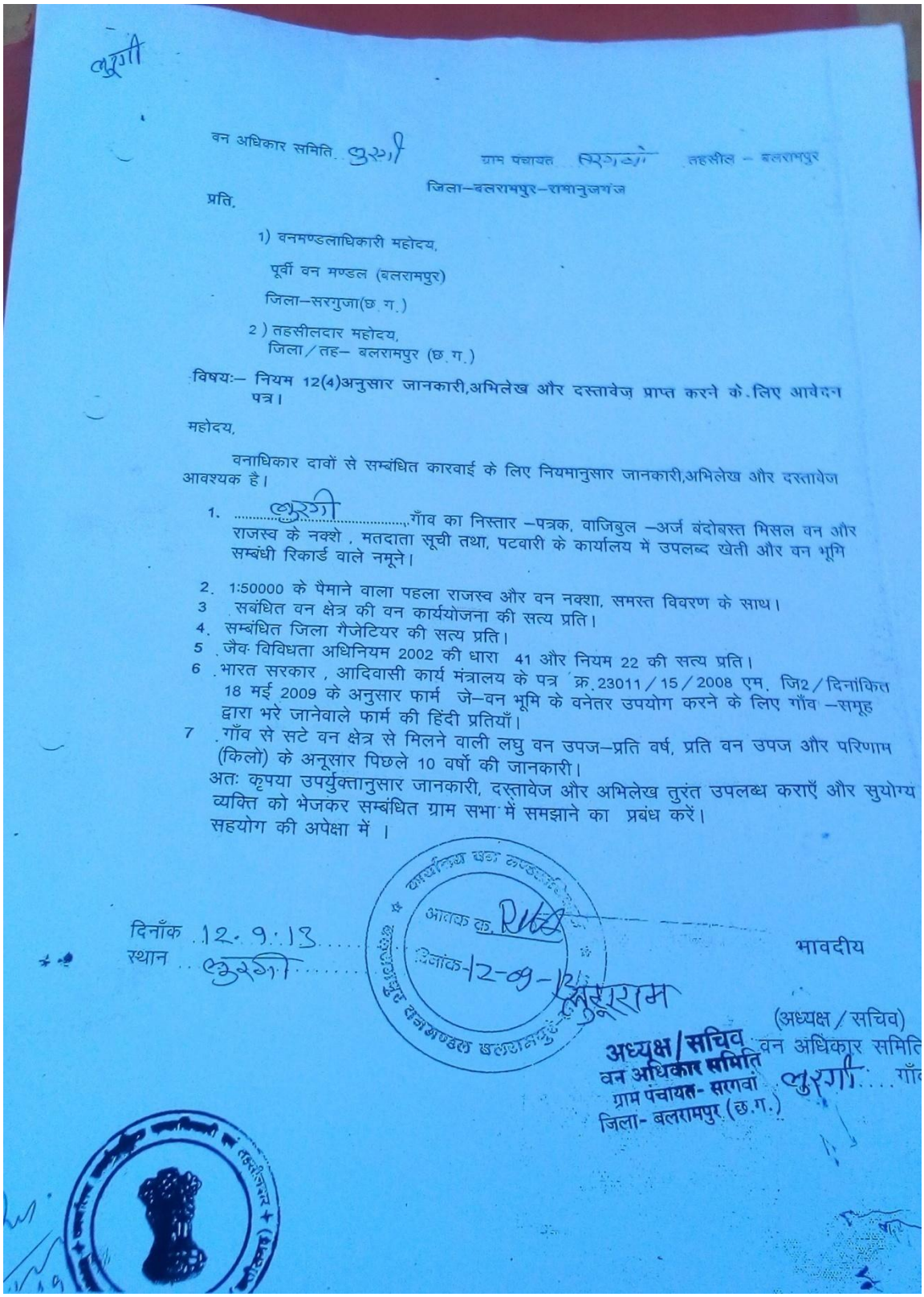
C.L.A.

Collector
District Balrampur-Ramanujganj
(C.G.)

सरपंच
ग्राम
जिला-बलरामपुर-
(C.G.)

ANNEXURE 2:

COMMUNICATIONS REGARDING COMMUNITY FOREST RIGHTS – VILL. LURGI & SARGADI, SEMARSOT ELEPHANT CORRIDOR.



लुरगी

वन अधिकार समिति लुरगी ग्राम पंचायत सरगवां तहसील – बलरामपुर

जिला–बलरामपुर–रामानुजगंज

प्रति,

1) वनमण्डलाधिकारी महोदय,
पूर्वी वन मण्डल (बलरामपुर)
जिला–सरगुजा(छ.ग.)

2) तहसीलदार महोदय,
जिला/तह– बलरामपुर (छ.ग.)

विषयः– नियम 12(4)अनुसार जानकारी,अभिलेख और दस्तावेज़ प्राप्त करने के लिए आवेदन पत्र।

महोदय,

वनाधिकार दावों से सम्बंधित कारवाई के लिए नियमानुसार जानकारी,अभिलेख और दस्तावेज आवश्यक है।

1. .....लुरगी.....गाँव का निस्तार –पत्रक, वाजिबुल –अर्ज बंदोबस्त मिसल वन और राजस्व के नक्शे , मतदाता सूची तथा, पटवारी के कार्यालय में उपलब्द खेती और वन भूमि सम्बंधी रिकार्ड वाले नमूने।
2. 1:50000 के पैमाने वाला पहला राजस्व और वन नक्शा, समस्त विवरण के साथ।
3. सबंधित वन क्षेत्र की वन कार्ययोजना की सत्य प्रति।
4. सम्बंधित जिला गैजेटियर की सत्य प्रति।
5. जैव विविधता अधिनियम 2002 की धारा 41 और नियम 22 की सत्य प्रति।
6. भारत सरकार , आदिवासी कार्य मंत्रालय के पत्र क्र.23011/15/2008 एम. जि2/दिनांकित 18 मई 2009 के अनुसार फार्म जे–वन भूमि के वनेतर उपयोग करने के लिए गाँव –समूह द्वारा भरे जानेवाले फार्म की हिंदी प्रतियाँ।
7. गाँव से सटे वन क्षेत्र से मिलने वाली लघु वन उपज–प्रति वर्ष, प्रति वन उपज और परिणाम (किलो) के अनूसार पिछले 10 वर्षो की जानकारी।

अतः कृपया उपर्युक्तानुसार जानकारी, दस्तावेज और अभिलेख तुरंत उपलब्ध कराएँ और सुयोग्य व्यक्ति को भेजकर सम्बंधित ग्राम सभा में समझाने का प्रबंध करें।

सहयोग की अपेक्षा में ।

दिनाँक 12.9.13
स्थान लुरगी

भावदीय

आवक क्र. R/22
दिनांक 12-09-13

लुदूराम
(अध्यक्ष/सचिव)
वन अधिकार समिति
लुरगी....गाँव

अध्यक्ष/सचिव
वन अधिकार समिति
ग्राम पंचायत- सरगवां
जिला- बलरामपुर (छ.ग.)

वन अधिकार समिति सरगढ़ी ग्राम पंचायत सरगढ़ी तहसील – बलरामपुर

जिला–बलरामपुर–रामानुजगंज

प्रति,

1) वनमण्डलाधिकारी महोदय,

पूर्वी वन मण्डल (बलरामपुर)

जिला–सरगुजा(छ ग)

2) तहसीलदार महोदय,
जिला / तह– बलरामपुर (छ ग)

विषयः– नियम 12(4)अनुसार जानकारी,अभिलेख और दस्तावेज़ प्राप्त करने के लिए आवेदन पत्र।

महोदय,

वनाधिकार दावों से सम्बंधित कारवाई के लिए नियमानुसार जानकारी,अभिलेख और दस्तावेज आवश्यक है।

1. सरगढ़ी .....गाँव का निस्तार –पत्रक, वाजिबुल –अर्ज बंदोबस्त मिसल वन और राजस्व के नक्शे , मतदाता सूची तथा, पटवारी के कार्यालय में उपलब्द खेती और वन भूमि सम्बंधी रिकार्ड वाले नमूने।
2. 1:50000 के पैमाने वाला पहला राजस्व और वन नक्शा, समस्त विवरण के साथ।
3. सबंधित वन क्षेत्र की वन कार्ययोजना की सत्य प्रति।
4. सम्बंधित जिला गैजेंटियर की सत्य प्रति।
5. जैव विविधता अधिनियम 2002 की धारा 41 और नियम 22 की सत्य प्रति।
6. भारत सरकार , आदिवासी कार्य मंत्रालय के पत्र क्र 23011 / 15 / 2008 एम. जि2 / दिनांकित 18 मई 2009 के अनुसार फार्म जे–वन भूमि के वनेतर उपयोग करने के लिए गाँव –समूह द्वारा भरे जानेवाले फार्म की हिंदी प्रतियाँ।
7. गाँव से सटे वन क्षेत्र से मिलने वाली लघु वन उपज–प्रति वर्ष, प्रति वन उपज और परिणाम (किलो) के अनूसार पिछले 10 वर्षों की जानकारी।

अतः कृपया उपर्युक्तानुसार जानकारी, दस्तावेज और अभिलेख तुरंत उपलब्ध कराएँ और सुयोग्य व्यक्ति को भेजकर सम्बंधित ग्राम सभा में समझाने का प्रबंध करें।

सहयोग की अपेक्षा में ।

दिनाँक 30/8/13

स्थान सरगढ़ी

वनसाय

(अध्यक्ष / सचिव)
वन अधिकार समिति
सरगढ़ी गाँव

वनमण्डलाधिकारी
पूर्वी वन मण्डल बलरामपुर

दिनांक 2/9/13

2/9/13
औवक / जावक
शाखा तहसील बलरामपुर
जिला सरगुजा (छ.ग.)

प्रति,

(1) वन मण्डलाधिकारी महोदय
पूर्वी सरगुजा बलरामपुर
छत्तीसगढ़

(2) सेमरसोत अभ्यारण्य S.D.O. अम्बिकापुर

विषय – ग्राम सभा सरगवां के गांव की परम्परागत सीमा क्षेत्र के भीतर में पूर्वी वनमण्डल सरगुजा बलरामपुर द्वारा कराये जा रहे कार्य पर तत्काल रोक लगाने बावत्।

महोदय,

उपरोक्त विषयान्तर्गत ग्राम सभा सरगवां एवं वनाधिकार समिति की ओर से वन विभाग बलरामपुर के विरूध निम्नलिखित शिकायत आपके समक्ष प्रस्तुत हैः–

जैसा कि विदित है कि संपूर्ण सरगुजा भारतीय संविधान के अनुछेद 244(1) में पांचवी अनुसूची के अन्तर्गत है, पंचायत उपबंध (अनुसूचित पर विस्तार) अधिनियम 1996 की धारा 4 और वन अधिकारों की मान्यता अधिनियम 2006 नियम 2008 संसोधित नियम 2012 के अधीन रहते हुए ग्राम सभा सरगवां ने संवैधानिक प्राप्त शक्तियों का प्रयोग करते हुए अपने गांव की परम्परागत सीमा का सीमांकन करके समुदायिक वनधिकार दावा का संकल्प पारित किया है, जो प्रकिया के तहत् लंबित है ग्राम सभा की पारित संकल्प की कापी अवलोकनार्थ संलग्न है।

1, यह कि पूर्वी वनमण्डल बलरामपुर सरगुजा द्वारा ग्राम सभा सरगवां के पूर्व सहमति प्राप्त किये बगैर ग्राम सभा के संवैधानिक अधिकारों की अवमानना करते हुए मनमाना जंगल की छीद व अन्य जैव विविधता को नुकसान पहुचाते हूए छोटे झाड़ों के कटाई का काम कराया जा रहा है, जिसपर ग्राम सभा सरगवां को घोर आपत्ति है।

2, यह कि ग्राम सभा सरगवां उपरोक्त सभी तथ्यों पर विचार करने के लिए विशेष ग्राम सभा का आयोजन करके विवाद का निपटारा करना चाहती है, और तबतक वर्त्तमान में वनविभाग बलरामपुर के द्वारा कराया जा रहा काम को तत्काल रोक दी जावे।

अतः ग्राम सभा सरगवां अपने संवैधानिक अधिकारों का प्रयोग करते हुए गांव की परम्परागत सीमा के भीतर वन विभाग द्वारा कराया जा रहे काम पर विचार हेतु विशेष ग्राम सभा की बैठक का आयोजन कराये जाने तक श्रीमान पूर्वी वन मण्डलाधिकारी महोदय से काम पर रोक लगाने का आवेदन प्रस्तुत करता है।

दिनांक 17/12/014

अध्यक्ष
वनाधिकार समिति सरगवां

सचिव
वनाधिकार समिति
ग्राम पंचायत-सरगवां
जिला-बलरामपुर-रामानुजगंज (छ.ग.)

सचिव
ग्राम सभा एवं
वनाधिकार समिति सरगवां

संलग्न
1,–ग्राम सभा का प्रस्ताव की कापी – 1 प्रति।
2,–सामुदायिक दावा पत्र की कापी –1 प्रति।

Reference:

Bijoy, C.R. *The Adivasis of India - A History of Discrimination, Conflict and Resistance*, Indigenous Affairs, International Work Group for Indigenous Affairs, 1/01, March 2001, pp.54-6 available at http://www.iwgia.org/iwgia_files_publications_files/IA_1-01.pdf accessed on 15 December 2011

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Indigenous people in India and the web of indifference on the international day of the world's indigenous peoples. Available at www.downtoearth.org.in

The Chhattisgarh community forest rights project, India.Availabe at www.oxfam.org.in

This is how the Chhattisgarh Government punishing tribal's for protesting against coal mining.availabel at www.youthkiawaaz.com