

ANIMAL WELFARE BOARD OF INDIA

(Ministry of Environment, Forest & Climate Change, Govt. Of India)

National Institute of Animal Welfare Campus

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M. RAVIKUMAR, IFS

Secretary

No.3-1/2017-18/Estt

Date : 05.03.2018

To

The Chief Secretary / Additional Chief Secretary (Revenue)
of All States / UTs

Sir,

Sub.: Information regarding Gochar Land

With reference to the captioned subject, I am directed to bring it to your kind notice the judgment dated 12th January 2011 of Hon'ble Supreme Court in the matter titled State of Jharkhand & Ors. V. Pakur Jagran Manch & Ors, Civil Appeal No. 436 of 2011 (copy enclosed). In view of this judgment, you are requested to kindly furnish the following information on or before 30th April 2018 for devising Uniform National Policy for Gochar land and further appropriate necessary action:

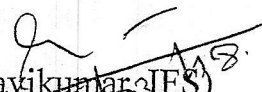
1. The legal provisions regarding Gochar / Grazing land in your State, if any, please furnish the provision of the relevant Acts / Rules;
2. The extent of Gochar / Grazing land available on or before 26th January 1950 as per revenue records in a village (block wise / tehsil wise / district wise);
3. The area of above Gochar land converted / de-reserved to Panchyat land or house plots or for non-grazing use and the reason thereof;
4. The area of Gochar land which is under encroachment / illegal possession up to 31st December 2017;

5. The area of Gochar land which is on lease, the duration of lease and its purpose;
6. The area of Gochar land available in a village and the present status of the same;
7. The area of total Gochlar land as per the revenue records in a village (block wise / tehsil wise / district wise) up to 31st December 2017;
8. The area of Bunjar / uncultivated land in a village (block wise / tehsil wise / district wise) up to 31st December 2017;
9. Details of the available Gochar/ Grazing land with particulars of actual use by the owners of chattels.
10. Additional remarks and information of importance, if any.

In view of the above judgment and dire need to have the provision for the stray animals and also their welfare as well as control on the accidents and other nuisance, immediate report and action is required from your side and the report and requested details to be submitted before stipulated date as above to avoid any delay in action.

Kindly treat this as most urgent and provide the information by e-mail : animalwelfareboard@gmail.com / awbi@md3.vsnl.net.in or fax no. 044-24571016.

Yours faithfully,


(M. Ravikumar, IFS)
Secretary, AWBI

Copies to;

1. Chairman, AWBI for information.
2. Chairman, Gauseva Aayog of concerned states for information and appropriate action.

"15. We should however note that such de-reservation of any government land reserved as gochar, should only be in exceptional circumstances and for valid reasons, having regard to the importance of gochar in every village. Any attempt by either the villagers or others to encroach upon or illegally convert the gochar to house plots or other non-grazing use should be resisted and firmly dealt with. Any requirement of land for any public purpose should be met from available waste or unutilized land in the village and not gochar. Whenever it becomes inevitable or necessary to de-reserve any gochar for any public purpose (which as stated above should be as a last resort), the following procedure contemplated in Regulations 24 and 25 and section 38(2) should be strictly followed :

- (a) The jurisdictional Deputy Commissioner shall prepare a note/report giving the reasons why the gochar had been identified for any non-grazing public purpose and record the non-availability of other suitable land for such public purpose. Deputy Commissioner shall send the said proposal for de-reservation to the State government for its previous sanction.*
- (b) The state government should consider the request for sanction keeping in view the object of gochar and the need for maintaining a minimum of five percent of village area as gochar, and call for suggestions/objections from the villagers before granting sanction.*
- (c) If the state Government grants the sanction, the Deputy Commissioner should proceed to make an order de-reserving, the gochar by making appropriate entries in the record-of-rights and re-classifying the same for the purpose for which it was de-reserved.*
- (d) Whenever the gochar in a village is de-reserved and diverted to non-grazing use, simultaneously or at least immediately thereafter the State should make available alternative land as gochar, in a manner and to an extent that the gochar continues to be not less than 5% of the total extent of the village as provided under section 38(2) of the Tenancy Act.*

When the gochar is not government land, but is village common land vesting in the villagers and not the government, the consent of village headman and the Jamabandi Raiyats/villagers in whom the land vests shall have to be obtained, before de-reservation and diversion of use of gochar."

22. Before parting with this case we give directions to all the State Governments in the country that they should prepare schemes for eviction of illegal/unauthorized occupants of Gram Sabha/Gram Panchayat/Poramboke/Shamlat land and these must be restored to the Gram Sabha/Gram Panchayat for the common use of villagers of the village. For this purpose the Chief Secretaries of all State Governments/Union Territories in India are directed to do the needful, taking the help of other senior officers of the Governments. The said scheme should provide for the speedy eviction of such illegal occupant, after giving him a show cause notice and a brief hearing. Long duration of such illegal occupation or huge expenditure in making constructions thereon or political connections must not be treated as a justification for condoning this illegal act or for regularizing the illegal possession. Regularization should only be permitted in exceptional cases e.g. where lease has been granted under some Government notification to landless labourers or members of Scheduled Castes/Scheduled Tribes, or where there is already a school, dispensary or other public utility on the land.