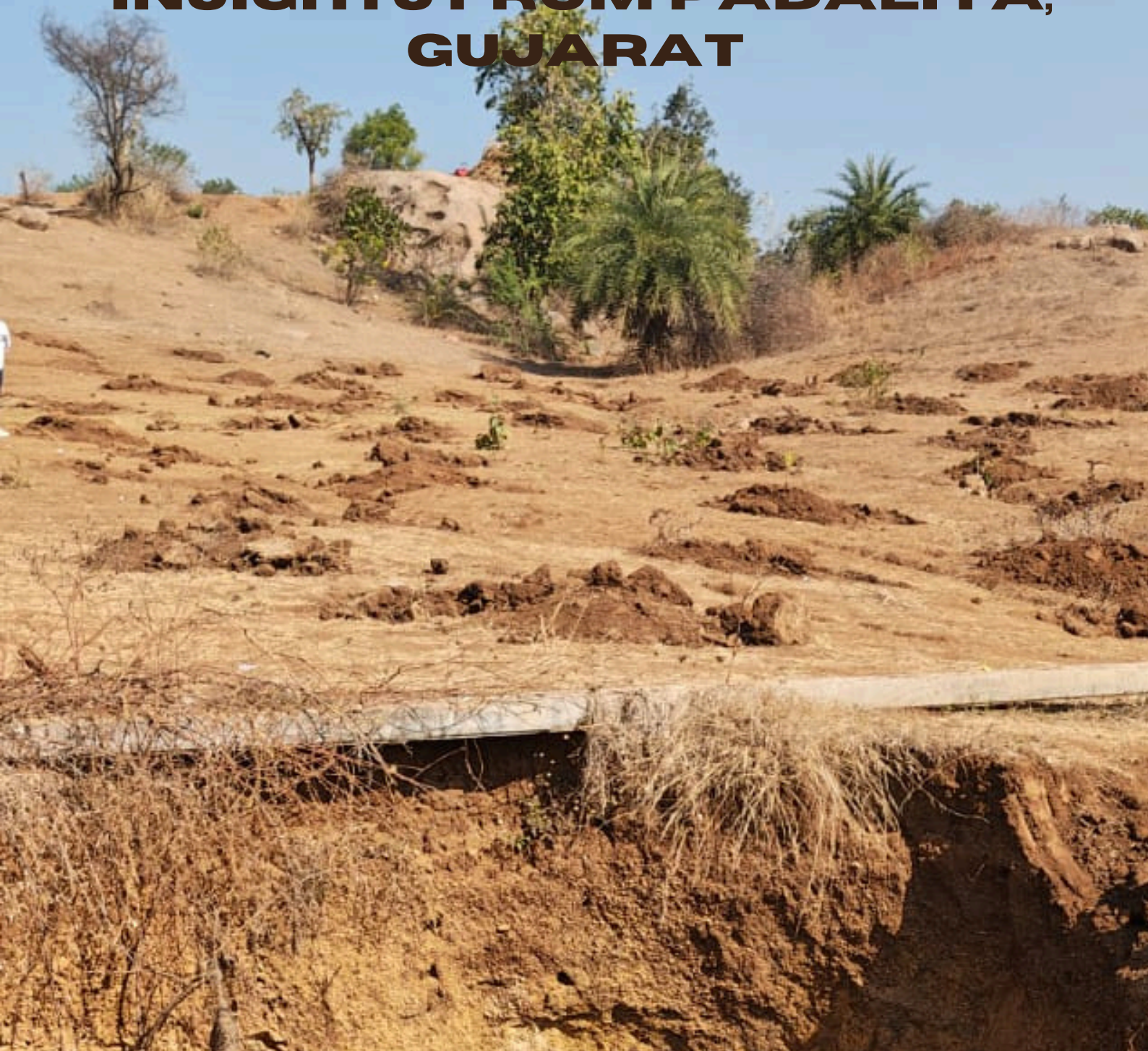


IMPLEMENTATION FAILURES OF THE FOREST RIGHTS ACT: INSIGHTS FROM PADALIYA, GUJARAT



**A Fact-Finding Report on Police and Forest
Department Action in Padaliya Village,
Danta Taluka, Banaskantha District**

**Implementation Failures of the Forest Rights Act:
Insights from Padaliya, Gujarat**

**A Fact-Finding Report on Police and Forest Department
Action in Padaliya Village, Danta Taluka, Banaskantha
District**

Incident Date: 13 December 2025

Location: Padaliya Village, Danta Taluka, Banaskantha District, Gujarat

PUCL Gujarat Fact-Finding Team

Report Release Date: 12 March, 2026

Table of Contents

Chapter	Page
Executive Summary	1
Chapter 1: Introduction and Mandate of the Fact-Finding Team	3
Chapter 2: Objectives of the Fact-Finding Inquiry	5
Chapter 3: Methodology	6
Chapter 4: Legal and Administrative Framework	9
Chapter 5: Chronology of Events	15
Chapter 6: Testimonies and On Ground Findings	20
Chapter 7: Analysis of Documents and Administrative Response	24
Chapter 8: Legal Analysis	28
Chapter 9: Findings	33
Chapter 10: Recommendations	36
Annexure	38

Executive Summary

On 13 December 2025, a serious confrontation occurred in Padaliya village of Danta Taluka, Banaskantha District, Gujarat, involving local Adivasi residents and officials of the Forest Department, Revenue Department, and police. The incident took place on land that villagers state has been under their cultivation for several years and for which forest rights claims have been initiated under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.

According to available records and testimonies, tensions in the village had already escalated earlier in December 2025. On 5 December 2025, forest officials entered land near Padaliya village and began clearing vegetation using heavy machinery to prepare the land for plantation as part of their programme. Local residents objected to this activity, stating that the land was under claim through the Gram Sabha under the Forest Rights Act. This confrontation resulted in the registration of a First Information Report (FIR No. 11195002250629) at Ambaji Police Station on 6 December 2025.

On 13 December 2025, a large contingent of officials from the Forest Department, Revenue Department, and police again entered the disputed area with machinery to carry out plantation and land preparation activities. Villagers gathered at the site and objected to the work, asserting that the process of settlement of forest rights was still pending and that the Gram Sabha had already identified claimants under the Forest Rights Act, including the holder of the land in question. During the confrontation that followed, force was reportedly used by police personnel to disperse villagers. Media reports later stated that government vehicles were damaged and that several officials sustained injuries.

Following the incident, another FIR was registered naming 26 persons and approximately 500 “unknown persons” in connection with offences including unlawful assembly, rioting, obstruction of public servants, and damage to public property. At the same time, a written complaint submitted by Parmar Shakariben Lalabhai (Shakari Ben), alleging illegal eviction, destruction of her dwelling and well, and physical assault by officials, has not resulted in the registration of a corresponding FIR till date.

A fact-finding team of the Gujarat unit of the People’s Union for Civil Liberties (PUCL) visited Padaliya village on 24 December 2025 to examine the incident. The team interacted with Shakari Ben, other villagers, the Sarpanch, and local officials, and examined documentary material including FIR records, village-level forest rights documentation, and

administrative communications. The team also inspected the disputed land where the incident occurred.

The fact-finding inquiry indicates that the Padaliya incident cannot be viewed solely as a law and order event. The available evidence suggests that the confrontation arose in the context of unresolved forest rights claims and administrative actions/omissions related to land under dispute. The findings raise serious concerns regarding the implementation of the Forest Rights Act, the use of force during the operation, and the subsequent criminalization of the village residents en masse.

The PUCL fact-finding team recommends that the nodal authorities ensure strict adherence to the provisions of the Forest Rights Act, halt any coercive action on land under pending claims until due process is completed, and undertake an impartial inquiry into the events of 13 December 2025.

1. Introduction and Mandate of the Fact-Finding Team

The incident that occurred on 13 December 2025 in Padaliya village, Danta Taluka, Banaskantha District, involving a confrontation between local Adivasi residents and officials of the Forest Department, Revenue Department, and police, raised serious concerns regarding the protection of statutory forest rights, the legality of administrative action, and the use of criminal law against members of the community.

Padaliya village falls within a forested region of northern Gujarat where many residents depend on cultivation and forest-based livelihoods. Several villagers have claimed rights over land under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (FRA). According to village-level records maintained by the Forest Rights Committee, the Gram Sabha of Padaliya identified 173 forest rights claimants, including Parmar Shakariben Lalabhai (Shakari Ben), whose name appears in the claimant register maintained at the village level. This is over and above the right holders whose claims have been recognized.

Information received from local residents and media reports indicated that officials of the Forest Department had undertaken vegetation clearing and plantation-related activities on land claimed by villagers. These actions, followed by confrontations between villagers and officials on 5 December 2025 and again on 13 December 2025, resulted in police action and the registration of criminal cases against several residents.

In view of the gravity of the allegations, the scale of police action, and the broader implications for the implementation of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (FRA), the Gujarat unit of the People's Union for Civil Liberties (PUCL) undertook a fact-finding inquiry **on its own initiative**. The decision to intervene was guided by PUCL's mandate to defend civil liberties, monitor violations of constitutional and statutory rights, and document instances of abuse of state power, particularly where marginalized communities are affected.

PUCL is a national human rights and civil liberties organization committed to the protection of civil liberties, the defence of constitutional rights, and the documentation of violations affecting marginalized communities. Fact-finding inquiries form an important part of this work and are intended to establish an accurate account of events through field investigation, interaction with affected persons and officials, and examination of relevant documents.

A PUCL fact-finding team visited Padaliya village on 24 December 2025 to examine the circumstances surrounding the incident. The team interacted with villagers, including Shakari Ben and other residents present during the events of 13 December 2025, met with the village Sarpanch, and sought information from local police and forest department officials. The team also inspected the disputed land and examined available documentary material relating to the incident and the forest rights claims raised by the villagers.

The purpose of this inquiry was to document the sequence of events, examine whether the actions of the authorities were consistent with the provisions of the Forest Rights Act and applicable legal standards, and place the findings before the relevant authorities and the public in the interest of transparency and accountability.

2. Objectives of the Fact-Finding Inquiry

The fact-finding team was constituted by the Gujarat unit of the People's Union for Civil Liberties (PUCL) to independently examine the circumstances surrounding the incident that occurred on 13 December 2025 in Padaliya village, Danta Taluka, Banaskantha District.

The mandate of the team was to ascertain the sequence of events leading up to the confrontation between villagers and officials of the Forest Department, Revenue Department, and police, and to examine the actions taken by state authorities in the context of claims made by local residents under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.

In particular, the team undertook the inquiry with the following objectives:

- To document the events preceding, during, and following the confrontation of 13 December 2025 through testimonies of affected residents and local officials.
- To examine the forest rights claims made by residents of Padaliya village and the status of the statutory process initiated under the Forest Rights Act.
- To assess whether the actions undertaken by officials during the operation on 13 December 2025 were consistent with the provisions of the Forest Rights Act, applicable administrative procedures, and constitutional protections.
- To examine the registration of criminal cases following the incident and assess whether the use of criminal law was proportionate and consistent with established legal principles and the factual situation.
- To identify any procedural or institutional failures that may have contributed to the escalation of the situation.
- To place before the relevant authorities and the public the findings of the inquiry along with recommendations aimed at ensuring accountability, preventing further violations, and protecting the lawful rights of the affected community.

The team approached the inquiry with the objective of presenting an accurate and balanced account based on field observations, testimonies, and documentary material available at the time of the investigation.

3. Methodology

The fact-finding inquiry was conducted through a combination of field visits, interviews with affected persons and officials, examination of documentary material, and site-based observations. The objective of this methodology was to verify facts on the ground, record accounts of parties involved, and assess the actions of the authorities in light of applicable legal and administrative frameworks.

3.1 Field Visit

A team of the Gujarat unit of the People's Union for Civil Liberties (PUCL) visited **Padaliya village, Danta Taluka, Banaskantha District, on 24 December 2025.**

During the visit, the team inspected the land where the incident of **13 December 2025** reportedly occurred. The team also visited surrounding locations identified by villagers as areas where officials and police personnel were present during the operation.

Members of the team observed the physical condition of the land where vegetation clearing and plantation-related activities were reported to have taken place. Villagers pointed out locations where heavy machinery had allegedly been used and areas where confrontation and dispersal occurred.

3.2 Interviews and Interactions

The fact-finding team conducted in-person interviews and group interactions with several individuals during the visit. These included:

- **Parmar Shakariben Lalabhai (Shakari Ben)**, a resident of Padaliya village and claimant under the Forest Rights Act whose dwelling and cultivation were reportedly affected during the operation.
- **Villagers and residents** who stated that they were present on or near the disputed land on 13 December 2025 and witnessed the arrival of officials, land-clearing activity, and the subsequent confrontation.
- **The Sarpanch of Padaliya village**, who provided information regarding the Gram Sabha process and the identification of forest rights claimants under the Forest Rights Act.

- **Persons named as accused in the FIR relating to the events of 13 December 2025**, who shared their accounts of the incident and the circumstances leading to the confrontation.
- **Police officials attached to Ambaji Police Station**, regarding the registration of FIRs in connection with the incidents of December 2025.
- **Forest Department personnel associated with the Ambaji Uttar Range**, to the extent that they were available and willing to interact with the team.
- Statements were recorded through contemporaneous note-taking during these interactions. Where individuals expressed concern about possible legal consequences or retaliation, identifying details were not recorded.

3.3 Review of Available Documents

The fact-finding team examined documentary material relevant to the incident and the underlying land rights dispute. These included:

- **First Information Report dated 06 December 2025 (FIR No. 11195002250629)** registered at Ambaji Police Station in relation to the events of 05 December 2025.
- **First Information Report registered in connection with the events of 13 December 2025.**
- **The written complaint was submitted by Parmar Shakariben Lalabhai (Shakari Ben)** to the police alleging illegal eviction, destruction of property, and use of force by officials.
- **Records of the Padaliya Forest Rights Committee (FRC)** including the resolution register identifying forest rights claimants under the Forest Rights Act.
- **Administrative communication issued by the Tribal Sub Plan (TSP) office** relating to the processing of forest rights claims.
- **Media reports and publicly available information** relating to the incident and its aftermath.

These materials were examined alongside testimonies collected during the field visit in order to reconstruct the sequence of events and understand the institutional response to the incident.

3.4 Site-Based Verification

During the visit, the team also recorded site-based observations to corroborate accounts provided during interviews. Villagers identified locations where vegetation clearing and plantation-related work had reportedly been initiated and areas where police deployment and dispersal occurred.

These observations were used to contextualize the testimonies received during the inquiry.

4. The Legal and Administrative Framework

4.1 The Forest Rights Act, 2006: Legislative Purpose and Legal Framework

The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (hereinafter referred to as the Forest Rights Act or FRA) was enacted to address the historical injustice suffered by forest dwelling communities whose customary rights over forest land and resources were not formally recognized by the colonial and post-independence forest administration.

The Preamble of the Act explicitly recognizes this historical injustice and affirms the need to secure land tenure, livelihood, and habitation rights of forest dwelling Scheduled Tribes and other traditional forest dwellers.

Section 4(1) of the FRA provides that forest rights shall be recognized and vested in forest dwelling Scheduled Tribes and other traditional forest dwellers in respect of forest land under their occupation. The Act further establishes that this recognition process shall be carried out in accordance with the procedure laid down under the statute and the rules framed under it.

The FRA created a decentralized and community-based process for determining forest rights. Unlike earlier forest legislation, which concentrated authority within forest administration, the FRA places primary authority with village institutions, particularly the Gram Sabha.

(For the purposes of this report, the term “**land alteration activity**” refers to physical interventions that change the existing character or use of land, including vegetation clearance, trenching, excavation, fencing, filling of wells, or plantation activity undertaken using machinery).

4.2 Authority of the Gram Sabha under Section 6

A central feature of the FRA is the role assigned to the Gram Sabha in the recognition of forest rights. Section 6(1) of the Act provides that the Gram Sabha shall be the authority to initiate the process for determining the nature and extent of individual and community forest rights within the village.

Source

The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006
Ministry of Tribal Affairs, Government of India

Under this framework, the Gram Sabha constitutes a **Forest Rights Committee (FRC)** which receives claims from residents, verifies them through inquiry, and prepares a list of eligible claimants. The list is then placed before the Gram Sabha for approval and subsequently forwarded to higher level committees for verification and final decision.

The FRA Rules, 2008 further clarify that the process of claim verification must rely on multiple forms of evidence including statements of elders, physical evidence of occupation, and records maintained by local institutions.

Source

Section 6,

Forest Rights Act, 2006

And

Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2007

4.3 Administrative Responsibility in the Processing of Claims

The FRA Rules assign specific responsibilities to administrative authorities in facilitating the recognition of forest rights.

Under **Rule 6 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2007**, the Sub-Divisional Level Committee and other designated authorities are required to assist in the processing of claims, including the provision of relevant records, formats, and procedural guidance necessary for filing claims.

The statutory process therefore requires cooperation between village institutions and administrative authorities to ensure that claims identified by the Gram Sabha are properly examined.

Source:

Rule 6,

Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2007

Ministry of Tribal Affairs

4.4 Protection Against Eviction under Section 4(5)

A key safeguard under the FRA is contained in **Section 4(5)**, which provides:

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

This provision establishes a statutory protection for forest dwellers during the pendency of the recognition process. Until the process of verification and final decision on claims is completed, persons occupying forest land are not to be removed from such land.

In situations where forest rights claims have been identified by the Gram Sabha but the verification process remains incomplete, coercive actions affecting possession or use of such land may violate the provision laid down in Section 4(5) of the act.

Source:

Section 4(5)
Forest Rights Act, 2006
Ministry of Tribal Affairs

4.5 Administrative Communication Concerning Forest Rights Claims

The fact finding team examined an administrative communication issued by the **Project Officer of the Tribal Area Sub Plan (TSP) Office, Palanpur, dated 16 July 2024.**

The communication refers to the ongoing process of receiving and verifying forest rights claims under the Forest Rights Act in Banaskantha district. It also advises that persons who have been cultivating or residing on forest land for several years should not be subjected to unnecessary harassment during the pendency of the claims process.

The existence of this communication indicates that the process of identifying and verifying forest rights claims in the district was continuing during the period preceding the events in Padaliya village.

This communication was examined by the fact-finding team during the inquiry.

Source:

Project Officer
Tribal Area Sub Plan Office
Palanpur, Banaskantha
Letter No: ટીએસપી/એફ.આર.સી./હકકદાવા/વશી/497થી498/2024
Dated: 16 July 2024

4.6 Implementation of the Forest Rights Act in Gujarat: Broader Context

Understanding the conflict in Padaliya requires situating the incident within the broader context of the implementation of the Forest Rights Act in Gujarat.

Available government data indicates that a large number of forest rights claims have been filed in the state since the enactment of the FRA. At the same time, a substantial proportion of claims has either been rejected or remains pending at different stages of verification.

Civil society studies and field reports have noted that in several areas the process of filing and verification of claims has faced procedural challenges, including delays in the functioning of statutory committees, limited awareness among claimants, and administrative difficulties in processing applications.

Such delays can create situations where claims identified by Gram Sabhas remain pending for extended periods without final decision, leaving residents uncertain about the status of their rights.

Civil society reports and field studies have also documented conflicts relating to the implementation of the Forest Rights Act in several districts of Gujarat, including Dahod, Sabarkantha, and parts of south Gujarat, where plantation activities, eviction attempts, or delays in recognition of forest rights claims have led to disputes between forest dwelling communities and forest administration. These incidents suggest that the issues observed in Padaliya may reflect broader challenges in the implementation of the Forest Rights Act in the state rather than an isolated dispute.

Source:

Ministry of Tribal Affairs

Government of India

Forest Rights Act Dashboard

<https://tribal.nic.in/FRA/Dashboard.aspx>

Data as on: 01 June 2025

Government of India, Rajya Sabha Unstarred Questions on FRA implementation (2024)

IndiaSpend. “Why Gujarat’s use of technology to verify forest rights claims is concerning.”

4.6.1 Use of Satellite Imagery and Judicial Review

In the early phases of implementation of the Forest Rights Act in Gujarat, satellite imagery was used in certain cases as part of the process of examining whether land had been under cultivation prior to the statutory cut-off date of 13 December 2005.

This practice was examined by the Gujarat High Court in **Action Research in Community Health and Development (ARCH) v. State of Gujarat (2013)**. In that case, the Court observed that satellite imagery could serve as a supplementary form of evidence but could not be treated as the sole basis for rejecting forest rights claims. The Court emphasized that the evidentiary framework prescribed under the Forest Rights Act Rules must be followed while examining claims.

The implementation of the Forest Rights Act has also been the subject of proceedings before the Supreme Court of India. In **Wildlife First & Others v. Union of India (2019)**, the Court

initially directed the eviction of forest dwellers whose claims had been rejected under the Forest Rights Act. Following widespread concern regarding procedural irregularities in claim verification, the Supreme Court stayed the eviction order and directed states to review the rejection process. The proceedings highlighted concerns that improper verification procedures could lead to wrongful denial of forest rights claims.

Reference:

Action Research in Community Health and Development (ARCH) vs State of Gujarat
Gujarat High Court

Judgment dated: 03 May 2013

Wildlife First & Others vs Union of India

Supreme Court of India

Writ Petition (Civil) No. 109/2008

Order dated 13 February 2019 (later stayed)

4.6.2 Administrative and Procedural Barriers

Field reports from different districts have also highlighted procedural barriers that claimants sometimes face in submitting or processing forest rights claims.

In some instances, claimants have reported difficulties relating to access to claim forms, verification procedures, or delays in the functioning of the **Sub-Divisional Level Committees (SDLC)** responsible for examining claims forwarded by the Gram Sabha.

Where such procedural delays occur, claimants may remain in a situation where the recognition process initiated by the Gram Sabha has not yet reached a final stage.

4.6.3 Forest Land Diversion and Compensatory Afforestation

Across India, forest land has been diverted for infrastructure, mining, and industrial projects under the framework of the Forest Conservation Act. Where forest land is diverted for non-forest purposes, compensatory afforestation is required to be undertaken on equivalent land.

In several states, including Gujarat, forest departments have undertaken plantation activities on lands classified as forest or degraded forest in order to meet afforestation targets.

In areas where forest dwelling communities have longstanding occupation or cultivation of such lands, tensions can arise when plantation or land management activities are undertaken while forest rights claims remain unresolved.

The events in Padaliya village must therefore be viewed within this broader administrative and legal context in which forest management activities intersect with the statutory process of recognition of forest rights.

4.6.4 Status of Forest Rights Claims in Gujarat

Official data published by the **Ministry of Tribal Affairs, Government of India**, regarding the implementation of the Forest Rights Act indicates that a substantial number of claims have been filed in Gujarat since the enactment of the Act.

According to the Ministry's FRA dashboard (data as on 01 June 2025):

- **Individual Forest Rights (IFR) claims received:** 183,055
- **Community Forest Rights (CFR) claims received:** 7,187

This amounts to a **total of 190,242 claims** filed under the Forest Rights Act in Gujarat.

Out of these claims:

- **IFR titles distributed:** 98,732
- **CFR titles distributed:** 4,792

This amounts to a **total of 103,524 titles distributed**, representing approximately **54.42 percent of the total claims filed**.

At the same time, the data indicates that **84,387 claims (44.36 percent)** remain pending at various stages of verification. A smaller number of claims, **2,331 (1.23 percent)**, are recorded as rejected.

The same data indicates that a total of **14.09 lakh acres of forest land** has been recognized under the Forest Rights Act in Gujarat, including:

- **1.68 lakh acres under Individual Forest Rights (IFR)**
- **12.41 lakh acres under Community Forest Rights (CFR)**

These figures indicate that while a significant number of claims have been recognized, a substantial number of claims remain pending within the statutory verification process.

Source:

Ministry of Tribal Affairs

Government of India

Forest Rights Act Dashboard

<https://tribal.nic.in/FRA/Dashboard.aspx>

Data as on: 01 June 2025

Chapter 5: Chronology of Events

This chapter reconstructs the sequence of events that led to the confrontation in Padaliya village on 13 December 2025.

5.1 Events Prior to 13 December 2025

Residents of Padaliya village stated that the land where the confrontation occurred has been under cultivation and use by local Adivasi families for several years. According to villagers and the village Sarpanch, the holder of this land has been identified as a bonafide claimant and the forest rights act by the Gram Sabha and the resolution to this effect has been recorded in the register of the Gram Sabha.

The Padaliya Gram Sabha register dated **24 February 2023** lists **173 individuals** as forest rights claimants. Among them is **Parmar Shakariben Lalabhai (Shakari Ben)**, listed as **claimant number 72**. Villagers stated that these claims had been forwarded for further verification under the procedures prescribed by the Forest Rights Act.

Several residents stated that tensions began to emerge when forest officials undertook activities on land claimed by villagers. According to the accounts received by the team, officials had begun preparing parts of the land for plantation work.

5.2 The Incident of 5 December 2025

The first documented confrontation occurred on **5 December 2025**. According to **FIR No. 11195002250629**, registered at **Ambaji Police Station on 6 December 2025**, forest officials entered land near Padaliya village and began removing vegetation.

The FIR records that officials were uprooting **Gando Baval (Prosopis juliflora)** and **Lantana** and that a **JCB machine** was used for this purpose. Importantly, the FIR does not record the survey no./compartment no. of the land from which this Lantana was being removed by the forest officials.

Villagers stated that local residents objected to this activity and informed the officials that the land was under claim through the Gram Sabha under the Forest Rights Act. According to the FIR, a confrontation occurred between villagers and officials during this operation.

The FIR names 7 individuals and approximately 100 “**unknown persons**” as accused in this FIR. Villagers stated that the registration of this FIR created fear within the village and

increased tensions between residents and authorities.

5.3 Police Version of Events as Recorded in FIR dated 13 December 2025

The First Information Report registered at Ambaji Police Station in connection with the incident of 13 December 2025 provides the official version of events as recorded by the complainant, Range Forest Officer Jitsinh Naharsinh Rana of Ambaji North Range.

The identification of the land as Survey No. 9 in Viramveri Round of Padaliya Beat, where plantation work was proposed, is based on the description recorded in the FIR.

According to the FIR, tensions in the area had already escalated following the earlier confrontation on 5 December 2025 during plantation preparation work undertaken by the Forest Department near Padaliya village. The FIR states that plantation activity had been proposed on land identified in the document as Survey No. 9 in Viramveri Round of Padaliya Beat. It further records that villagers had earlier prevented forest officials from carrying out soil and moisture conservation work and preparatory plantation activities associated with the Padaliya nursery on this land. However, the earlier FIR registered at Ambaji Police Station on 6 December 2025 (FIR No. 11195002250629), which refers to the events of 5 December 2025, does not mention the specific survey number or location of the land where such activity was undertaken.

The FIR further records that on 11 December 2025 a meeting was held between officials of the Forest Department, police officers from Ambaji Police Station, and certain residents of Padaliya village in an attempt to resolve the dispute relating to the plantation activity.

According to the FIR, the meeting did not result in any agreement.

The complainant states that on 13 December 2025 a team consisting of forest department staff, revenue officials, and police personnel travelled from Ambaji Police Station to the disputed site in order to carry out plantation related work. The FIR records that approximately forty two forest department personnel, accompanied by about thirty police personnel, reached the area using government vehicles and were also assisted by two JCB machines for land preparation work.

The FIR also states that Naib Mamlatdar S.A. Roz was present at the site in the capacity of Executive Magistrate.

According to the FIR, at around 3:00 PM a large group of villagers gathered at the site. The FIR estimates that approximately 500 individuals, including women, arrived from Padaliya

village and surrounding areas. It further alleges that several persons in the gathering were carrying traditional weapons such as bows and arrows, sticks, axes, swords and other traditional weapons.

The FIR alleges that the gathering became violent and that officials and police personnel were attacked. According to the complainant, Police Inspector R. B. Gohil sustained injuries to his head, while Assistant Conservator of Forests Jigar Modi and driver Hirabhai Vaghela were also injured during the incident.

The FIR further alleges that roads leading to the site were blocked with stones and felled trees to prevent additional police forces from reaching the location.

The FIR further alleges that government vehicles present at the site were damaged and that some vehicles were set on fire. It also states that some individuals climbed nearby hill slopes and threw stones and arrows towards the officials.

The FIR further alleges that a purse belonging to a forest department employee containing ₹11,500 was taken during the incident. The fact-finding team was not in a position to independently verify this allegation.

The FIR records that additional police forces were called to the site following the escalation of the confrontation. According to the document, the gathering eventually dispersed after police reinforcement arrived.

Source:

FIR registered at Ambaji Police Station
Incident dated 13 December 2025

5.4 Arrival of Officials on 13 December 2025

According to villagers interviewed by the fact-finding team, a large contingent of officials from the **Forest Department, Revenue Department, and police** arrived in Padaliya village on the day of **13 December 2025**.

Villagers stated that officials arrived with vehicles and machinery and proceeded towards the land that had been identified by residents as being under forest rights claims. Several residents reported that **JCB machines** were brought to the site and that land clearing and preparation work was initiated.

Residents stated that villagers gathered at the site and objected to the work, reiterating that the land was under claim under the Forest Rights Act and that no work should be undertaken

without the consent of the Gram Sabha.

5.5 Confrontation at the Site

As more villagers gathered near the site, a confrontation occurred between residents and the officials present.

Villagers interviewed by the team stated that police personnel ordered the crowd to disperse and that force was subsequently used to disperse the gathering. Some residents stated that **lathi charge and tear gas shells** were used during the operation.

Several villagers stated that the use of force caused panic and confusion, and that people began moving away from the area. Some residents alleged that individuals were chased away from the site during the dispersal.

According to the accounts of villagers and persons named as accused in the FIR, the confrontation escalated after the use of force and the presence of large numbers of police personnel at the site.

5.6 Reports of Damage and Injuries

Media reports relating to the incident later stated that government vehicles were damaged and that several officials sustained injuries during the confrontation.

Some villagers acknowledged that stone pelting may have occurred during the incident but stated that such actions took place after the use of force by police and forest officials.

Villagers also stated that the events unfolded rapidly and that the situation escalated as a result of confusion and fear among residents present at the site.

5.7 Registration of FIR Following the Incident

Following the events of **13 December 2025**, the police registered another FIR in connection with the incident.

According to information available to the team, the FIR named **26 individuals** and also referred to approximately **500 “unknown persons.”** The FIR invoked provisions relating to unlawful assembly, rioting, obstruction of public servants, and damage to public property.

Several residents expressed concern that the inclusion of a large number of “unknown persons” had created fear within the village regarding possible arrests.

5.8 Complaint Submitted by Shakari Ben

Parmar Shakariben Lalabhai (Shakari Ben) informed the fact-finding team that she submitted a written complaint to the police alleging illegal eviction, destruction of her dwelling and well, and use of force by officials during the operation on **13 December 2025**.

According to her account, the complaint was received by the police, but no FIR had been registered in response at the time of the fact-finding visit.

Residents stated that the absence of action on this complaint contributed to the perception among villagers that only cases against residents were being pursued.

5.9 Situation After the Incident

When the PUCL fact-finding team visited Padaliya village on **24 December 2025**, villagers stated that tensions remained high in the area. Several residents expressed fear of arrest due to the FIR naming numerous individuals as 'unknown' accused.

At the time of the visit, plantation activity on the disputed land had reportedly stopped. However, villagers stated that they remained concerned that such activities could resume.

Residents repeatedly emphasized that their primary demand was for the recognition and processing of their forest rights claims under the Forest Rights Act and for administrative action on the disputed land to be halted until the statutory process was completed.

The following timeline summarizes key events leading to the confrontation in Padaliya village.

- **24 February 2023**
Padaliya Forest Rights Committee registers 173 individuals as claimants under the Forest Rights Act.
- **December 2024**
The Forest Rights Committee & Gram Sabha had identified claimants in February 2023, and the Gram Panchayat resolution of December 2024 forwarded the claims for further administrative processing.
- **5 December 2025**
Forest Department officials began vegetation clearing activity using a JCB machine on land near Padaliya village.
- **6 December 2025**
FIR No. 11195002250629 is registered at Ambaji Police Station in connection with the confrontation on 5 December.
- **11 December 2025**

A meeting is held between forest officials, police officers, and village representatives regarding the dispute over plantation activity.

- **13 December 2025**

A large confrontation occurs between villagers and officials during plantation related activity on land identified in the FIR as Survey No. 9 in Viramveri Round of Padaliya Beat.

- **24 December 2025**

A fact finding team of the Gujarat unit of PUCL visits Padaliya village to examine the incident.

6. Testimonies and On Ground Findings

This section presents the accounts recorded by the fact finding team during its visit to Padaliya village on 24 December 2025. The testimonies reflect the narration of facts according to the residents and other persons connected with the incident. Wherever possible, these accounts have been read alongside documentary material and site observations.

6.1 Testimony of Parmar Shakariben Lalabhai (Shakari Ben)

Parmar Shakariben Lalabhai, a resident of Padaliya village, informed the team that she has been living and cultivating land in the area for many years following her marriage. According to her account, the land where the incident occurred has been under her possession and cultivation and forms the basis of her livelihood.

Shakari Ben further informed the team about the history of the irrigation well located on the land. According to her account, the well had originally been dug by her father in law and was used by the family for irrigating their cultivation. Approximately four years prior to the incident, her husband attempted to deepen the well in order to improve irrigation. During this work he died in an accident inside the well. After his death, Shakari Ben continued to use the same well for irrigation and livelihood purposes. She stated that during the four years following this incident no objection had been raised by forest officials or other authorities regarding the existence or use of the well.

She stated that her name appears in the village Forest Rights Committee register as a claimant under the Forest Rights Act. She further stated that the Gram Sabha had identified her claim as bonafide and had initiated the process to forward the claim to the next stage.

Regarding the events of 13 December 2025, Shakari Ben stated that officials from the Forest Department and police arrived at the site with vehicles and machinery. According to her account, the officials demolished her dwelling structure and damaged the irrigation well that had been used by her family for several years.

She stated that when she protested and requested time to present documents relating to her forest rights claim, she was pushed away from the site and prevented from approaching the machinery. According to her account, the demolition of her hut and damage to the well caused serious hardship to her livelihood.

Shakari Ben informed the team that she later submitted a written complaint to the police station alleging illegal eviction, destruction of property, and harassment by officials. She stated that although the complaint was received but no FIR has been registered on the basis of her complaint.

6.2 Accounts of Villagers Present at the Site

Several villagers who were present on or near the disputed land on 13 December 2025 provided accounts of the incident.

According to these residents, villagers gathered at the site after learning that officials had arrived with machinery to carry out clearing and plantation related activities. Many residents stated that the villagers objected to the work and informed the officials that the land was under claim through the Gram Sabha under the Forest Rights Act.

Villagers stated that they requested officials to stop the work until the forest rights claims were examined. According to their accounts, the gathering initially involved verbal objections and attempts to persuade officials to halt the operation.

Several residents reported that police personnel subsequently ordered the crowd to disperse and that force was used during the attempt to disperse villagers. Some villagers stated that lathi charge and tear gas shells were used.

Residents stated that the use of force created panic among those present and that people began moving away from the area. Some villagers stated that individuals were chased away from the site during the dispersal.

When asked about reports of stone pelting and damage to vehicles, some villagers acknowledged that stone throwing may have occurred during the confrontation. However, they maintained that such actions took place after the use of force and were not planned in advance.

6.3 Accounts of Persons Named in the FIR

The fact finding team also interacted with persons who stated that they had been named as accused in the FIR registered after the incident of 13 December 2025.

According to their accounts, villagers gathered at the site after learning that machinery had arrived to clear land that residents considered to be under forest rights claims. They stated that many villagers feared that the land would be taken away before the claims process was completed.

Persons named in the FIR stated that the confrontation escalated after police attempted to disperse the gathering with the use of force. According to their accounts, confusion and fear spread among those present, and the situation became difficult to control.

They also strongly disputed the allegation recorded in the FIR that members of the gathering were carrying bows, arrows, swords or other traditional weapons. Several residents stated that no such weapons were present at the site and that villagers had gathered primarily to object to the clearing activity and to request that the work be stopped until the forest rights claims were examined.

Some residents stated that villagers reacted emotionally after witnessing the demolition of Shakari Ben's hut and damage to the well that had been used by her family for irrigation. According to them, the situation escalated rapidly in this context and there had been no prior plan to attack officials or damage vehicles.

6.4 Testimony of the Village Sarpanch

The Sarpanch of Padaliya village informed the fact finding team that the Gram Sabha had identified forest rights claimants through the Forest Rights Committee process.

According to the Sarpanch, the village had forwarded the list of claimants for further processing under the Forest Rights Act. He confirmed that Shakari Ben was among the individuals listed as claimants.

The Sarpanch stated that he was not present at the site at the time of the incident but was informed by villagers about the confrontation. He expressed concern that coercive action had been taken to evict a right holder from her land while forest rights claims were pending.

6.5 Interaction with Police Officials

Members of the fact finding team visited Ambaji Police Station and interacted with police officials regarding the FIRs registered in connection with the events of December 2025.

Police officials informed the team that FIRs had been registered in relation to the incidents of 5 December and 13 December 2025. Officials stated that the matter was under investigation and that they were not authorized to share any information related to an

ongoing investigation.

No detailed explanation was provided to the team regarding the complaint submitted by Shakari Ben at the time of the visit.

6.6 Interaction with Forest Department Officials

The team also attempted to meet officials of the Forest Department associated with the Ambaji Uttar Range.

Department staff informed the team that the Range Forest Officer who had been present during the incident was not available at the time. The team was advised to submit a written request for an appointment with the officer currently holding charge.

The fact finding team submitted a written application requesting an interaction. However, no meeting has taken place as of the date of preparation of this report.

6.7 Observations at the Site

During the visit to the disputed land, the team inspected the area identified by villagers as the site of the confrontation.

Villagers pointed out areas where vegetation clearing and land preparation had reportedly been carried out. Some portions of the land appeared to have been disturbed, which residents attributed to the use of machinery.

The team did not observe ongoing plantation activity at the time of the visit. Villagers stated that work had stopped after the incident. Residents also indicated locations where police personnel had allegedly been stationed and areas where villagers stated that dispersal and confrontation had taken place.

7. Analysis of Documents and Administrative Response

This section examines the available documentary record and the conduct of institutions in relation to the events in Padaliya village. The analysis focuses on the First Information Reports registered in December 2025, records relating to forest rights claims, and the responses of authorities during and after the incident.

The purpose of this section is to understand how the incident was documented by state authorities and whether the available records reflect the underlying land rights dispute described by villagers.

7.1 FIR dated 06 December 2025 (Ambaji Police Station)

The FIR records the location of the incident only as the “sim of village Padaliya” and does not specify any survey number, compartment number, or precise identification of the land on which the activity took place. In disputes involving administrative action on a specific parcel of land, such identification is normally expected in order to give rise to a cause of action and fix the penal liability.

The absence of any clear land identification in the FIR limits the ability to prove guilt and determine whether the activity occurred on land that overlaps with areas claimed under the Forest Rights Act. This omission becomes particularly significant in the present case because villagers have asserted that the land in question forms part of the area identified by the Gram Sabha for forest rights claims.

By not specifying the exact land parcel involved, the FIR does not directly address the underlying land rights dispute that appears to have formed the context of the confrontation.

The FIR records that forest officials had entered land near Padaliya village and had begun removing vegetation, including Gando Baval (*Prosopis juliflora*) and lantana, using a JCB machine. The document therefore confirms that land clearing activity was being undertaken prior to the confrontation between officials and villagers.

The FIR states that local residents objected to the activity and prevented officials from continuing the work. 7 individuals were named as accused in the FIR, along with

approximately 100 “unknown persons.”

Source:

First Information Report, Ambaji Police Station
FIR No. 11195002250629, Date: 06 December 2025

7.2 FIR relating to the Incident of 13 December 2025

As described earlier in Section 5.3, the FIR relating to the incident of 13 December 2025 names 26 persons and refers to approximately 500 unidentified individuals.

Source:

First Information Report
Ambaji Police Station
Incident Date: 13 December 2025

7.3 Complaint Submitted by Shakari Ben

As noted earlier in Section 5.8, Parmar Shakariben Lalabhai (Shakari Ben) submitted a written complaint alleging that officials demolished her dwelling and damaged her well during the operation of 13 December 2025.

The complaint also alleged that she was subjected to harassment, casteist insult and physical force was used against her when she attempted to object to the demolition which was being carried out without serving any legal notice on her. According to her complaint, the complaint was received by the police station. However, the team did not receive any information indicating that an FIR had been registered on the basis of this complaint at the time of the field visit even though it prima facie appears that a cognizable offence is made out against specific officials of the forest & police department.

This difference in the treatment of complaints raised questions among villagers regarding whether allegations against officials were being examined with fairness & seriousness as allegations against residents.

Source:

Written complaint submitted by
Parmar Shakariben Lalabhai
to Ambaji Police Station
Date: 17 December 2025

7.4 Status of Forest Rights Claims

Records examined by the fact finding team confirm that the Gram Sabha of Padaliya village had already initiated the process of identifying forest rights claimants through the Forest Rights Committee, as discussed earlier in this report.

Residents of Padaliya village informed the fact finding team that although the Gram Sabha had identified claimants and forwarded the list to the TSP Office for further processing, the formal claim forms required for submission of individual forest rights claims had not been made available till date. If such procedural obstacles exist, the completion of the process of recognition envisaged under the Forest Rights Act gets delayed.

During the interaction with Shri Kantibhai, an elected representative of the Danta Taluka Panchayat and a member of the Sub Divisional Level Committee (SDLC), the team was informed that the SDLC responsible for examining forest rights claims in the area has not been functioning for a considerable period. According to him, no meetings of the committee have been held and no decisions have been taken on pending claims during this time. Under the statutory framework of the Forest Rights Act, the SDLC is responsible for verifying claims forwarded by the Gram Sabha before they are placed before the District Level Committee for final decision. The non functioning of the SDLC has therefore effectively stalled the statutory process of verification and recognition of forest rights. As a result, claimants in Padaliya remain in a prolonged state of administrative uncertainty despite the Gram Sabha having completed its statutory role in identifying claimants.

Source:

Padaliya Forest Rights Committee Register, Resolution dated: 24 February 2023

7.5 Administrative Communication from the Tribal Sub Plan Office

As discussed earlier in Section 4.5, the fact finding team examined an administrative communication issued by the **Project Officer of the Tribal Area Sub Plan (TSP) Office, Palanpur dated 16 July 2024.**

The communication refers to the ongoing process of receiving and examining forest rights claims under the Forest Rights Act. It notes that claims from forest dwelling communities have been submitted through Gram Sabhas and that verification of these claims is in progress. The communication also advises that individuals belonging to Forest Dwelling Scheduled Tribes who have been cultivating or residing on forest land according to the threshold in the law (i.e., 2006) should not be subjected to unnecessary harassment during the pendency of the claims process.

The existence of this communication indicates that the process of settlement of forest rights claims in the district is still ongoing during the period preceding the incidents in Padaliya village.

7.6 Institutional Response After the Incident

Following the events of 13 December 2025, the institutional response appeared to be disproportionately directed toward criminal proceedings against villagers while the complaint submitted by Parmar Shakariben Lalabhai had not resulted in registration of a corresponding FIR at the time of the fact-finding visit. Two FIRs were registered in connection with the incidents of 5 December 2025 and 13 December 2025, both primarily naming villagers as accused. Conversely, the written complaint submitted by Parmar Shakariben Lalabhai (Shakari Ben) alleging illegal eviction, destruction of her property (which potentially constitutes offences under the SC/ST (Prevention of Atrocities) Act), was not registered as a corresponding FIR at the time of the fact-finding visit. This differential and immediate use of the criminal provisions against Adivasi residents, coupled with institutional inaction regarding alleged atrocities committed by officials, is a clear indicator that the dispute is being handled not as an isolated law and order event, but the whole might of the criminal law is being used to not just suppress the resistance but also the systemic neglect of their rightful claims to forest rights and exposes the **systemic failure** of the state to uphold statutory rights and ensure accountability.

7.7 Accounts of Persons Named in the FIR

Accounts provided by individuals named in the FIR have been described earlier in Section 6.3 of this report. During the fact finding visit, several residents stated that they had been named as accused in the FIR registered in connection with the incident of 13 December 2025.

According to these residents, members of Scheduled Tribe communities in Padaliya have been residing in the forest area and cultivating nearby land for several years. They stated that forest rights claims relating to this land had been initiated through the Gram Sabha process under the Forest Rights Act.

They further stated that despite repeated requests, the formal claim forms required to complete the forest rights claim process had not been made available to many residents, and that the verification process had therefore remained incomplete.

Residents stated that plantation related activities undertaken by the Forest Department on land identified in the FIR as Survey No. 9 in Viramveri Round interfered with land that villagers considered to be under pending forest rights claims.

These accounts indicate that several residents view the incident as arising from an unresolved dispute relating to the implementation of the Forest Rights Act and the status of forest land claims raised by the villagers.

8. Legal Analysis

This section examines the events described in the preceding sections in light of the applicable legal framework. The analysis primarily considers the provisions of the **Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006**, relevant constitutional protections, and general principles governing the use of police powers and criminal law and the applicability of the **Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989**.

The testimonies recorded during the fact finding inquiry also raise concerns that certain actions described by villagers may fall within the scope of offences defined under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

8.1 Applicability of the Forest Rights Act

As noted earlier in this report (see Section 5.1), the Padaliya Gram Sabha identified 173 forest rights claimants through the Forest Rights Committee register dated 24 February 2023, including Parmar Shakariben Lalabhai (Shakari Ben).

This fact must also be viewed in the context of the administrative communication issued by the Project Officer of the Tribal Sub Plan (TSP) Office, Palanpur dated 16 July 2024 (see Section 4.5), which confirms that the process of verification of forest rights claims in the district was ongoing during this period.

Once this process is initiated, the Forest Rights Act provides specific protections to claimants while their claims are under consideration - especially the protection that Section 4(5) provides viz. “no member of a forest dwelling Scheduled Tribe or other traditional forest dweller shall be evicted or removed from forest land under his or her occupation until the process of recognition and verification of rights has been completed”

Administrative actions that alter the status of land under such pending claims may therefore raise questions regarding compliance with the protection contained in Section 4(5) of the Forest Rights Act.

In the present case, the statutory process for recognition of forest rights had already been initiated through the Forest Rights Committee register dated 24 February 2023 and the

subsequent Gram Sabha resolution identifying claimants. At the same time, the verification process had not been completed due to administrative delays, including the non functioning of the Sub Divisional Level Committee and the non availability of claim forms.

Documentary material, including the FIR dated 06 December 2025, confirms that vegetation clearing activity using machinery had been undertaken on the disputed land during this period. The sequence of these events raises serious concerns regarding compliance with the protection provided under Section 4(5) of the Forest Rights Act.

8.2 Use of Police Force

Testimonies recorded during the fact finding visit indicate that police personnel used force to disperse villagers who had gathered at the site on 13 December 2025.

The use of police force in crowd control situations is governed by principles of necessity and proportionality. Police authorities are expected to ensure that force is used only when required and that the level of force employed is proportionate to the situation.

Several villagers stated that the use of force occurred during the attempt to disperse the gathering. Without access to official records or medical documentation, the fact finding team is not in a position to conclusively determine the sequence of events leading to the escalation. However, the use of force in situations involving disputes over statutory rights requires particular caution in order to prevent unnecessary escalation.

8.3 Attempt to Criminalize villagers En Masse

Following the events of 13 December 2025, the police registered an FIR naming 26 individuals and referring to approximately 500 “unknown persons.”

The inclusion of a large number of unidentified persons in criminal proceedings can have a significant impact on a community, particularly in small rural settings. Several villagers informed the team that the FIR had created widespread fear of arrest and legal action; many of them avoiding going out even for medical requirements and essential purchases. At the same time, the complaint submitted by Parmar Shakariben Lalabhai alleging demolition of her dwelling and damage to her well had neither resulted in the registration of an FIR nor any investigation into her complaint at the time of the fact finding visit.

This difference in the treatment of complaints has contributed to concerns regarding the fairness and balance of the institutional response.

8.4 Proportionality of Criminal Charges

The FIR registered in connection with the incident of 13 December 2025 invokes several serious offences under the Bharatiya Nyaya Sanhita, including the offence of attempt to murder. The fact finding team notes that the FIR narrative refers to injuries sustained by certain officials during the confrontation, including injuries to Police Inspector R. B. Gohil, Assistant Conservator of Forests Jigar Modi, and driver Hirabhai Vaghela.

However, from the information available in the public domain in the nature of videos of the incident (though unverified) and from the testimonies of the village residents, the confrontation might have happened in response to the use of force by the administration. Since the fact finding team does not have access to the chargesheet or the investigation documents it is difficult to arrive at a conclusion regarding the nature of confrontation and the corresponding use of criminal law.

However, the FIR itself does not provide detailed medical documentation regarding the nature or severity of these injuries. In criminal law, the invocation of grave charges such as attempt to murder normally depends on factors such as the nature of the injuries sustained, the circumstances of the alleged attack, and evidence of an intention to cause death.

The FIR alleges that approximately 500 persons were present at the site and that several individuals were armed with traditional weapons. At the same time, the available information refers to injuries sustained by a limited number of officials. The relationship between the scale of the alleged attack and the injuries documented in the FIR therefore remains unclear and would require careful examination during investigation and judicial proceedings. However, not naming large number of accused in the FIR gives wide discretionary powers to the police which can lead to the misuse of law.

8.5 Broader Legal Implications

The events in Padaliya village illustrate the challenges that can arise when disputes over land rights intersect with law and order situations.

Where statutory rights under the Forest Rights Act are involved, administrative authorities are required to ensure that actions taken on the ground remain consistent with the procedures and protections established by the law. In the present case the delay in furthering an already

initiated claim through the FRC and Gram Sabha by not providing the claim forms till date is a major failure on the part of the administration.

This incident, thus, goes beyond a mere local dispute. It is a direct and violent consequence of the **systemic failure** of the state apparatus to implement the Forest Rights Act (FRA) in Gujarat. With **84,387 claims (44.36 percent) still pending statewide**, the administrative inaction observed in Padaliya (e.g., the non-functioning Sub-Divisional Level Committee and unavailability of claim forms) is not an isolated error but a reflection of a **systemic, institutional paralysis** in the verification process. This paralysis creates the vacuum in which Forest Department officials feel empowered to undertake land alteration activities, leading directly to the escalating law and order confrontation seen on 13 December 2025.

8.6 Possible Implications under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989

The testimonies recorded during the fact finding inquiry also raise concerns that certain actions described by villagers may fall within the scope of offences defined under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Section 3(1)(f) of the Act criminalizes the “wrongfully occupies or cultivates land owned by, or allotted to, or notified by competent authority to a Scheduled Caste or Scheduled Tribe.

Section 3(1)(g) further criminalizes wrongful dispossession of a member of a Scheduled Caste or Scheduled Tribe from land or premises or interference with the enjoyment of rights over land, water, or irrigation resources.

Section 3(1)(z) provides that forcing or causing a member of a Scheduled Caste or Scheduled Tribe to leave his or her house, village, or place of residence constitutes an offence under the Act.

According to the testimony of Parmar Shakariben Lalabhai, officials demolished her dwelling structure and damaged her well and cultivation during the operation conducted on 13 December 2025 while her forest rights claim remained pending. If these allegations are established through investigation, such actions may raise issues under Sections 3(1)(f), 3(1)(g), and 3(1)(z) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989

The fact finding team notes that at the time of the visit no FIR had been registered on the

basis of the complaint submitted by Shakari Ben alleging demolition of her dwelling and destruction of property. If the complainant belongs to a Scheduled Tribe and the allegations described above are established through investigation, such acts may attract provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 relating to wrongful dispossession from land and interference with the enjoyment of land or livelihood resources. The absence of registration of a complaint in such circumstances raises concerns regarding the institutional response to allegations made by members of vulnerable communities.

Source:

Scheduled Castes and Scheduled Tribes
(Prevention of Atrocities) Act, 1989
Sections 3(1)(f),3(1)(g) and 3(1)(z)

9. Findings

9.1 Existence of Pending Forest Rights Claims and administrative lapse in processing the claims

As discussed earlier in this report, the Padaliya Gram Sabha had already identified 173 individuals as forest rights claimants through the Forest Rights Committee process.

This record establishes that the process of identifying forest rights claimants under the Forest Rights Act had been initiated at the village level prior to the events of December 2025.

The non-issuance of the claim forms by the authorities to the claimants till date despite the Padaliya Gram Panchayat having forwarded the list of 173 claimants including Sakariben Parmar to the TSP (nodal) office for further action, and is a serious administrative lapse.

The non functioning of the SDLC also has been clearly established - revealing how it has effectively stalled the statutory process of verification and recognition of forest rights. As a result, claimants in Padaliya remain in a prolonged state of administrative uncertainty despite the Gram Sabha having completed its statutory role in identifying claimants.

9.2 Coercive (Illegal) Action of the Forest Department and the Police on Land that has been claimed under the FRA

Documentary material, including the FIR dated 06 December 2025, confirms that forest officials had undertaken vegetation clearing activity using machinery on land near Padaliya village prior to the incident of 13 December 2025.

Villagers consistently stated that the land where these activities took place was under claim through the Forest Rights Committee and the Gram Sabha under the Forest Rights Act.

It also should be noted that the circular issued by the PO of the TSP, Danta Taluka on the 16th of July, 2024, advises that persons who have been cultivating or residing on forest land for several years should not be subjected to unnecessary harassment during the pendency of the claims process.

The existence of this communication indicates that the process of identifying and verifying forest rights claims in the district was continuing during the period preceding the events in Padaliya village. Moreover, It is likely that the Forest department has not served any legal

notice on Shakari ben alleging unauthorized occupation of land even as she has been identified as a rightful claimant by the Gram Sabha. This gives credence to the conclusion that the coercive action by the authorities on the 13th of December in Padaliya was a violation of the section 4(5) of the Forest Rights Act, and hence, illegal.

9.3 Escalation of Tensions Prior to the Incident

The confrontation on **5 December 2025**, which led to the registration of the FIR dated 06 December 2025, indicates that tensions between villagers and forest officials had already escalated before the main incident of 13 December 2025.

The earlier confrontation suggests that the dispute was ongoing and related to the activities undertaken on the disputed land.

9.4 Use of Force During the Incident

Several villagers reported that police personnel used force to disperse residents who had gathered at the site on 13 December 2025.

Villagers stated that lathi charge and tear gas shells were used during the operation. Without access to official operational records, the fact-finding team is not in a position to independently verify the exact sequence of events or the extent of force used.

However, the accounts recorded during the field visit indicate that the use of force contributed to the escalation of the situation and the subsequent confrontation.

9.5 Damage to Government Property and Injuries to Officials

Media reports and available information confirm that several government vehicles were damaged and that officials sustained injuries during the incident. Some villagers acknowledged that stone throwing may have occurred during the confrontation but stated that it took place after the use of force by authorities.

9.6 Criminal Proceedings Against Villagers

Following the events of 13 December 2025, an FIR was registered naming 26 individuals and referring to approximately **500 “unknown persons.”**

Villagers stated that the inclusion of such a large number of unidentified persons has created fear within the village regarding possible arrests and legal action. This also is an attempt at en masse criminalization of an entire village, enabling the police to pick up anyone from the village at will, intimidate them under the pretense of investigation; thus rendering them

vulnerable to the vindictive actions of the police and the forest officials. This has created an atmosphere of fear and a significant number of villagers avoid going out for essential commodities and medical requirements.

9.7 Non-Registration of the Complaint Submitted by Shakari Ben

Parmar Shakariben Lalabhai (Shakari Ben) informed the team that she submitted a written complaint alleging illegal eviction, destruction of property, and use of force by officials.

At the time of the fact-finding visit, the team did not receive information indicating that an FIR had been registered on the basis of this complaint.

9.8 Lack of Transparency in Administrative Action

Villagers stated that no written notice or order was shown to them prior to the clearing or plantation activities undertaken on the land.

The absence of clear communication regarding the legal status of the land and the pending forest rights claims appears to have contributed to the escalation of tensions between villagers and authorities.

9.9 Nature of the Dispute

The available evidence suggests that the incident in Padaliya village arose in the context of an unresolved dispute relating to forest rights claims under the Forest Rights Act. The confrontation between villagers and officials therefore cannot be understood solely as a law and order issue. Rather, it reflects tensions arising from administrative actions undertaken on land that villagers consider to be under pending forest rights claims, combined with delays in the statutory process for recognition of such claims.

10. Recommendations

In light of the findings recorded above, the Gujarat unit of the People's Union for Civil Liberties (PUCL) makes the following recommendations to the relevant authorities.

10.1 Protection of Forest Rights Claims

The authorities should ensure that the provisions of the **Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006** are strictly followed in relation to land claimed by residents of Padaliya village.

Pending final verification and recognition of forest rights claims, no eviction, removal, plantation activity, or land alteration should be undertaken on land under claim, in accordance with **Section 4(5) of the Forest Rights Act**.

10.2 Processing of Pending Claims

The Sub Divisional Level Committee (SDLC) should review and process the claims identified by the **Padaliya Gram Sabha** within a defined time frame, preferably within **three months**, in accordance with the procedures laid down under the **Forest Rights Act**.

The claims recorded in the **Padaliya Forest Rights Committee register dated 24 February 2023**, including that of Parmar Shakariben Lalabhai (Shakari Ben), should be examined in accordance with the procedures laid down under the Forest Rights Act and the relevant rules.

10.3 Independent Inquiry into the Incident

An independent inquiry should be conducted into the events of **13 December 2025**, including the circumstances in which the coercive administrative action was undertaken on the land under claim as per FRA; and the use of police force during the confrontation.

The inquiry should examine the conduct of all authorities involved and determine whether established legal procedures were followed.

10.4 Examination of Complaints Submitted by Villagers

The complaint submitted by **Parmar Shakariben Lalabhai (Shakari Ben)** alleging demolition of her dwelling and damage to her well should be examined in accordance with

the law.

If the complaint discloses cognizable offences, appropriate action should be taken under the relevant provisions of law.

10.5 Fair Investigation of Criminal Cases

The investigation into the FIRs registered in relation to the incidents of **5 December 2025 and 13 December 2025** should be conducted in a fair and impartial manner on the basis of evidence.

The omnibus FIR with more than 500 un-named people should be withdrawn as it is being weaponized to criminalize the entire village. The investigation and proceedings should be fair and the process should not become a punishment for those who have been charged.

10.6 Transparency in Administrative Action

Authorities should ensure that any administrative action relating to land, plantation activities, or forest management in areas where forest rights claims are pending is carried out transparently and in consultation with the Gram Sabha.

Clear communication with local communities regarding the status of claims and proposed administrative actions can help prevent misunderstandings and reduce the risk of conflict.

10.7 Protection of Community Rights

The administration should take steps to ensure that the rights and livelihoods of forest dwelling communities are protected in accordance with the Forest Rights Act and constitutional guarantees.

Constructive dialogue between local authorities and village communities should be encouraged in order to resolve disputes through lawful and peaceful means.

10.8 Demands for Specific Land Data Disclosure

The Forest Department must immediately disclose the precise **Survey Number, Compartment Number, or GPS coordinates** of the land where plantation activity occurred on 13 December 2025 (**Plantation Survey No. 9 in Viramveri Round**). This specific data is required to conclusively prove the overlap with the claimed land of Parmar Shakariben Lalabhai (claimant #72). Failure to disclose this information would raise serious concerns regarding transparency in administrative action.

Annexure

Annexure 1 – FIR dated 06 December 2025

Annexure 2 – FIR dated 13 December 2025

Annexure 3 – Complaint submitted by Shakari Ben

Annexure 4 – Padaliya FRC resolution / claimant register (24 February 2023)

Annexure 5 – TSP office communication dated 16 July 2024

Annexure 6 – Photographs and Videos of the site

Annexure 7 – Forest Rights Act, 2006

Annexure 8 – THE SCHEDULED CASTES AND THE SCHEDULED TRIBES
(PREVENTION OF ATROCITIES) ACT, 1989