



राष्ट्रीय अनुसूचित जनजाति आयोग
National Commission for Scheduled Tribes

(भारत के संविधान के अनुच्छेद 338क के अंतर्गत एक संवैधानिक निकाय)
(A Constitutional body under Article 338A of the Constitution of India)

फाइल सं. NCST-16011(MP)/79/2021-RO-Bhopal (ESDW)

दिनांक: 10.05.2023

सेवा में,

प्रधान मुख्य वन संरक्षक,
मध्य प्रदेश शासन,
कार्यालय प्रधान मुख्य वन संरक्षक (कक्ष समन्वय),
सतपुरा भवन, अरेरा हिल्स,
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कलेक्टर एवं जिला दंडाधिकारी,
जिला धार,
कलेक्टर कार्यालय,
धार - 454001, मध्य प्रदेश
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वन मंडलाधिकारी,
धार डिविजन,
कार्यालय वन मंडलाधिकारी,
धार, मध्य प्रदेश
ई-मेल: dfodhar@mpforest.org

विषय: तलावपाडा गांव की जमीन को किसानों को दिलाए जाने के सम्बंध में श्री छगन बारीया एवं अन्य, ग्राम तलावपाडा, तहसील सरदारपुर, जिला- धार, मध्य प्रदेश का दिनांक 23.03.2021 का अभ्यावेदन।

महोदय/महोदया,

कृपया उपरोक्त विषय पर दिनांक 10.04.2023 को 11:30 बजे आयोग में हुई सिटिंग का सन्दर्भ ग्रहण करें। उक्त सिटिंग का कार्यवृत्त इस पत्र के साथ संलग्न कर प्रेषित किया जा रहा है। आपसे अनुरोध है की सिटिंग में लिए गए निर्णयों एवं आयोग द्वारा दिए गए सुझावों पर कार्रवाई करते हुए कार्रवाई रिपोर्ट इस आयोग को 45 दिन के भीतर भेजना सुनिश्चित करें।

संलग्न यथोपरि.

भवदीय,


(अंकित कुमार सेन)
अनुसंधान अधिकारी

प्रतिलिपि प्रेषित:

1. श्री छगन बारीया,
ग्राम तलावपाडा,
तहसील सरदारपुर,
जिला- धार,
मध्य प्रदेश
2. NIC CELL, NCST.

National Commission for Scheduled Tribes

No. NCST/16011(MP)/79/2021-RO-BHOPAL-ESDW

Minutes of the sitting held under the Chairmanship of Shri Ananta Nayak, Hon'ble Member, NCST, in the case of Villagers of Talvpada, Rajgarh Teshil, Dhar District, Madhya Pradesh. The villagers have been evicted forcefully without prior notice for Kharmor Abhiyan due to which 60 ST families of Thalavpad Village have been affected.

Date of the sitting: 10.04.2023

Participants in the sitting: As per Annexure


The Petitioners, Chhagan Bhariya and Ors, the Villagers of Talvpada, Rajgarh Teshil, Dhar District, Madhya Pradesh through their representation dated 23/03/2021 stated that 60 ST families of Thalavpad Village had been evicted forcefully without prior notice for National Kharmor Bird Sanctuary due to which 60 ST families have become landless. Petitioner further submits that all affected families have their title of their evicted lands, but the Forest Department is neither giving compensation to the acquired land nor allowing to cultivate their land for last 10 to 15 years, also Forest Authorities have been threatening them to implicate in criminal Cases. The petitioners have time and again requested the District authorities to take appropriate action but till date the authorities are not paying any attention to their genuine grievances.

On 07.06.2021 the Commission issued Notice to the Chief Secretary, Madhya Pradesh Government and Collector and District Magistrate, Dhar District, Madhya Pradesh to submit an action taken report within 30 days.

Since the Authorities fail to act upon the issue, and could not submit any reply, the Commission held a Sitting on 13.01.2023.

In the hearing on 13.01.2023, the Commission had recommended the followings:

1. The District Collector shall constitute a District Level Committee to examine the issue of violation of rights of the Tribals and conflict of interest. The said Committee shall include the petitioners and other stake holders as the Members of the Committee.


Ananta Nayak
Member, National Commission for Scheduled Tribes
Bhopal

2. The District Committee shall evaluate the loss of the farmers from the date of restriction of their entry to their own lands till date. He shall ensure that all the affected Families are getting Compensation.
3. The District Collector shall ensure that all the affected persons shall be given access to their Land for farming, cultivation within 30 days without any condition.
4. The District Collector shall submit interim report within 30 days and the Complete Report of the Committee along with Action Taken Report within 60 days.

The District collector had submitted the Affidavit stating that he will take action on all the recommendations within 60days and shall submit action taken report, however, no ATR has been submitted by him.

On 23.01.2023, the Commission issued Notice to Shri Ramesh Kumar Gupta, Principal Chief Conservator of Forest, Madhya Pradesh and Shri. G.D. Barwade, Divisional Forest Officer, Dhar District, Madhya Pradesh to submit an action taken report within 07 days, but no ATR was received.

Keeping in view of the seriousness of the issue and the lackadaisical attitude of the authorities on taking action as per the recommendation of the Commission in the given period, the Commission issued summons to Shri Ramesh Kumar Gupta, Principal Chief Conservator of Forest, Madhya Pradesh Government, Priyank Mishra, Collector & District Magistrate, Dhar District, and Shri. G.D. Barwade, Divisional Forest Officer, Dhar District, Madhya Pradesh to appear before the Commission on 10.04.2023

In the hearing Shri Ramesh Kumar Gupta, Principal Chief Conservator of Forest ("PCCF"), Madhya Pradesh Government submitted that the Chief Conservator of Forest, Indore along with District forest and revenue officials inspected the spot on 03.04.2023, interacted with affected families on their issues and submitted the report. Based on the report, the PCCF directed the Divisional Forest Officer, Dhar to give access to all the land owners to cultivate their land. Presently all the land owners have been given access to cultivate their respective land.

The Petitioners submitted that in the hearing dated 13.01.2023, the Commission had recommended that District Collector shall ensure that all the affected persons shall be

A. Gupta

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given access to their Land for farming within 30 days without any condition and also that a District Committee shall be constituted to evaluate the loss of the farmers from the date of eviction to until now and shall ensure that all the affected families are given Compensation by District administration. However, the authorities had not taken any action in the given time period

It was only after repeated summons issued to the authorities by the Commission, the District administration within two days has complied with the recommendations and has given access to their land. The Petitioner further submits that they had been evicted forcefully without prior notice for National Kharmor Sanctuary due to which Livelihood of 60 ST families residing in Thalavpad Village have been affected for more than a decade. Since the land was their only means of livelihood, they lost it and had to migrate to other places in search of other sources of income to keep themselves and their families alive. Most of them have ended up becoming daily wagers whose income is so meagre to sustain the basic needs of their families. All the affected families have their original titles on their acquired land and are also paying taxes every year, but the Forest Department has not given any compensation for the loss incurred by them in the last 12 years for the restriction imposed to cultivate the land.

Shri Ramesh Kumar Gupta, Principal Chief Conservator of Forest, Madhya Pradesh Government submitted that they have given access and that all the welfare schemes can be availed by the affected families. But, since this is the first case in the state and there is no separate fund allocated for compensation of these affected families, it's difficult to provide for compensation immediately.

The Commission expressed its displeasure over the ignorance and negligence of forest officials over evicting and restricting the 60 ST families of Thalavpad Village to access to their own land for cultivation from past 12years. The Commission further observed that the eviction and restriction has seriously affected their livelihood forcing them to migrate to other places and struggle for the basic necessities in life. The Commission decides to send a Fact Finding Team to visit the spot to assess the ground realities and make a report for further perusal.

After hearing both the sides, the Commission recommends the followings: -

1. The Principal Chief Conservator of Forest, Madhya Pradesh will constitute a State Level Committee to evaluate the loss of the farmers from the date of restriction of their entry for cultivation i.e from 1st January 2010 to 1st April 2023 after visiting the affected area. The said Committee will include the petitioners and other stake holders as the Members of the Committee. The Committee will send a report to the Commission within 30days.
2. The Principal Chief Conservator of Forest, Madhya Pradesh will undertake that the constituted State Level Committee shall evaluate the loss by visiting the spot and also shall intimate the date of visit all the affected villagers and confirm the list of affected families with the Gram Sabha
3. The Principal Chief Conservator of Forest, Madhya Pradesh will co-ordinate with the State Government and ensure that all the 52 farmers affected because of National Kharmor Sanctuary are compensated. The PCCF will send the copy of communication and minutes of the meeting to the commission within 30days
4. The Principal Chief Conservator of Forest, Madhya Pradesh will submit the interim report of the overall status within 30days and complete action taken report within 45days.

A. Singh

सिटी सचिवालय
मध्य प्रदेश
प्रमुख कार्यालय
राज्यपाल भवन
भारत

(परिशिष्ट)

फाइल. सं. NCST-16011(MP)/79/2021-RO-Bhopal (ESDW)

प्रतिभागियों की सूची: -

राष्ट्रीय अनुसूचित जनजाति आयोग		
क्र. सं.	नाम	पदनाम
1.	श्री अनंत नायक	माननीय सदस्य
2.	श्रीमती मिरांडा इंगुडम	निदेशक
3.	श्री एच. आर. मीना	अनुसंधान अधिकारी
प्रधान मुख्य वन संरक्षक, मध्य प्रदेश शासन		
क्र. सं.	नाम	पदनाम
1.	श्री सत्यानंद	ए.पी.पी.सी. एफ़.
कलेक्टर एवं जिलाधिकारी जिला धार, मध्य प्रदेश शासन		
क्र. सं.	नाम	पदनाम
1.	श्री प्रियंक मिश्र	कलेक्टर
वन मंडलाधिकारी जिला धार, मध्य प्रदेश शासन		
क्र. सं.	नाम	पदनाम
1.	श्री जी. डी. वरवाड़े	वन मंडलाधिकारी
अभ्यावेदक/अभ्यावेदिका		
क्र. सं.	नाम	पदनाम
1.	श्री छगन बारीया	अभ्यावेदक