



सत्यमेव जयते

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/DEV-330/MH/81/2022-RO-BH

दिनांक: 04.07.2023

सेवा में,

कलेक्टर एवं जिलाधिकारी,  
जिला-औरंगाबाद,  
कलेक्टर कार्यालय,  
औरंगाबाद-431001,  
महाराष्ट्र  
ई-मेल: collector.aurangabad@maharashtra.gov.in


विषय: श्री एकनाथ हारसिंग भील, मुक्काम सिंदोल, पो. वडगांव, तहसील सोयगांव, जिला औरंगाबाद (महाराष्ट्र) – आवेदक की कब्जे वाली भूमि पर वन विभाग द्वारा फसल को बर्बाद कर भूमि से बेदखल करने के सम्बंध में।

महोदय/महोदया,

कृपया उपरोक्त विषय पर दिनांक 02.06.2023 को 11:30 बजे आयोग के माननीय सदस्य महोदय की अध्यक्षता में होने वाली सिटिंग/सुनवाई 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 30 दिन के भीतर भेजना सुनिश्चित करें।

संलग्न यथोपरि.

भवदीय,

  
(एच. आर. मीना)  
अनुसंधान अधिकारी

प्रतिलिपि प्रेषित:

श्री एकनाथ हारसिंग भील,  
मुक्काम सिंदोल, पो. वडगांव,  
तहसील सोयगांव,  
जिला-औरंगाबाद,  
महाराष्ट्र

✓ एन.आई. सी. अनुभाग, आयोग की वेबसाइट पर  
अपलोड करने हेतु।

## National Commission for Scheduled Tribes

\*\*\*\*\*

No. NCST/DEV-330/MH/81/2022-RO-BH

Minutes of the sitting held under the Chairmanship of Shri Ananta Nayak, Hon'ble Member, NCST, in the case of Shri Eknath Harsingh Bheel regarding denial and deprivation of land title.

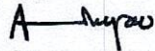
Date of the Sitting: 02.06.2023

Participants in the Sitting: As per Annexure

Shri Eknath Harsingh Bheel of Mukkam Sindol, Po. Vadgaon, Tehsil Soygaon, District Aurangabad, Maharashtra, submitted representation dated 23.02.2022, stating therein they have been cultivating the forest land for the past 60 years for their livelihood. Furthermore, they state that the Gram Sabha has passed a resolution confirming that their family has been residing on and cultivating the said land for the past 60 years. The petitioner has also made several representations before the district administration. However, to date, they have not been issued the Individual Forest Rights (IFR) title under the Forest Rights Act, 2006. Their livelihood is solely dependent on this land, as they don't have any other source of income. Therefore, they earnestly requested the authorities to issue the IFR title at the earliest.

Considering the representation, the Commission issued notice dated 16.04.2022 to the Chief Secretary, Govt of Maharashtra and the District Collector, Aurangabad to submit the Action Taken Report ("ATR") within 30 days. No action report has been received even after the time period.

Keeping in view of the seriousness of the issue and the lackadaisical attitude of the authorities in submitting the action taken report during the given period, the Commission issued Summons dated 09.05.2023 to Shri. Astik Kumar Pandey, Collector & District Magistrate, Aurangabad to appear before the Commission 22.05.2023, however, he did not appear on the same date.



अनंत नायक/ANANTA NAYAK

सदस्य/Member

राष्ट्रीय अनुसूचित जनजाति आयोग

NATIONAL COMMISSION FOR SCHEDULED TRIBES

भारत सरकार/Govt. of India

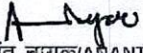
नई दिल्ली/New Delhi

On 26.05.2023, the Commission cautioned Shri. Astik Kumar Pandey, Collector & District Magistrate, Aurangabad that it will take coercive action if the authority doesn't appear on 02.06.23 along with reason for non-appearance.

During the hearing on 02.06.23, the petitioner submitted that he has been cultivating the forest land for the past 60 years. The Gram Sabha had passed a resolution confirming their family's residency and cultivation on the land during this period. Despite making multiple representations to the district administration, the petitioner has not yet received the Individual Forest Rights (IFR) title under the Forest Rights Act, 2006. Surprisingly, all 14 neighboring land-owners have already obtained titles. However, during the title issuance process, the petitioner was absent from the village due to migration. Furthermore, the authorities are now disputing the petitioner's ownership and demanding eviction from the land. The petitioner requests that he be granted the title of the land as he has no other land apart from this for his livelihood.

Shri Astik Kumar Pandey, Collector & District Magistrate, Aurangabad submitted the apology for his absence during the hearing on 22.05.2023. Furthermore, in connection to the matter, the collector submits that Assistant Conservator of Forest, Aurangabad Range, submitted report stating that he possesses land in gut no. 85 of Village Shindol, Tq. Soyegaon, Dist. Aurangabad, which is in dispute. The complainant alleges that forest officials have not allotted him the land as entitled under the Forest Rights Act. The District administration conducted a spot inspection along with other officials, revealing that the complainant is in unauthorized possession of the land. The complainant failed to provide documentary evidence during the inspection to support his claim of possession. Complainant needs to follow the proper process for his claim to be considered. The District Collector assures the Hon'ble Commission that if the complainant follows the proper procedure, his claim will be duly considered and decided in accordance with the law.

The Commission inquired about why the petitioner has been deprived of title, as he is presently landless, even after the Gram Sabha had passed a resolution confirming their family's residency and cultivation on the land. The Commission also

  
अनंत नायक/ANANTA NAYAK  
सदस्य/Member  
राष्ट्रीय अनुसूचित जनजाति आयोग  
NATIONAL COMMISSION FOR SCHEDULED TRIBES  
भारत सरकार/Govt. of India

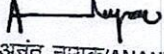
expressed serious concern over the inordinate delay in addressing these issues and questioned how long it will continue to be dragged on.

The Commission also expressed serious concern over the inordinate delay in addressing these issues and questioned how long it will continue to be dragged on.

After the hearing, the Commission recommends the following: -

1. The District Collector of Aurangabad will ensure that an independent inquiry is conducted regarding the petitioner's claim associating the petitioner and the members of the Gram Sabha (if required).
2. The District Collector of Aurangabad after conducting inquiry and verifying that the petitioner is indeed landless, will ensure the title of the land to the petitioner.

The Action Taken Report in compliance of the Recommendations to be sent to the Commission within 30 days.

  
अनंत नायक/ANANTA NAYAK  
सदस्य/Member  
राष्ट्रीय अनुसूचित जनजाति आयोग  
NATIONAL COMMISSION FOR SCHEDULED TRIBES  
भारत सरकार/Govt. of India  
नई दिल्ली

(ANNEXURE)

F. No. NCST/DEV-330/MH/81/2022-RO-BH

**LIST OF PARTICIPANTS:-**

<b>National Commission for Scheduled Tribes</b>		
<b>S. No.</b>	<b>Name</b>	<b>Designation</b>
1.	<b>Shri Ananta Nayak</b>	<b>Hon'ble Member</b>
2.	Dr. Jayant Sarode	Director
3.	Shri Radhakanta Tripathy	Special Rapporteur
4.	Shri Avinash Mattur	Legal Consultant
<b>The District Collector and Magistrate, District – Aurangabad, Maharashtra</b>		
<b>S. No.</b>	<b>Name</b>	<b>Designation</b>
1.	Shri Astik Kumar Pandey	Collector
2.		
<b>Petitioner</b>		
<b>S. No.</b>	<b>Name</b>	<b>Designation</b>
1.	Shri Eknath Harsingh Bhil	Petitioner