



भारत सरकार

Government of India

राष्ट्रीय अनुसूचित जन जाति आयोग

**National Commission for Scheduled Tribes**  
(A Constitutional Body set up under Art. 338A of the Constitution of India)

Case File No. BAP/2/2017/STGMH/DEOTH/RU-IV

Dated: 20.12.2018

1. The Additional Chief Secretary,  
Revenue Department,  
Government of Maharashtra,  
Mantralaya, Mumbai- 400032
2. The Commissioner,  
Maha Nagarpalika, Ahmednagar,  
Nagardeole, Ahmednagar,  
PIN - 414 001  
(Maharashtra)
3. The-Collector & District Magistrate,  
District - Ahmednagar,  
(Maharashtra) – 414 001.

**Sub: Proceedings of the Sitting taken by Shri Nand Kumar Sai, Hon'ble Chairperson, National Commission for Scheduled Tribes (NCST) on 26.11.2018 in the case of Shri Balasaheb Anand Pawar, Ahmad Nagar (Maharashtra) regarding forcefully possession of tribal land at Malvi Pimpalgaon Talav, District-Ahmed Nagar by the Municipal Corporation authorities.**

Sir,

I am directed to enclose herewith a copy of the Proceedings of the Sitting held on 26.11.2018 under the Chairmanship of Shri Nand Kumar Sai, Hon'ble Chairperson, National Commission for Scheduled Tribes on the above mentioned subject for necessary action and submission of compliance report to this Commission within 30 days from the receipt of the letter for placing the same before the Hon'ble Member, NCST

Yours faithfully,

(Rajeshvar Kumar)  
Assistant Director

Copy to:

Shri Balasaheb Anand Pawar,  
Gram + Post – Jeur (B)  
Near Pipalgaon Pond,  
Tehsil Nagar,  
Distt. - Ahmad Nagar,  
Maharashtra – 4146001.

10,300-303  
20/12/18  
**जारी किया  
ISSUED**

PROCEEDINGS OF SITTING HELD ON 26.11.2018 AT 03.00 P.M CHAIRED BY SHRI NAND KUMAR SAI, HON'BLE CHAIRPERSON, NCST ON THE REPRESENTATION DATED 07.02.2017 OF SHRI BALA SAHEB ANAND PAWAR, VILLAGE AND POST – JEAUR (NEAR POND OF PIMPAL GAON) TEHSIL AND DISTRICT – AHMEDNAGAR (MAHARASHTRA) REGARDING ALLOTMENT OF GOVERNMENT LAND TO SCHEDULED TRIBES BELONGING TO BHIL GROUP.


Date of Sitting : 26.11.2018

List of participants present in sitting is Annexed.

The petitioner Shri Balasaheb Anand Pawar, Village and Post – Jeur (near pond of Pimpal Gaon) Tehsil and District - Ahmednagar (Maharashtra) vide representation dated 07.02.2017 has submitted grievances that near about 250 families of Bhil group of Scheduled Tribes residing in the village & Post Jeur (B) (near pond of Pimpal Gaon), Tehsil and District - Ahmednagar on about 2000 acre lands since British period. The Scheduled Tribes families are also cultivating agriculture produce on the said land and fishing on the adjacent pond for livelihood. Recently, the Municipal Corporation, Ahmednagar has initiated action to evict the tribal families from the land and they have fetched the water from pond by water pipe to construct the houses for non STs. Thus, the tribal petitioners are being evicted from the land.

2. The Commission taken up the matter with Chief Secretary and Principal Secretary, Tribal Development Department, Govt. of Maharashtra and District Collector and SP, District –Ahmednagar NCST vide notice dated 17.03.2017 with 7 days for furnishing the facts of receipt of the letter. These agencies were reminded vide communications dated 12.07.2017, 03.08.2017, 15.11.2017 and 11.12.2017 for furnishing the facts within 7 days. Non receipt of reply from the concerned authority, Smt. Maya Chintamn Inate, Hon'ble Member, NCST fixed a Sitting on 23.01.2018 with the Chief Secretary, Government of Maharashtra, Principal Secretary, Tribal Development Department, Government of Maharashtra, District Collector and Superintendent of Police, District Ahmednagar.

3. Earlier 1<sup>st</sup> sitting held on 23.01.2018 under the Chairmanship of Hon'ble Chairperson, NCST. The Hon'ble Chairperson directed to the authorities to advise the District Administration of Ahmednagar and Ahmednagar Maha Nagarpalika for not taking any activities at the said land (pond), as the Commission is examining the matter and a Sitting be convened by the Commission to discuss the matter with the Principal Secretary, Revenue Department, Govt. of Maharashtra, Collector and District Magistrate, Ahmednagar and Commissioner, Maha Nagarpalika, Ahmednagar for providing justice to the Scheduled Tribes families of Jeur, Malvi Pimpalgaon Talay, Village & Post, Jeur.

  
नन्द कुमार साय/Nand Kumar Sai  
अध्यक्ष/Chairperson  
राष्ट्रीय अनुसूचित जनजाति आयोग  
National Commission for Scheduled Tribes  
भारत सरकार/Govt. of India  
नई दिल्ली/New Delhi

4. The Municipal Corporation, Ahmednagar has submitted a report vide their letter dated 05.03.2018.

5. Again, 2<sup>nd</sup> Sitting held on 06.03.2018 under the Chairmanship of Hon'ble Chairperson, NCST. The Commission recommended that a fresh survey for assessing the date of physical possession of petitioner(s) (Scheduled Tribes families of Jeur, Malvi Pimpalgaon Talav, Village & Post Jeur) on this land should be carried out by the Divisional Commissioner, Nashik within 3 months from receipt of proceedings of the Sitting. After that NCST will take up the matter with the State Government of Maharashtra for appropriate action.

6. No action taken report was received from the Government of Maharashtra. Meanwhile, the petitioners submitted joint representation dated 15.11.2018 to the Commission for early relief. Thereafter, Shri Nand Kumar Sai, Hon'ble Chairperson, NCST fixed a Sitting on 26.11.2018 with the Additional Chief Secretary, Revenue Department, Govt. of Maharashtra, the Commissioner, Mahanagar Palika, Ahmednagar and District Collector & Magistrate, Ahmednagar for discussion. Accordingly sitting notice was issued.

7. Shri B.H. Palwe, Additional Collector, District Ahmednagar appeared before the Commission on 26.11.2018. None of the Officers were present from the Revenue Department and Mahanagar Palika. The petitioners were also present in the day of Sitting. The matter discussed in detail.

8. The petitioners apprised the Commission that no action has been taken by the Administration of Government of Maharashtra on the recommendation of the Commission. They have submitted to the Commission that some persons from private company contacting them for construction of Tourism place and Film Studio City in their land.

9. The Additional Collector, Ahmednagar submitted to the Commission that on the representation received from NCST, he called a report from the Municipal Commissioner, Ahmednagar, Municipal Corporation, Ahmednagar on the subject. As per report submitted by the Municipal Corporation, Ahmednagar and Assistant Director, Town Planning Department, Ahmednagar. They called 'scarcity meeting' on 08.10.2018 and directed to Municipal Corporation authorities to stop unauthorized water lifting from Pimpalgaon Malvi, Adhawadi, Dongargan, Manjarsumba, Jeur & Nearby areas and confiscated electrical motors of those farmers who involved in unauthorised lifting of water for farming. According to the instructions given in scarcity meeting dated 08.10.2018, Municipal Corporation department visited Pimpalgaon Malvi Talav and informed the farmers whose electrical motors are found in Talav, to remove their motors from Talav. Even after giving instructions to the farmers, they still continued unauthorised water lifting from Talav by electrical motors. Hence, these electrical motors have been seized and confiscated. Considering the scarcity of drinking water and the current storage of water is very low, the above action is being done by Municipal Corporation Ahmednagar not only against applicant but all those farmers who are illegally lifting water from Pimpalgaon Malvi Talav.

10. After detailed discussion, the Commission observed that about 250 Scheduled Tribe families are being harassed by the Concerned Administration of Government of Maharashtra and grabbing their land. The Scheduled Tribe families are residing on their land since long time. Therefore, the Commission recommends the Government of Maharashtra that:-

- (a) Any construction on tribal land should be stopped immediately.
- (b) Police protection should be provided all the affected Scheduled Tribe families.
- (c) No action should be taken by the concerned department to evict the tribals.
- (d) The Commission will visit the place for an on-spot enquiry in the month of December, 2018.

11. Compliance/action taken report should be submitted to the Commission within 15 days from the receipt of the proceedings

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नन्द कुमार साय/Nand Kumar Sai  
अध्यक्ष/Chairperson  
राष्ट्रीय अनुसूचित जनजाति आयोग  
National Commission for Scheduled Tribes  
भारत सरकार/Govt. of India  
नई दिल्ली/New Delhi

17.12.18

**NATIONAL COMMISSION FOR SCHEDULED TRIBES**

**Annexure**

(File No. BAP/2/2017/STGMH/DEOTH/RU-IV)

**List of participants**

**NCST**

1. Shri Nand Kumar Sai, Hon'ble Chairperson (In chair)
2. Shri H.K. Damor, Hon'ble Member
3. Smt. Maya Chintamn Ivate, Hon'ble Member
4. Shri S.K. Ratho, Joint Secretary
5. Shri P.T. Jameskutty, Deputy Secretary
6. Shri H.R. Meena, Sr. Investigator

**Government of Maharashtra**

Shri B.H. Palwe, Additional Collector, Ahmednagar.

**Petitioners**

1. Shri Baba Saheb Ananda Pawar
2. Shri Gangadhar Maruti
3. Shri Dhananjay Maruti
4. Shri Sanjay Maruti
5. Shri Laxman Viswanath Wagh
6. Shri Sase Popat Maruti