



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-335/MH/85/2022-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 मच्छिंद्र वसंत भील, मु. सिंदोल, पोस्ट वडगांव, तहसील सोयगांव, जिला औरंगाबाद (महाराष्ट्र) - आवेदक की कब्जे वाली भूमि पर वन विभाग द्वारा फसल को बरबाद कर भूमि से बेदखल करने के सम्बंध में शिकायत।

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 मच्छिंद्र वसंत भील,
मु. सिंदोल, पोस्ट 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-335/MH/85/2022-RO-BH

Minutes of the Sitting held under the Chairmanship of Shri Ananta Nayak, Hon'ble Member, NCST, in the case of Shri Machindra Vasant Bhil regarding the denial and deprivation of land rights.

Date of the sitting: 02.06.2023

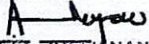
Participants in the sitting: As per Annexure

Mr. Machindra Vasant Bhil from Mukkam Sindol, Po. Vadgaon, Tehsil Soygaon, District Aurangabad, Maharashtra, submitted a representation before the Commission on 24.02.2022. The main issue raised in the petition is that his family has been cultivating forest land for 70-80 years for their livelihood. However, eviction orders are passed due to the allegations of illegal encroachment. The authorities worsened the situation by damaging the land and destroying crops. Additionally, the Gram Sabha has confirmed their residency and cultivation for the past 60 years. Despite multiple representations to the district administration, the petitioner has not been granted the title. Therefore, he requested the authorities to issue the possession along with the title at the earliest.

The Commission issued notice dated 18.04.2022 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 lapse of 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, the Commission issued Summons dated 03.02.2023 to Shri Astik Kumar Pandey, Collector & District Magistrate, Aurangabad to appear before the Commission on 16.02.2023. However, he did not appear before the Commission.

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.


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

During the hearing on 02.06.23, the petitioner submitted that his family has been cultivating forest land for 70-80 years, depending on it for their livelihood. However, due to eviction orders and damage to the land and crops, the family members of the petitioner suffer immensely. Additionally, the Gram Sabha has confirmed their residency and cultivation for the past 60 years. Despite multiple representations to the district administration, they have not been granted the title. Surprisingly, all 14 neighboring landowners have already obtained titles. However, during the title issuance process, the petitioner was absent from the village due to migration. The petitioner requested 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 a report stating that the complainant was not in possession of any forest land in that area. He further stated that the allegation on the house of the complainant was demolished is false as no structure was found on the inspected land. The complainant's residence was found to be in a different location. The procedure for verifying forest rights claims involves the Gram-Sabha and the Sub-Division Level Committee. The complainant can submit a claim if he provides evidence of belonging to a Forest Dwelling Scheduled Tribe. The land in question is part of a Reserve Forest, and no allocation was made to the complainant. The complaint lacks evidence of encroachment. Complainant needs to follow the proper process for his claim to be considered. The District Collector assured the Commission that if the complainant follows the proper procedure, his claim will be duly considered and decided in accordance with the law.

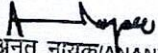
The Commission asked the Authority as to why the petitioner has been deprived of title, as he is presently landless, even after the Gram Sabha had passed a resolution confirming their family's residency and cultivation on the land. The Commission also expressed serious concern over the inordinate delay in addressing these issues and questioned how long it will continue to be dragged on.


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

F. No. NCST/DEV-335/MH/85/2022-RO-BH

LIST OF PARTICIPANTS:-

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