



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)

F. No. NCST/DEV-622/MP/34/2022-ESDW

Dated: 08.05.2023

To,

The Secretary,
Department of Forest,
Government of Madhya Pradesh,
Satpuda Bhawan,
Bhopal-462004,
Madhya Pradesh
E-Mail: acsforest@mp.gov.in

The Collector and District Magistrate,
District – Jhabua
Collectorate Office,
Jhabua – 457661
Madhya Pradesh
E-Mail: dmjhabua@nic.in

The Division Forest Officer,
District – Jhabua
Jhabua T Division,
Forest Guard Training School,
Jhabua, Madhya Pradesh
E-Mail: dfojhabua@mpforest.org

Sub: Minutes of the Sitting held under the Chairmanship of Shri Ananta Nayak, Hon'ble Member, NCST, New Delhi on 10.04.2023 and 26.04.2023 on the representation dated 26.04.2022 received from Villagers of Village-Kotda Charan, Bheadavli, Bhavdibadi and Nakha Phaliya Sad, Jhabua District, Madhya Pradesh State regarding the Deprivation of the Community Forest Rights under FRA.


Sir/Madam,

I am directed to enclose herewith a copy of Minutes of the Sitting taken by Shri Ananta Nayak, Hon'ble Member, NCST, New Delhi on 10.04.2023 and 26.04.2023 on the above mentioned subject for necessary action.

2. You are directed to send the Action Taken Report (ATR) on the recommendations of the Commission **within 15 days** from the date of receiving of the Minutes.

Encl: as Above.

Yours faithfully,


(H.R. Meena)
Research Officer

Copy for information to: -

Shri Ukaar Ba Gaamad,
Village Kotda Charan.
G.P - Bekaldha, Taluka - Petlawad.
Jhabua District, Madhya Pradesh -457775

Shri Mangilal Machar,
Village & Post Bedavali.
Tehsil Meghnagar, District Jhabua-457779
Madhya Pradesh

Shri Uday Singh Damor,
Village & Post Bavadi Badi
District Jhabua-457661.
Madhya Pradesh

Shri Khunan Kihori,
Village & Post Naka Faliya Saadh
Tehsil Para.
District Jhabua-457661, Madhya Pradesh

Shri Nilesh Daavar,
Village Kotda Charan.
G.P - Bekaldha, Taluka - Petlawad.
Jhabua District, Madhya Pradesh -457775

Shri Babu Singh Machaar,
Village & Post Bedavali.
Tehsil Meghnagar,
District Jhabua-457779, Madhya Pradesh

Shri Toliya Baberiya,
Village & Post Bavadi Badi
District Jhabua-457661.
Madhya Pradesh

Shri Madiya Bhuriya,
Village & Post Naka Faliya Saadh
Tehsil Para, District Jhabua-457661, Madhya
Pradesh

National Commission for Scheduled Tribes

No. NCST/DEV-622/MP/34/2022-ESDW

Minutes of the Sitting held under the Chairmanship of Shri Ananta Nayak, Hon'ble Member, NCST, in the case of Ukharbha Ghamad and others from Kotda Charan Gram Sabha, G.P - Bekaldha, Taluq-Petlawadh and other villages, Jhabua District, Madhya Pradesh State Regarding the Deprivation of the Community Forest Rights under FRA 2006.

Date of the Sitting: 25.04.2023 ~~26.04.2023~~

List of Participants: As per Annexure

Ukharbha Ghamad and others from Jhabua District, Madhya Pradesh vide their representation dated 02.05.2022 have alleged that the schedule tribes of Four Villages of Jhabua district, Madhya Pradesh have been deprived of their community forest rights under FRA, 2006 for the Community forest area which they have from generations been protecting and using minor forest produces for their Livelihood and sustainability. Villagers had prepared all the required documents for claiming the Community Forest Rights and resources(CFR&R) under FRA Rules, 2012 and submitted it to their respective Sub-Divisional Committees (SDC).But they did not take any action, there after they have approached SDC, DLC & SLMC Committees under FRA act 2006 but the authorities have even after sending several reminders have not taken any action till date.

The Commission took cognizance of the matter and issued notice to Collector & District Magistrate, Jhabua District, Madhya Pradesh on 16.09.2022 and sought a reply within 15 days of the receipt of the notice.

Since the Authorities failed to act upon the issue, the Commission held Sitzings on 02.12.2022 and 08.12.2023 wherein the petitioners, Secretary, Forest Department, Smt. Rajini Singh, District Collector and Divisional Forest officer, Jhabua were present before the Commission. In the hearing on 02.12.2022 & 08.12.2022, the Commission had recommended the followings: -



SECRETARY, NCST

1. District Collector shall constitute District Level Committee consisting of Revenue and forest department to make proper demarcation of the CFR Claimed area and shall include the claimants and the neighboring villages involved during the demarcation process.
2. District Collector shall ensure that all the four CFR claimed villages get original Title of the CFR&R under the given format as per law and submit report to commission with 15 days

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 Summoned Shri. Atul Kumar Mishra, Secretary, Forest Department, Smt. Rajini Singh, District Collector and Shri. Hare Singh Thakur Divisional Forest officer, Jhabua.

In the hearing held on 10.04.2023 the Secretary, Forest Department, Govt of Madhya Pradesh submitted that the district level Committee has verified all the claims, have demarcated the CFR Claimed area and accordingly have issued CFR&R Titles to all the four villages.

The Divisional Forest Officer, Jhabua submitted that they visited all the four villages for demarcation. During the process, the Joint Forest Management committee (JFMC) from neighboring villages opposed the demarcation as they claimed that some of the area belonged to them. After careful consideration and verification with the forest maps, they have issued the CFR&R titles accordingly

Subsequently in a Sitting dated 26.04.2023 Ms. Tanvi Hooda, Collector & District Magistrate, Jhabua submitted that a District level committee was formed as per the recommendation of the Commission, and the committee visited Charankotda, Bheadavali, Bhavdibadi, and Nakha Phaliya Sad Village to verify all the claims. Based on the claims, the committee demarcated the claimed area and issued CFR&R titles accordingly. Additionally, the Committee found that some of the areas claimed by the villagers belong to van-anusandhan and were not given to the claimants.

A. Anand

The petitioners have submitted that the authorities are not willing to demarcate the claimed area and are only asking them to sign a panchnama. They have also stated that the allotted area is lesser than the claimed area. In Bedawali Village, the MeghnagarTeshil Committee held a meeting in the Gram Panchayat where the villagers asked for the demarcation of the whole claimed area. However, the authorities claimed that half of the allotted area belonged to van-anusandhan. The villagers denied the claim and stated that the ultimate right of CFR&R belongs to the Gramsabha under FRA, 2006. It is further submitted by the Petitioners that the authorities are denying this fact and are threatening to take action against the claimants and implicate them in false cases if they do not agree with the decision of the authorities. The Petitioners further submitted that in NakhaPhaliya Sad village, the claimed forest area falls in both Petlawadh and Para Teshil, but the authorities have not demarcated the Petlawadh forest area even after several requests, both the Tehsil Committees are not conducting a joint survey. In Charan Kotda Village, the PetlwadTeshil Committee is not conducting the demarcation, stating that some of the claimed area belong to the neighboring villages' Joint Forest Management Committee (JFMC). The Administration is not following the due procedure as mentioned under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, due to which the villagers are being deprived of Community Forest rights & resources.

The Commission has observed that proper verification has not been conducted by the administration and that they have also not followed the due procedure as mentioned under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 and Rules, 2012.

Further, the Commission pointed out to 2 notifications issued by the Ministry of Tribal Affairs - No.23011/16/2015-FRA Dated 23.04.2015 and No.23011/11/2013-FRA Dated 06.08.2013 to clarify the role and powers of Gram Sabha on Community Forest. As per Section 3(1)(i) and Section 5 of FRA, the authority to protect, regenerate, conserve or manage CFRS, is the Gram Sabha along with the Committee for Protection of Wildlife Forest and Biodiversity constituted under FR Rule 4(1)(e). The meaning of Gram Sabha as defined in Section 2(g) and section 2(p) of the FRA categorically states

A. Singh

that each Gram Sabha shall be free to develop its own simple format for conservation and management plan of the CFR which its members can understand with ease and which may also comprise of the rules and regulations governing forest access, use and conservation. The Gram Sabha and the Committee under FR rule 4(1)(e) shall be the authority to modify the micro plan, working plan or management plan of the Forest Department to the extent necessary in order to integrate the same with the conservation and management plan for the CFR as passed by the Gram Sabha. The Commission further pointed out that the Joint Forest Management (JFM) are not covered by the definition of the terms "forest dwelling Scheduled Tribes" and "other traditional forest dwellers, as given in Sections 2(c) and 2(o) of FRA. Hence, these Committees cannot be considered as an authority for the purposes of recognition and vesting of forest rights, including the forest right specified in Section 3(1)(i) of FRA.

After the discussion, the Commission recommends the following:

1. District Collector will ensure that constituted District Level Committee follows all the due procedures mentioned under Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 and rules during the demarcation of the Claimed areas and shall keep the claimants and the neighboring villages involved during the demarcation process.
2. District Collector will ensure that in the region where 2 Teshils are involved, they have to undertake a joint demarcation and ensure proper demarcation of the CFR Claimed area and keep the claimants and the neighboring villages involved during the demarcation process.
3. District Collector shall ensure that all the 4villages get original Title of CFR&R under the given format as per law and submit report to commission with 15 days.

A. Singh

(ANNEXURE)

**F. No. NCST/DEV-622/MP/34/2022-ESDW
Sitting held on 26.04.2023**

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 H.R. Meena	Research Officer
Collector & District Magistrate, Jhabua, Government of Madhya Pradesh		
1.	Ms. Tanvi Hudda	Collector
Petitioner		
1.	U'kaar Ba Gaamad and others	Petitioners