



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-1138/MH/29/2022-RO-BH

दिनांक: 12.07.2023

सेवा में,

जिल्हा दंडाधिकारी तथा जिल्हाधिकारी,  
जिला-नाशिक,  
जिल्हाधिकारी कार्यालय, जुना आग्रा रोड,  
नाशिक- 422 002, महाराष्ट्र,  
ई-मेल: collector.nashik@maharashtra.gov.in

उप-वन संरक्षक,  
उप वन संरक्षक (प्रादेशिक),  
पश्चिमी नासिक का कार्यालय  
शरणपुर पुलिस चौकी के सामने,  
त्र्यंबक रोड, नाशिक 422 002, महाराष्ट्र,  
ई-मेल: dycfnashikwest@mahaforest.gov.in

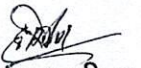
विषय: नाशिक जिले में वनाधिकार एवं पेसा (PESA) कानून के क्रियान्वयन में आ रही समस्याओं का निराकरण करने के संबंध में वयम फ़ाउंडेशन, 12 शायली शेल्टर्स, विट्टल मंदिर के पीछे, कर्व नगर, पुणे, महाराष्ट्र का दिनांक 17.10.2022 का अभ्यावेदन।

महोदय/महोदया,

कृपया उपरोक्त विषय पर दिनांक 16.06.2023 को अपराहन 12:00 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:

वयम फ़ाउंडेशन,  
12 शायली शेल्टर्स,  
विट्टल मंदिर के पीछे, कर्व नगर,  
पुणे, महाराष्ट्र

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



# National Commission for Scheduled Tribes

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No. NCST/DEV-1138/MH/29/2022-RO-BH

**Minutes of the Sitting held under the Chairmanship of Shri Ananta Nayak, Hon'ble Member, NCST, in the case of Shri Vinayaka Thalkar regarding the pending IFR, CFR claims and pending notification of PESA villages.**

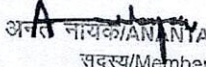
**Date of the Sitting: 16.06.2023**

**Participants in the Sitting: As per Annexure**

In their representation, dated 17.10.2022, Shri Vinayaka Thalkar, President of Vayam Foundation, Palghar, Maharashtra, highlights the following concerns. They have applied for CFRR claims for 4 villages, which have been pending for an extended period despite reminders, with the DLC and SDLC displaying indecisiveness. Denying forest rights to scheduled tribes is an offense under POA Act sec. 3(1)(g). Maharashtra PESA rules have been violated due to the delay in notifying the formation of Gramsabha in 3 villages. The GP and ZP refuse to accept these villages as Gram Sabha, resulting in the denial of their rights and funds. DLC's rejection of IFR claims without considering satellite images as supplementary evidence is in violation of FRA rules and MoTA guidelines. Despite the Divisional Committee's request for re-verification, the DLC persistently disregards satellite images, solely relying on the forest department's opinion. A comprehensive review is necessary for over 300 similar cases.

Considering the gravity of the issue the Commission issued notice dated 08.12.2022 to Additional Chief Secretary, Rural Development and Panchayat Raj department, Govt of Maharashtra and Collector and District Magistrate, Nashik District, Maharashtra to submit the Action Taken Report ("ATR") within 30 days.

Pursuant thereto, the District Collector, Nashik filed reply dated 30.01.2023 stating that community forest rights, claims for villages Sadadpada, Bhormal, Ranpada, and Kathavadpada have been sanctioned by the Sub Divisional Level Committee. The proposals are currently being scrutinized by the District level committee, and the final approval is expected within a week. In relation to declaring PESA village, the proposals for Dhaytipada, Kathavadpada, and Kakadpana are in the final stage of declaration after completing the necessary documentation. The proposals have been sent to the Deputy Collector for further approval. In terms of individual re-inquiry claims, the District

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




Level Committee has decided to re-verify 238 claims in Trimbakeshwar Taluka. The Sub Divisional Level Committee is coordinating with the claimants to establish family linkage and retrieve GPS data. Additional time of 30 days is required to complete the process. The interim report has been submitted, and further action will be taken by the District Level Committee.

The petitioner filed a rejoinder on 02.03.2023 stating that Sadapana, Kathvadpada, and Bormal villages received CFRR Titles but with lesser area without valid reasons, weakening their claim. 25 CFRR cases were partially disallowed without reason in the past. The commission sought clarification from the District Magistrate during the Nashik review. According to Maharashtra Rule 4(4), if revenue authorities don't act within 105 days, the village is deemed approved. Dhaytipada, Kathvadpada, and Kakadapana villages have been awaiting Pesa Gram Sabha constitution for over a year and a half. The District Magistrate's reply is unacceptable. The Sub-Divisional Officer (Igatpuri) continued development in Badpada and Tokarshet villages despite exceeding the deadline. In respect to IFR titles the GPS polygons have been submitted to the district committees with appeals. Now that the 30 days have elapsed, the claimant has received no information about the decision on the appeals.

In view of the seriousness of the issue and the lackadaisical attitude of the Authorities towards addressing the alleged claims mentioned in the petition, the Commission issued Summons dated 08.06.2023 to Shri Gangatharan D, Collector and District Magistrate, District Nashik, Maharashtra and Shri Pankaj Kumar Garg, Deputy Conservator of Forests, West Nashik, to appear before the Commission on 16.06.2023 for Sitting.

During the hearing on June 16, 2023, the petitioner stated that the villages of Sadapana, Kathvadpada, and Bormal have received CFRR Titles. However, the sanctioned area is less than the claimed area, and no explanation has been provided by the authorities. The petitioner requested a joint verification by the authorities to examine the claim, involving the claimants and the neighboring villages that share boundaries. The petitioner emphasized the need for approving CFRR claims titles based on traditional boundaries to be taken into consideration. Additionally, it was submitted that 25 CFRR cases were previously partially disallowed without any reason. The commission sought clarification from the District Magistrate during the Nashik review. Notification regarding the sanctioned PESA villages should be done at the earliest as they have been pending for a long period. Regarding IFR titles, the District

  
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NATIONAL COMMISSION FOR SCHEDULED TRIBES  
भारत सरकार/Govt. of India



Magistrate states that the SDLC requires 30 days to work on the GPS statue. However, in all 238 cases, the GPS polygons have been submitted to the district committees with appeals. Now that the 30 days have elapsed, the claimant has received no information about the decision on the appeals.

Shri Gangatharan D, Collector and District Magistrate, District Nashik, Maharashtra, stated that the claims for community forest rights (CFR) in Sadadpada, Bhormal, Ranpada, and Kathavadpada villages are pending. The District Level Committee sanctioned CFR for specific areas in these villages, but the Vayam Organization filed a fresh application claiming that less area has been sanctioned than the actual area. The matter was sent for reconsideration. The sanctioned areas were H.72.51R. for Sadadpada, H.50.00R. for Bormal, H.24.00R. for Ranpada, and H.105.00R. for Kathvadpada. In the case of Sadadpada, the requested area is outside the designated compartment and adjacent to BervalGrampanchayat jurisdiction. No permission was obtained from Grampanchayat Berval. Kathvadpada: Recommended area H.105.00R sanctioned out of H.347.13R. Remaining area H.205.00R under demand. Individual claimants possess H.145.80R.

Further under section 3(1) no area of minor water bodies for fishing. Bambu, Vet, Tasar, Kosh, forest produce is available in compartment no.166. If this are permitted for cattle feeding forest will be lost. Bormal- in this case the DLC had sanctioned H.50.00R area on earlier occasion. Now, after review sanctioned area has been increased and H.155.00R. area recommended for sanction. Regarding the pending notification of PESA villages, all have been sanctioned.

In respect to the Individual Forest Rights (IFR), action on claims received from the Divisional Forest Rights Committee for re-consideration will be taken within 30 days. However, there is a delay due to the preparation of GPS maps based on satellite images. Appeals are not solely dependent on forest department recommendations. A total of 383 claims, including evidence and satellite images, have been submitted to the divisional forest committee, considering the evidence filed by the claimants. Claims containing satellite images and pre-2005 encroachments have been forwarded to the divisional forest committee with a recommendation for sanction.

Based on the submissions, the Commission has expressed strong dissatisfaction with the district administration's ignorance and negligence in conducting verifications, as well as their failure to adhere to proper procedures. The Commission has raised significant



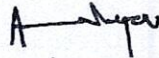
concerns about the prolonged delay in addressing these issues and questioned how long this delay will persist. Additionally, the commission sought clarification on 25 CFRR cases that were previously partially disallowed without valid reasons.

After the hearing, the Commission recommends the following: -

The District Collector, Nashik

1. will constitute District Level Committee consisting of Officials from the Revenue and forest department to make proper demarcation of the CFR Claimed area and will include the claimants and the neighboring villages involved during the demarcation process.
2. has to ensure that all the claimed villages get original Title of the CFR&R as per procedure and submit report to commission within 15 days
3. work in tandem with the Deputy Conservator of Forests, West Nashik to ensure that in the event that any CFR claim is modified, the DLC should communicate the reasons behind the modifications and provide an opportunity for the claimant villages to appeal.
4. will re-verify all the 25 CFRR cases that were previously partially disallowed without any reason and submit the compliance report within 30days.
5. will submit the detailed report on total of 383 claims, including evidence and satellite images, have been submitted to the divisional level committee and issue titles within 30days
6. will co-ordinate with the Divisional Commissioner, Konkan division and ensure that the notification of PESA villages be done within 15 days and send the copy of the Communication to the commission

Action Taken Report with compliance of the recommendations to be furnished within 30 days for further perusal of the Commission.



अनंत नायक/ANANTA NAYAK  
सदस्य/Member  
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NATIONAL COMMISSION FOR SCHEDULED TRIBES  
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(ANNEXURE)

F. No. NCST/DEV-1138/MH/29/2022-RO-BH

**LIST OF PARTICIPANTS:-**

<b>National Commission for Scheduled Tribes</b>		
<b>S. No.</b>	<b>Name</b>	<b>Designation</b>
1.	Shri Ananta Nayak	Hon'ble Member
2.	Dr. Jayant Sarode	Director
3.	Shri H.R. Meena	Research Officer
<b>The Collector &amp; District Magistrate, District Naashik, Government of Maharashtra</b>		
<b>S. No.</b>	<b>Name</b>	<b>Designation</b>
1.	Shri Gangatharan D.	Collector
2.	Shri Babasaheb Pardhe	Deputy Collector
<b>The Deputy Conservator of Forests, West Nashik Government of Maharashtra,</b>		
<b>S. No.</b>	<b>Name</b>	<b>Designation</b>
1.	Shri Pankaj Kumar Garg	Deputy Conservator of Forests
<b>Petitioner</b>		
<b>S. No.</b>	<b>Name</b>	<b>Designation</b>
1.	Representatives of Vayam Foundation	Petitioner