



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  
Case File No. MDN/3/2018/STGMH/DELAAL/RU-IV

Dated: 31.01.2019

1. The Additional Chief Secretary,  
Revenue Department,  
Government of Maharashtra,  
Mantralaya, Mumbai- 400032

2. The Principal Secretary,  
Tribal Development Department,  
Government of Maharashtra,  
Mantralaya,  
Mumbai.

3. The Collector & District Magistrate,  
District - Ahmednagar,  
(Maharashtra) – 414 001.

The Commissioner,  
Maha Nagarpalika, Ahmednagar,  
Nagardeole, Ahmednagar,  
PIN - 414 001  
(Maharashtra)

**Sub:** Inquiry report and recommendation on an on-spot visit of the Commission on 27.12.2018 with regard to cases of alienation of tribal land and eviction of tribals from their land in the villages of Malvi Pimpalgaon Talav and Wadagaon Gupta, Tehsil Nagar, District-Ahmed Nagar, Maharashtra.

Sir,

I am directed to enclose herewith a copy of the inquiry report and recommendation on an on-spot visit of the full Commission on 27.12.2018 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,

*(Y.K. Bansal)*  
Research Officer

31/1/2019

Copy to:

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

2. Shri Machind Dagadu Nikam,  
Ra. Mouja Vedgaon Gupta Tehsil,  
District – Ahmednagar – 414 601  
Maharashtra.

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Government of India  
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National Commission for Scheduled Tribes

REPORT AND RECOMMENDATIONS UNDER ARTICLE 338A OF THE CONSTITUTION OF INDIA IN THE MATTER OF AN ON-SPOT INVESTIGATION UNDER TAKEN BY FULL COMMISSION INTO THE CASES OF ALIENATION OF TRIBAL LAND AND EVICTION OF TRIBALS FROM THEIR LAND IN THE VILLAGES OF MALVI PIMPLEGAON (POND) AND WADGAON GUPTA, TEHSIL NAGAR, DISTRICT AHMEDNAGAR, MAHARASHTRA.

(No. BAP/2/2017/STGMH/DEOTH/RU-IV)  
(No. MDN/3/2018/STGMH/DELAAL/RU-IV)  
Date of visit: 27.12.2018

The National Commission for Scheduled Tribes (NCST) is a Constitutional Body set up under Article 338A of the Constitution of India to investigate and monitor all matters relating to protection, welfare and socio-economic development of the Scheduled Tribes in the country.

2. The Commission had received representation/complaints regarding land alienation and forceful eviction of tribal families from tribal land in the District of Ahmednagar, Maharashtra. Taking serious note of the cases, the full Commission under the Chairmanship of Hon'ble Chairperson, NCST has decided to conduct an on the spot inspection/inquiry into the cases. Accordingly, a team from the Commission consisting of Shri Nand Kumar Sai, Hon'ble Chairperson, Miss Anusuiya Uikey, Hon'ble Vice-Chairperson, Shri H.K. Damor, Shri H.C. Vasava and Smt. Maya Chintamn Ivate Hon'ble Members along with Shri S.K. Ratho, Joint Secretary, Shri P.T. Jameskutty, Deputy Secretary, Shri Y.K. Bansal, Research Officer, Shri Sudhir Atram, PS to Hon'ble Member (MCI) and Shri H.R. Meena, Senior Investigator, NCST visited the affected areas of Malvi Pimplegaon (Pond) and Wadgaon Gupta, Tehsil Nagar, District Ahmednagar, Maharashtra on 27.12.2018.
3. During the Inquiry, Shri Sunil Patil, Joint Secretary, Tribal Development Department, Government of Maharashtra, Mumbai, Shri Rahul Dwivedi, District Collector, Ahmednagar Shri Ranjan Kumar Sharma, Superintendent of Police, Ahmednagar, Deputy Commissioner (CTD), O/o the Divisional Commissioner, Nasik, Shri S.S. Thube, Project Officer, ITDP, Rajur, Distt. Ahmednagar and Senior District Level Officers of various Department accompanied the Commission.
4. The details of the cases on which inquiry undertaken are as under:

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Chairperson  
राष्ट्रीय अनुसूचित जनजाति आयोग  
National Commission for Scheduled Tribes  
Government of India  
New Delhi




Cases relating to recording the alluvial land in the name of tribal people residing since British period at Villages of Malvi Pimplegaon and Jeur (near Talav) Tehsil Nagar District Ahmednagar – representation/complaint of Shri Bala Sahib Pawar and others, Village Malvi Pimplegaon (Talav), District Ahmednagar.

Background of the case

Shri Balasaheb Anand Pawar, and Others belonging to Bheel ST community of villages of Malvi Pimplegaon (Pond) and Jeur, District- Ahmednagar (Maharashtra) vide their representation dated 07.02.2017 had represented before the Commission that about 250 Scheduled Tribe families of Bheel community (ST) are residing in the Malvi Pimplegaon (Pond) and Jeur villages and cultivating about 750 acre land since 1913 (British period). They are also fishing on the adjacent pond for their livelihood. The Bheel ST community members also formed a Co-operative Society viz. Jagrati Government Fishing Commercial Institution Ltd. under registration number AAR/AJR/GA N-503/1984 dated 17.02.1984 from Sub-Registrar Co-operative Societies, Ahmednagar for regulation of Fishing occupation. However, the District Administration and Mahanagar Palika, Ahmednagar have been pressurizing the tribals to vacate the land and trying to evict forcefully stating that the land belonged to Mahanagar Palika Parishad and Scheduled Tribes residing on the land as encroacher. In this regard, the Mahanagar Palika, Ahmednagar have plans to construct Film City on the land and also planned to dry the pond to restrict the Scheduled Tribes from fishing activities. The Scheduled Tribe villagers has so many times requested the District Collector, Revenue officials and Ahmednagar Municipal Corporation officials, Ahmednagar to allot the land under 7/12 in Revenue Record in the name of the Scheduled Tribe families who residing on the land since British period and provide all basic facilities i.e. Pucca house, Roads, Electricity, Drinking water, Education centre, Anganwadies, Schools, Ration cards, caste certificate etc. But none of the demand of the Scheduled Tribe villagers were considered. Presently, the District Administration is trying to evict the tribal families from the land. The Scheduled Tribes applicants have requested the Commission for registration of alluvial land under 7/12 in names of Scheduled Tribe occupants at villages of Pimplegaon, Malvi Talav (Lake) and Jeur, District Ahmednagar.

The Commission earlier took up this case with the District Administration, Ahmednagar and called for a report. In the report dated 07.11.2017, the District Collector, Ahmednagar reported to the Commission that the Talav land in question was given to the Ahmednagar Municipal Corporation by the then British Government in 1913 for water supply under Land Acquisition Act, 1894 and later on the then British Government recognized the circulation of land in Bombay Government Gazette on 10.09.1913. Accordingly, the then

  
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Assistant Collector, Ahmednagar had done a declaration on 10.04.1915 on the acquisition of land at Jeur, Tal, Nagar, District-Ahmednagar. Thereafter, on 10.05.1915, the then British Government had decided to acquire the land area for the road, for the bungalow of the Municipal Corporation City Water Supply Inspector of Pimpalgaon Malvi. Under the circular No. 8051, dated 09.06.1931 of the British Government, the work of water scheme for the city has been transferred to Ahmednagar Municipal Corporation. Then, the Additional Collector, Ahmednagar has passed an order and declared Mauje Pimplegaon Malvi Lake and the cultivation survey Gat No. 1802 area 218 Hector under 7/12 extract in Revenue record in the name of Ahmednagar Municipal Corporation in the year 2016. Also land survey number 1030 area, 61H, 91R was also part of the said land and also recorded under 7/12 extract, with Ahmednagar Municipal Corporation. Against the order of Additional Collector, the Scheduled Tribes occupants had filed Civil Suit before the Hon'ble Civil Judge, Senior Division, Ahmednagar vide RCS number 289/2015. The Hon'ble Court passed an order in favour of Ahmednagar Municipal Corporation and also rejected the claims of Scheduled Tribes.

6. Being with dissatisfied with the report, the Commission held Sittings in the case on 06.03.2018 and 26.11.2018.

7. The Commission observed that near about 250 tribal families were residing on the land since 1913 (British period) and they are cultivating as well as fishing for their livelihood. Despite this fact, the land has not been allotted in the name of the Scheduled Tribes so far and no basic infrastructure facilities have been provided to them. Thus, the Scheduled Tribe families are living in unhygienic condition. The Commission therefore, recommended that the Divisional Commissioner, Nasik who is the Revenue Head in the Nasik Division should conduct a survey of entire land for assessing the physical possession of land with STs and submit a report. However, despite Commission's recommendations, the District Administration had failed to submit an action taken report and also carried out the survey.

**On spot inspection/inquiry.**

8. On 27.12.2018 (morning), the Commission visited the Malvi Pimplegaon and adjoining villages of District Ahmednagar to inquire the matter.

9. During the inquiry, the Commission first interacted with the Scheduled Tribe occupants, Social workers of the village. A large number of villagers led under Shri Balasahib Anand Pawar, Popet Maruti Sase, Shri Laxman Anand Pawar and others met the Commission and submitted their grievances. The Scheduled Tribe occupants informed the Commission that the Malvi Pimplegaon Talav (pond) was constructed on the bank of Sina River and spread on about 2000 Acres land. The Talav was constructed in the year between 1871 to 1898 by the




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then British Government. On the Talav land, the then British Government had allowed the Scheduled Tribes to live there and to fishing from the Talav for livelihood. Hence, about 250 Scheduled Tribe families belonging to Bheel community on 750 Acre land are living since British period. Thereafter, the Scheduled Tribe occupants (families) have so many times made several representations to the District administration to register the alluvial land in the name of Scheduled Tribe occupants under 7/12 extract in Revenue records. But no demand has been accepted. In addition, the Talav (Pond) land was not recorded in the Revenue record in the name of the Ahmednagar Municipal Corporation till the year 2016. The ST occupants came to know about recording the land in the name of Ahmednagar Municipal Corporation after Additional Collector, Ahmednagar order No. Tenance/desk/10K/1161/2013 dated 16.09.2013. Before the said notification, no officials from Ahmednagar Municipal Corporation looked after the land. In the meanwhile, the Scheduled Tribe occupants were already got ST caste certificate, voter ID card, Adhar card, Ration card etc. The villages of Malvi Pimplegaon and Jaur did not come under the purview of Ahmednagar Municipal Corporation. These villages come under the Gram Panchayat. There are also no basic infrastructure facilities i.e. road, drinking water pucca house, schools, Anganwadis, electricity, irrigation facilities etc.

The Scheduled Tribe occupants (families) therefore demands following.

- (i) The survey of entire land should be conducted to ascertain physical possession of the Scheduled Tribes on the land and thereafter, atleast two Hector land should be allotted and registered in revenue records under 7/12 extract in the name of each Scheduled Tribe occupants (families).
- (ii) Pucca house (Sankul) should be constructed and allotted to each occupant.
- (iii) School/Angawadi should be constructed in the village.
- (iv) Pucca road should be constructed in the village for easy transportation.
- (v) Electricity connection should be given to each Scheduled Tribe families of the village.
- (vi) The Gas connection under Ujjwala Yojna should be given to Scheduled Tribe families.
- (vii) Drinking water pipeline should be installed in the village so that the drinking water could be available to the Scheduled Tribe occupants (families).
- (viii) Toilets facilities should be made available.
- (ix) The Talav (pond) water should be used only for drinking water. The District administration should ensure that the use of Talav (pond) water should not be used for irrigation purpose as because the Scheduled Tribe occupants are dependent on the fishing in the pond.


  
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However, as per the Commission's recommendations, the Ahmednagar Municipal Corporation has issued notice to the farmers to remove their electric motors for lifting water from Talav (pond) and thereafter, on the basis of noncompliance of the notice, electric motors have been seized and confiscated. No construction activities is going on in the land. Regarding registration of alluvial land under 7/12 extract in the name of the Scheduled Tribe occupants of Malvi Pimplegaon Talav, Jeur, near by areas of the pond, the District Collector, Ahmednagar is not competent authority to issue pattas. However, there is another solution that the Tribal Development Department of Govt. of Maharashtra can explore the possibilities to buy the land under Government's land purchase scheme for Scheduled Tribes and allot the land accordingly to the Scheduled Tribes.

### **Commission's recommendations**

On the basis of the interaction with the Scheduled Tribe occupants, local Social workers working for the welfare of STs, discussion with District Collector, Ahmednagar and observations made during the visit, the Commission recommends following.

- A survey of entire land for assessing the physical possession of land with STs should be conducted. Thereafter, pattas under 7/12 extract in Revenue record in the name of STs be provided as 250 Scheduled Tribe families were in habitation in 750 acre pond land since 1913 (British period).
- All basic infrastructure facilities i.e. road, drinking water pucca house, schools, Anganwadis, electricity, irrigation facilities etc. should immediately be provided to the Scheduled Tribe families in the village.
- The Municipal Corporation, Ahmednagar and District Administration, Ahmednagar is advised to restrict construction activities and fetching of water from pond with immediate effect.
- No eviction of the Scheduled Tribe families from the pond land should be made and it may be ensured that no harassment should be made against the STs.
- The pond water should only be used for drinking use and no commercial use of the pond water should be made.
- The Police protection to the Scheduled Tribe families should be given.
- The Commission will also have a meeting with the Principal Secretaries of Revenue, Forest, Urban Development and Tribal Development Department of the Government of Maharashtra in the matter.
- The District Collector, Ahmednagar will send an action taken report within 30 days on the receipt of the Commission's recommendations.

  
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Cases relating to encroachment of Scheduled Tribe land by non STs in Village- Wadagaon Gupta Tehsil Nagar, District Ahmednagar - representation of Shri Machind Dagadu Nikam and others, Village- Wadagaon Gupta Tehsil Nagar, District Ahmednagar.

10. On 27.12.2018 at Noon, the Commission visited at Village- Wadagaon Gupta Tehsil Nagar, District Ahmednagar to inquire about the land matter of Shri Machind Dagadu Nikam and others.

11. The petitioner Shri Machind Dagadu Nikam and others informed the Commission that their forefathers were in cultivation in the land at Gut No. 102,103 and 114 at village Wadagaon Gupta since British period and the said land were also recorded in their family name in Revenue Record under survey number 89, 90 and 91. Thereafter, some non ST community persons with the help of District Revenue officials have unauthorized, forcibly taken their land and registered in the Revenue record without their consent. The District Administration did not help to restore their land. They have also been receiving threaten call from the non STs. The land is tribal land and as per Government rules, the tribal land cannot be transferred in the name of non Scheduled Tribes. Hence, encroachment on the land made by the non STs should be removed and no construction activities should be permitted. The land should be return back with 7/12 extract and also Police protection to the Scheduled Tribes.

12. The Commission inquired the matter in field and observed that the land was fenced with steel wiring and were in the possession of non Scheduled Tribes. The land was also divided in various plot sizes. The ST petitioners were not allowed to visit at their land.

13. On 27.12.2018 evening, the case was discussed with the District Collector, Ahmednagar and inquired status of the case. The Commission was informed by the District Collector, Ahmednagar that the Owner (Scheduled Tribes) of land already sold out total areas of land and an entry was taken in Revenue record. Hence, the land in question was duly transferred with permission of competent authority.

**Commission's recommendations**

- The District Collector, Ahmednagar should ensure that no construction activities should be carried out on the said tribal land till the case is finally decided.
- Police protection should be provided to the Scheduled Tribe petitioners
- The Commission will have a meeting with the concerned parties involved in the case and will decide the matter accordingly.
- The District Collector, Ahmednagar will send an action taken report within 30 days on the receipt of the Commission's recommendations.

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22.01.09  
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