



सत्यमेव जयते

भारत सरकार

राष्ट्रीय अनुसूचित जनजाति आयोग

GOVERNMENT OF INDIA

NATIONAL COMMISSION FOR SCHEDULED TRIBES

K.N. Singh,  
Joint Secretary  
Ph.24603669

छठी मंजिल, 'बी' विंग, लोक नायक भवन  
खान मार्केट, नई दिल्ली-110003

6th Floor, 'B' Wing, Lok Nayak Bhawan  
Khan Market, New Delhi - 110 003

Dated 16.08.2007

D.O. No. S-01/MP-04/ Atrocity/07-RU-III

Dear Shri Sahani,

Please find enclosed a copy of letter dated 07.08.2007 received from Smt. Shamim Modi of Samajwadi Janparishad, Shramik Adivasi Sangathan, Gurudev Parisar, Harda (MP) regarding the plight of tribals and Dalits of Harda, Betul and Khandwa Districts of Madhya Pradesh State. It is alleged that the officials of Forest Department in these districts have been committing various atrocities on the tribal inhabitants of these areas. It is also alleged that illegal excavations/ mining was rampant in Betul district but instead taking any action against the illegal excavators, various cases of encroachments of forest lands were filed against the original tribal habitants. It is also mentioned that the Shramik Adivasi Sangathan (SAS) has been actively raising the voice of the tribal victims with the concerned authorities at District and State level. The tribal victims, through SAS are also stated to have filed Writ Petition (PIL) in the High Court of Judicature at Jabalpur and interim orders have also been passed by the Hon'ble High Court in favour of the petitioners. In spite of the Court Orders, the tribal victims as well as the Activists of SAS are alleged to have been harassed by the District Authorities by Booking various cases against each of them and also trying to issue orders of externments of Smt. Shamim Modi and her husband Shri Anurag Modi, both SAS activists from Betul and surrounding districts, using the powers under Section 5 (b) of MP Rajya Surkshya Adhiniyam 1990.

2. As per information available in the Commission, the complaints relating to atrocities on tribals and Dalits by the Forest Officials in the Harda, Betul, Khandwa and certain other Districts of Madhya Pradesh State have been pouring in for the last 20 years. Reference to the illegal cases filed against the tribals by the Forest Officials of the State were also reported in the 28th report of the erstwhile Commissioner for Scheduled Castes and Scheduled Tribes. The second Scheduled Areas and Scheduled Tribes Commission headed by Shri Dilip Singh Bhuria had also visited the tribal areas in above districts and reviewed the plight of the tribals due to atrocities by the forest and district officials. As mentioned in the Report of SA&ST Commission, the Chief Secretary, Govt. of Madhya Pradesh had suggested that the traditional rights of the tribal in the forest should be codified and tribals should be compensated, if violated by the Forest Department and the first thing that the Forest Department should do is to convert the forest villages into the Revenue Villages. The Commission had also stated that after having toured the tribal districts of Madhya Pradesh State, the Commission felt that an Officer of the rank of Conservator of Forest was necessary in place of Divisional Forest Officer for better tribal-forest interface. The SA&ST Commission further recommended that Re-orientation Courses may be organized for lower functionaries of the Govt. to improve the tribal-forest interface.

3. The orders of the Hon'ble High Court in the above mentioned PIL, which refers to the inquiry conducted by the Registrar (Vigilance) of the Hon'ble High Court, confirm that illegal excavations were going on at different places in Betul district. This Commission therefore, feels that there is certainly truth in the complaints of the tribals of above districts and that the action of the forest and district authorities is only to cover up the allegations made against them by the tribals through SAS and similar other NGOs working in the State for supporting the cause of the tribals.

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4. You will agree that the problem has to be viewed from the angle of livelihood of the tribals who are part and parcel of the forest system and, in fact, tribals have been playing vital role in conserving the forest for centuries. It is also a fact that the forest areas in the State of Madhya Pradesh are notified Scheduled Areas of the State and Governor of the State has wider powers to deal with the situation prevailing in the Scheduled Areas in the interest of the tribals. This Commission has no information about the steps taken by the Governor of the State of Madhya Pradesh to protect the interests and rights of the Scheduled Tribes living in the Scheduled Areas, particularly in the context of Forest (Conservation) Act, 1980 and similar other General Acts applicable in the State. B

5. As you are aware, there are special provisions in the Constitution for upliftment and protection of Scheduled Tribes and for safeguarding the rights of the Scheduled Tribes. There is a separate Ministry for Tribal Affairs in the Union of India and each State also has a separate Department for Tribal Development to give focused attention to the needs and problems of Scheduled Tribes. Article 164(4) of the Constitution also provide for appointment of a Minister belonging to Scheduled Tribes, having charge of Tribal Affairs in the State of Madhya Pradesh. The above matter therefore, needs to be attended properly by the Tribal Welfare Department of the State under the direct control of the Chief Secretary. The Tribes Advisory Council constituted in the State under Article 244 of the Constitution also has to address itself to the problems of the Scheduled Tribes in the State, particularly the problems due to implementation of Forest (Conservation) Act, 1980. C

6. It is also a fact that NGOs have been playing an important role in welfare and upliftment of the Scheduled Tribes, since members of NGOs are always close to the tribals while Govt. officials can not create that affinity. Besides, large number of schemes for the welfare and development of Scheduled Tribes are also being successfully run through the NGOs. The support provided by the NGOs to the tribals, particularly those who are living in forest areas and are isolated from rest of the world, has to be given a considered view, since poor and shying tribals do not know as to whom to contact in the event of any problem or grievance. In view of above, the organisations like SAS have to be given due support by the Tribal Development Department of the State. Instead of encouraging the NGOs in providing feedback to the Department in the matter of implementation of programmes and their impact on tribal development and providing adequate protection to them and in turn, protection to the tribals, the policy of confrontation would compel the tribals to lead a miserable life and it will thus defeat the objective of special provisions in the Constitution for safeguarding the rights of the Scheduled Tribes. In the present case, special attention has to be given to the ground realities and problems of the Scheduled Tribes in the above three districts and in issuing instructions to the District Authorities to refrain from taking any step against the SAS and its members working for the welfare of the tribals, until the issues are examined in detail by the Tribal Welfare Department. D

7. I shall be grateful, if the matter is given a special attention and necessary instructions are issued for protection of the interests of the Scheduled Tribes living in the Forest/ Scheduled Areas of the State and the representatives of the Shramik Adivasi Sangathan involved in promoting the cause of these Scheduled Tribes.

With kind regards,

Yours sincerely,

Shri R.C. Sahani  
Chief Secretary,  
Govt. of Madhya Pradesh,  
Bhopal

6003-08  
17/10/07  
जाति विभाग  
ISSUED

(K.N. Singh)

- with copy of enclosure
- Copy for necessary action to DGP, Madhya Pradesh, Bhopal.
- with copy of enclosure
- Copy also for necessary action to the District Collector, Betul/ Harda/ Khandwa district (MP)
- Copy for information to Smt. Shamim Modi, Samajwadi Janparishad, Shramik Adivasi Sangathan, Gurudev Parisar, Harda (MP)

16/8/2007  
RECEIVED