



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)

फा. सं.: NCST/DEV-201/MP/13/2022-ESDW

दिनांक: 08.05.2023

कलेक्टर एवं जिला दंडाधिकारी,
जिला धार,
कलेक्टर कार्यालय,
धार - 454001, मध्य प्रदेश
ई-मेल : dmdhar@nic.in

पुलिस अधीक्षक,
जिला धार,
पुलिस अधीक्षक कार्यालय,
प्रकाश नगर,
धार - 454001, मध्य प्रदेश,
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विषय: विपक्षी के द्वारा एच. एम. प्लांट, आर. एम. सी. प्लांट व मिक्सर प्लांट का कचरा ग्राम जुनापानी में डालने से हम आम किसानों की फसल खराब होने के संबंध में श्री कैलाश मेडा, ग्राम जुनापानी, धार, मध्य प्रदेश का दिनांक 27.12.2022 का अभ्यावेदन।

महोदय/महोदया,

कृपया उपरोक्त विषय पर आयोग के माननीय सदस्य, श्री अनंत नायक के समक्ष दिनांक 10.04.2023 को 11:00 बजे आयोग में हुई सिटिंग 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 15 दिन के भीतर भेजना सुनिश्चित करें।

संलग्न यथोपरि.

भवदीय,


(एच. आर. मीना)
अनुसंधान अधिकारी

प्रतिलिपि प्रेषित:

श्री कैलाश मेडा,
ग्राम जुनापानी,
तहसील-सरदारपुर,
जिला-धार,
मध्य प्रदेश-454116

National Commission for Scheduled Tribes

No. NCST/DEV-201/MP/13/2022-ESDW

Minutes of the Sitting held under the Chairmanship of Shri Ananta Nayak, Hon'ble Member, NCST, in the case of Kailash Meda and Others, regarding illegally installed stone crusher in Junapani Village causing thereby huge loss to the farmers, hazards of health and environment.

Date of the Sitting: 10.04.2023

Participants in the Sitting: As per Annexure

In the present case the petitioners Shri Kailash Meda and others from Junapani Village, Dhar District, Madhya Pradesh through their representation submitted that the MS E5 INFRA STRUCTURE PRIVATE LIMITED POCKET A, SCO 105, SECTOR 14 HISAR 125001 has illegally installed a stone crusher facility in the middle of the residential area of Junapani Village. It affects seriously the farmers living nearby the plant. Crop loss and health hazards and environment pollution are the major issues of the petition. Time and again Villagers have requested the manager of the Company and District administration to stop the Stone crusher unit and also to compensate the losses suffered to the farmers but neither the manager nor the District administration has responded to the grievances of the villagers. Instead, Manager of the stone crusher unit has been threatening the villagers using police authorities and other state machineries.

On the hearing dated 13.01.2023 the Commission had made the following recommendations: -

1. Superintendent of Police, Dhar Shall accept the Complaint of the petitioners before the Commission and ensure registration of FIR on the basis of the given complainant, also assure that FIR shall also include appropriate provisions of Law including Indian Penal Code, Environment Protection Act, 1986, Prevention of Atrocities (SC & ST) Act, 1989.
2. Superintendent of Police, Dhar Shall ensure Compensation to the petitioners under the Provisions of Prevention of Atrocities (SC & ST) Act, 1989 as amended till date.
3. Superintendent of Police, Dhar Shall conduct independent and impartial investigation shall be carried on and detailed Investigation report shall be submitted to the Commission within 15days for further perusal.
4. District Collector, Dhar shall undertake that the Divisional Committee shall make re-evaluation of the loss of Land and of the Crops on after visiting the affected area with prior intimation to all the affected villagers about the date of the meeting.



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NEW DELHI

5. Divisional Committee shall ensure that based on 3 previous years yield of crops the compensation to be calculated from setup of Crusher Plant (i.e., from October 2021 to January 2023) and also the Crusher Unit has continuous further period, that periods loss also to be borne by the Unit.
6. District Collector, Dhar shall submit the Minutes and the reports of the Meetings of the Teams, Committees related to three aspects as recommended earlier by the Commission, i.e., Compensation, Health Issues and Domestic Animal issues.
7. District Magistrate Shall Confirm the list of the affected families with the Gram Sabha and shall ensure that the Project Director of NHAI and The MS E 5 INFRASTRUCTURE PRIVATE LIMITED POCKET A SCO 105 SECTOR 14 HISAR 125001 PLANT to Compensate on the basis of re-evaluation made by the Divisional Committee within 15days.
8. District Collector, Dhar shall Communicate the details of Sitting held today to the higher officials of the Department of Housing and Environment, Madhya Pradesh and Madhya Pradesh Pollution Control Board so that the affected persons shall get justice from all aspects so that further damage can be stopped with immediate effect.
9. District Collector, Dhar and Superintendent of Police, Dhar Shall submit detailed Action Taken Report within 15days before the commission for further perusal.

Since the Authorities fail to act upon the recommendations of the Commission in the given period, the Commission had Summoned the District Collector, Dhar District, Madhya Pradesh and Superintendent of Police, Dhar, Madhya Pradesh to appear on 10.04.2023 for further hearing.

During the hearing, the District Collector of Dhar, submitted that the District Level Committee visited the site and interacted with the villagers. Out of the 45 farmers, only 30 affected farmers were present during the visit. Based on discussions held in the Gram Sabha, it was determined that only 28 farmers were affected. The remaining 15 farmers' agricultural land is far from the affected area. The people present in the Gram Sabha opposed the claims of the remaining 15 farmers, stating that they were not eligible for compensation. Currently, compensation has been provided to 29 farmers, while the compensation of the remaining 15 farmers is pending as the villagers have opposed their claims.

The petitioner submitted that the compensation amount received is insufficient to cover the damages suffered. The district administration has not only compensated the 29 farmers whose land is adjacent to the factory and were actually affected but have also added an additional 15 farmers whose land is far from the plant, which has resulted in them receiving a much lower

amount of compensation. The petitioner requested the commission to re-investigate the list of 15 farmers whose land is far from the plant and remove them from the compensation list since their land has not been affected by the plant. The petitioner also requested that the remaining compensation amount be distributed to the affected families since they have received lesser compensation.

The Superintendent of Police of Dhar submitted that on receiving complaints from the petitioners against MS E5 Infrastructure Pvt Ltd and Sub-Inspector Ramsingh Hatila in the last hearing of the commission, FIR has been registered against MS E5 Infrastructure Pvt Ltd and Ramsingh Hatila, Sub-Inspector Hatila has been transferred from the Rajgadh station. Further the Superintendent of Police assured the Commission that strict action will be taken against the concerned officer who demanded bribe from the petitioners, and action will also be initiated against the police officer who threatened the petitioners. The Superintendent of Police further assured the Commission that an action taken report will be submitted within a period of 15 days.

Ms. Priyank Mishra, District Collector of Dhar submitted that they have investigated as per the recommendation of the Commission and finalized the list, but if it is found to be incorrect, then a divisional team may be constituted for re-investigation.

After hearing both the sides, the Commission recommends the followings: -

1. The District Collector of Dhar has to communicate the decision of the Commission with the Divisional Head to constitute a Divisional Committee to verify the list of the remaining 15 farmers after visiting the affected area, with prior intimation given to all affected villagers regarding the date of the meeting.
2. Based on the Divisional Committee Report the District collector will remove the farmers who are not affected by the plant and distribute the remaining compensation to the affected families on the consent of Gram Sabha
3. The Superintendent of Police, Jhabua District, Madhya Pradesh is required to furnish the full details of the FIR, Panchanama and the Investigation Report along with all the relevant documents within 15 days.
4. The Superintendent of Police will re-investigate the case based on the observations made by the Commission and submit the Action Taken Report with all the relevant documents within 15 days.
5. District Collector, Dhar will ensure Compensation to the petitioners under the Provisions of Prevention of Atrocities (SC & ST) Act, 1989 as amended till date.

District Collector, Dhar and Superintendent of Police, Dhar have to submit detailed Action Taken Report with compliance of the recommendations within 15days for further perusal of the Commission.

(परिशिष्ट)

फ़ाइल सं. NCST/DEV-201/MP/13/2022-ESDW

प्रतिभागियों की सूची: -

राष्ट्रीय अनुसूचित जनजाति आयोग		
क्र. सं.	नाम	पदनाम
1.	श्री अनंत नायक	माननीय सदस्य
2.	श्रीमती मिरांडा इंगुडम	निदेशक
3.	श्री एच. आर. मीना	अनुसंधान अधिकारी
कलेक्टर एवं जिला दंडाधिकारी, जिला धार, मध्य प्रदेश		
1.	श्री प्रियंक मिश्रा	कलेक्टर एवं जिला दंडाधिकारी
पुलिस अधीक्षक, जिला धार, मध्य प्रदेश		
1.	श्री मनोज कुमार सिंह	पुलिस अधीक्षक
अभ्यावेदक/अभ्यावेदिका		
1.	श्री कैलाश मेडा एवं अन्य	अभ्यावेदक
2.	श्री मुकेश कटारा	अभ्यावेदक