



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-1109/MP/8/2022-ESDW

Dated: 08.05.2023

To,

**The Additional Chief Secretary,**  
Department of Water Resources,  
Government of Madhya Pradesh,  
Jal Sansadhan Bhawan,  
Tulsi Nagar, Bhopal, Madhya Pradesh - 462003  
E-Mail: pswrd @ mp.gov.in

**The Principal Secretary**  
Department of Tribal Affairs,  
Government of Madhya Pradesh,  
2nd Floor, Satpura Bhawan,  
Area Hills, Bhopal, Madhya Pradesh - 462011  
E-Mail: pstwd @ mp.gov.in

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

**Sub: Minutes of the Sitting taken by Shri Ananta Nayak, Hon'ble Member, NCST, New Delhi on 26.04.2023 at 10:30AM regarding Representation dated 13.11.2022 from Shri Ukharba Ghamad & others, R/o Charankotda Village, Bekaldha Panchayat, Petlawadh Teshil, Jhabua District, Madhya Pradesh – regarding long intentional delay in Compensating 806 ST families of 12 Villages of Petlawadh Teshil, Jhabua District affected by Mahi dam project.**

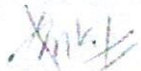
Sir/Madam,

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 26.04.2023 at 10:30AM on the above mentioned subject for information and necessary action.

2. You are directed to send the Action Taken Report (ATR) on the recommendations of the Commission within 30 days from the date of receiving of the Minutes.

Encl: as Above,

Yours faithfully,

  
(Ankit Kumar Sen)  
Research Officer

Copy for information to: -

**Shri Ukharba Ghamad**  
Charankotda Village,  
Bekaldha Panchayat,  
Petlawadh Teshil,  
District Jhabua,  
Madhya Pradesh 457775

**Shri Kailash Meda,**  
Charankotda Village,  
Bekaldha Panchayat,  
Teshil- Petlawadh,  
District- Jhabua  
Madhya Pradesh-457775

National Commission for Scheduled Tribes

\*\*\*\*\*

(F. No. NCST/DEV-1109/MP/8/2022-ESDW)

**Minutes of the sitting held under the Chairmanship of Shri Ananta Nayak, Hon'ble Member, NCST, in the case of Shri Kailash Meda & others, Jhabua District, Madhya Pradesh State Regarding the 806 ST families of 12 Villages have been affected by Mahi Dam project in 1992 are not been Compensated accordingly**

**Date of the sitting: 26.04.2023**

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

Shri Kailash Meda and others from Jhabua District, Madhya Pradesh, in their representation dated 11.10.2022, have alleged that 806 families belonging to Scheduled Tribes of 12 villages were forcefully evacuated in 1992 in name of the construction of Mahi Dam without any prior notice. They have also not received adequate compensation from the authorities to this date. The Petitioner has time and again requested the concerned authorities to take appropriate action. However, it was only in 2021, after a very long period of over 15 years, the Sub-divisional Magistrate ("SDM") formed a committee to investigate the matter. Thereafter, the authorities promised the Petitioners that they would be compensated within 3 months, but the Petitioners have not received any compensation. In the neighboring Dhar District, the all the families affected due to the construction of Mahi Dam have received full compensation. Further the Petitioner submitted that on the demand of the villagers, the SDM visited the affected villages of Jhabua with a Tehsil team and promised that he would investigate the matter, but didn't investigate. The authorities are time and again making false promises and not taking any action

Considering the gravity of the issue, the Commission issued a notice to the Principal Secretary, Department of Tribal Affairs, Govt of Madhya Pradesh, the Addl. Chief Secretary, Water Resources Department, Govt of Madhya Pradesh, and the Collector & District Magistrate, Jhabua District, Madhya Pradesh on 18.11.2022. However, no action taken report (ATR) was received from the authorities



Since the Authorities failed to act upon the issue, the Commission held a Sitting on 08.12.2022 and based on the submissions made by the Petitioners and the Collector & District Magistrate recommended the District Collector to make discreet enquiry of the whole matter by constituting District Level Committee and send detailed compliance report within 30days

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 within the given period, the Commission issued summons to Shri Manish Rastogi, Principal Secretary, Department of Revenue, Govt of Madhya Pradesh, Dr. Pallavi Jain Govil, Principal Secretary, Department of Tribal Affairs, Govt of Madhya Pradesh, Shri S.N. Mishra, the Additional Chief Secretary, Department of Water Resources, Govt of Madhya Pradesh and Ms. Tanvi Hooda, Collector & District Magistrate, Jhabua District, Madhya Pradesh to appear before the Commission on 26.04.2023. The Principal Secretary, Department of Revenue, Govt of Madhya Pradesh did not appear.

The Commission further constituted an investigation team on 19.04.2023 for investigation and fact-finding in the matter. The Commission's Investigation Team in its Report dated 24.04.2023 stated that the allegations made by the Petitioner against the authorities were true. The Investigation Team found that the authorities have not conducted proper survey of the land and that the calculation of the compensation by the authorities is not proper. Due to the negligence on part of the authorities, the Petitioners and their family are deprived fair compensation and livelihood.

In the sitting the Petitioner submitted that they have been evacuated without any prior notice. Thereafter, the authorities have not calculated the compensation properly and have awarded a meagre amount of just Rs. 84,000 per hectare to these 12 villages. However, the neighboring affected villages of Dhar district have received compensation which is double the amount of the compensation received by the Petitioners also through Collector of Jhabua in 2013. He further stated that the affected families of Jhakanavadh Village have got an amount of Rs. 8 Lakh per hectare to irrigated lands and Rs. 4 lakh per hectare to non-irrigated lands. He pointed out that Jhakanavadh was just 3-4km away from these 12 villages, but these 12 villages were not taken into

A Jyoti

consideration for the calculation of compensation. The Petitioners have made several requests to District administration but they not taken any action till date.

Shri S.N. Mishra, the Additional Chief Secretary, Department of Water Resources, Govt of Madhya Pradesh submitted that for Mahi Dam, the special rehabilitation grant was calculated and compensation was awarded to the Petitioners by considering the Sakalda command area as the base as per the Circular dated 27.12.2002. He further submitted the calculation of compensation awarded to each Petitioner before the Commission. He further submitted that the site was inspected by the officers of the Revenue Department, Public Works Department, Public Health Engineering Department and Forest Department for the houses, agricultural land, assets located on the land and areas submerged due to the Mahi Dam project.

Ms. Tanvi Hooda, the Collector and District Magistrate, Jhabua District, Madhya Pradesh stated that the District Water Resources Department had conducted a survey by visiting all the affected families of 12 villages in the matter. The villagers have filled out forms and submitted them to the administration. The team is currently assessing the forms, and based on the analysis, a report will be submitted to the Commission.

The Investigation Team submitted that based on their interaction with the affected families of the villages, they found out that families had to face severe hardship due to the forceful evacuation and negligence of the authorities. The villagers had to spend nights without shelter, their cattle and livestock died due to scarcity of water and children were suffering from malnutrition. Even while compensation was awarded to the families, they were not calculated properly and the calculations were biased against the villagers of Jhabua District, Madhya Pradesh.

Based on the submissions made, the Commission observed that there was no clear policy for the rehabilitation with respect to Mahi Dam has been made to date, there was bias in the calculation of compensation towards the affected families from the Jhabua District, Madhya Pradesh and that the community rights of the village were not properly assessed, along with the individual rights of the Petitioners

*A. Singh*

After the discussion, the Commission recommends the following:

1. Additional Chief Secretary, Department of Water Resources, Govt of Madhya Pradesh will submit the full details of the Mahi Dam Project; calculation of the compensation provided to the Petitioners; date, calculation of compensation, amount of compensation and the guidelines followed in Dhar and Jhabua districts of Madhya Pradesh.
2. Collector and District Magistrate, Jhabua, Madhya Pradesh will submit the full details of date, calculation of compensation, amount of compensation and the guidelines followed in 2015 to the families of Jhaknawad Village, Jhabua District, Madhya Pradesh.
3. Collector and District Magistrate, Jhabua, Madhya Pradesh will constitute District Level Committee (DLC) which shall include two representatives belonging to Scheduled Tribes from reputed NGOs working in the region and one representative from each of the 12 villages.
4. The Collector and District Magistrate, Jhabua, Madhya Pradesh will ensure that the 2 representatives from the NGOs and 12 villages appointed to the DLC are based on the selection and written consent of the Petitioners. The constitution of the DLC and the written consent of the Petitioners shall be submitted to the Commission within 7 days.
5. The DLC will inquire into all the issues raised by the Investigation Team of the Commission including those that were pointed out in the Sitting.
6. The DLC will visit all the 12 villages with prior intimation to the villagers and conduct Gram Sabhas to understand/asses the issues. The Gram Sabha proceedings/minutes of each village shall be recorded and annexed to the final report.
7. The DLC shall complete and submit the inquiry report within 30 days

A → Jangam

**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,<br/>District Jhabua,<br/>MadhyaPradesh.</b>           |                     |                    |
| <b>S. No.</b>   | <b>Name</b>         | <b>Designation</b> |
| 1.  | Ms. Tanvi Hodda     | Collector          |
| <b>Additional Chief Secretary,<br/>Department of Water Resource,<br/>Govt. of Madhya Pradesh.</b> |                     |                    |
| 1.  | Shri S.N. Mishra    | ACS, WRD           |
| <b>Petitioner</b>   |                     |                    |
| 1.  | Shri Ukharba Ghamad | Petitioner         |
| 2.  | Shri Kailash Meda   | Petitioner         |