



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. PC/1/2018/STGKL/ATMURD/RU-IV

Dated: 17.08.2018

To,

1. The Chief Secretary,
Government of Kerala,
Secretariat,
Thiruvananthapuram,
(Kerala)
2. The Principal Secretary,
SC/ST Development Department,
Government of Kerala,
Thiruvananthapuram – 695001
(Kerala).
3. The District Collector,
District – Palakkad,
Kerala – 678 001
4. The District Superintendent of Police,
District – Palakkad,
Kerala – 678 001.
4. The Resident Commissioner,
Government of Kerala,
No. 3, Jantar Mantar Road,
Janpath, Connaught Place,
New Delhi, 110001

Sub: Proceedings of the Sitting taken by Shri Nand Kumar Sai, Hon'ble Chairperson, National Commission for Scheduled Tribes (NCST) on 23.07.2018 in the case of murder of Shri Madhu Kadukumanna (27 years) (Scheduled Tribe) in Attapady, Palakkad District (Kerala).

Sir,

I am directed to enclose a copy of the Proceedings of the Sitting held on 23.07.2018 under the Chairmanship of Shri Nand Kumar Sai, Hon'ble Chairperson, National Commission for Scheduled Tribes on the above mentioned subject.

It is requested that action taken report in the matter may be intimated to the Commission, within one month positively for placing the same before the Hon'ble Chairperson, NCST.

Yours faithfully,

(Y.K. Bansal)
Research Officer

(Encl. As above)

Copy to: - SAS, NIC, NCST.

NATIONAL COMMISSION FOR SCHEDULED TRIBES

PC/1/2018/STGKL/ATMURD/RU-IV

PROCEEDINGS OF SITTING HELD ON 23.07.2018 AT 03.00 P.M. CHAIRED BY SHRI NAND KUMAR SAI, HON'BLE CHAIRPERSON, NATIONAL COMMISSION FOR SCHEDULED TRIBES (NCST) IN THE CASE OF MURDER OF SHRI MADHU KADUKUMANNA (27 YEARS) (SCHEDULED TRIBE) IN ATTAPADY, PALAKKAD DISTRICT (KERALA).

Date of Sitting: 23.07.2018

List of officers present in sitting is Annexed.

The Commission came to the notice through media that a young tribal youth namely Madhu hailing from Palakkad District of Kerala was attacked in Attappady resulting in his death.

The Commission under the Chairmanship of Hon'ble Chairperson, NCST visited the incidence place on 26.02.2018 and made the recommendation. However, complete action taken report on the Commission's recommendations forwarded to the State Government vide letter dated 19.03.2018 is yet to be received. Hence, the Hon'ble Chairperson, NCST has fixed a Sitting on 23.07.2018 in the Commission. Accordingly, Officers from the Government of Kerala appeared before the Commission.

2. The proceedings of the Sitting were started with the note of seeking action taken on the implementation of the Commission's recommendations. The recommendations made by the Commission as follows:

- a) Basic pension amounting to Rs. 10000/- per months to the dependent (mother) of Shri Madhu Kadukumanna belonging to scheduled Tribe with admissible dearness allowance;
- b) Employment to one member of the family of the deceased;
- c) Provision of agricultural land amounting to 2 acres by outright purchase by the State Government; and
- d) Provision of utensils, rice, wheat, dals, pulses etc. for a period of one year.

In respect of the area, the Commission's recommendations are as under: -

- i. Road from Mukkali to Chindakki Ooru should be completed on topmost priority. The administration should take this issue suitably with the Hon'ble court to be able to do it.
- ii. Agriculture Land should be allotted to the surviving family within the Chindakki Ooru as per the prevalent law in Kerala for giving land to STs.
- iii. Drinking water facilities should be provided immediately at Chindakki Ooru.
- iv. Public distribution system(PDS) needs to be strengthened in the Scheduled Tribes hamlets/Ooru through mobile vans or other sources.
- v. Forest officials should be prosecuted in respect of the incident occurred on 22.02.2018 as to (A) why they allowed people to enter the Reserved Forest (B) why Forest Staff silently observed the murder of the tribal Madhu.
- vi. Copy of FIR and charge sheet in this matter should be sent to the commission with an English translation.



Nand Kumar Sai


Chairperson

National Commission for Scheduled Tribes

Govt. of India

New Delhi

- vii. Alienated land of Scheduled Tribes should be restored (as per provisions of Kerala Restriction on Transfer by and restoration of Land to Scheduled Tribes Act, 1999 and other respective rules) to the tribal scrupulously in compliance with the letter and spirit of the Act and all pending allotment and restoration case should be completed in the next 3 months.
 - viii. Process should be initiated to declare "Buffer Zone" of Tiger Reserve areas in Kerala State as Scheduled areas because of the dense forest and presence of primitive tribes so as to protect scheduled tribes living in villages in the "Buffer Zone" of these Reserve from the outsiders.
 - ix. The Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Right) Act, 2006 (FRA) should be implemented in letter and spirit.
 - x. Occupation /employment avenues needs to be chalked out for unemployed ST youth in the state.
 - xi. Police should closely monitor the prosecution of the miscreants in the Court.
3. The Secretary, NCST asked the officers of the Government of Kerala to submit status and action taken on the Commission's recommendations.
4. During the Sitting, Shri Puneet Kumar, Resident Commissioner, Kerala, a representative of Government of Kerala has submitted action taken on the Commission's recommendations which is as follows:
- (i) Smt. Malli (deceased mother) is eligible to get Records of Rights for 10 Acres of land under Forest Right Act. The process of joint verification and survey of land are in progress and Record of Right will be issued soon. In addition, the deceased mother has been granted financial assistance to the Rs. 10,00,000/- from Chief Minister Relief Fund on 23.02.2018. Moreover, an amount of Rs. 4.25 lakhs was paid as 1st instalment of compensation under SC/ST Atrocity Act. Steps are being taken to credit the balance amount of Rs. 4 lakhs to her account.
 - (ii) The deceased mother Smt. Malli is working as Anganwadi helper and it was decided to continue as helper till the age of 62.
 - (iii) 923 cases are now pending for consideration under Kerala Restriction on Transfer by and Restoration of Lands to Scheduled Tribes Act, 199, of which 723 cases are for below 5 acres of land and 200 cases are for above 5 acres. Action is being taken to identify the successors of the land holders of alienated land.
 - (iv) Action for the issuance of Records of Rights under Forest rights Act is actively underway in Palakkad District. Survey and joint verification of 247 applications have been completed. 101 claims were approved by the District Level Committee and individual Record of Rights will be issued soon.
 - (v) 1st phase of Chindakky Road from Mukkali Forest Check Post has been started and the work is in progress.
 - (vi) The project for Water Supply Scheme at Chindakky has been initiated by District Panchayat under TSP during 2017-18, and work is in progress.
 - (vii) The Authorised Ration Dealer Shop No. 97 at Chindakky is functioning effectively. In addition to that steps have been taken to deliver food grains from public distribution system to remote colonies in Attappady.
 - (viii) The investigation process in the case, for which FIR is registered at Agali Police Station as Crime No. 87/2018 is completed. The charge sheet has been submitted before Hon'ble SC/ST Special Court Mannarkkad on 22.05.2018 and it is registered as SC. No. 265/2018 of the Court.


Nand Kumar Sai
 Chairperson
 National Commission for Scheduled Tribes
 Govt. of India
 New Delhi

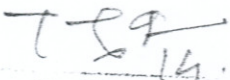
5. The Commission noted that the Government of Kerala has taken affirmative action on most of the Commission's recommendations. However, it was felt that there are some issues relating to illegal transfer of tribal land to non STs, inhabitation and establishment of commercial shops by the non STs on the tribal land in forest areas, non action against the forest officials who allowed non-tribals to run commercial activities and allowed construction of residential houses of non-STs, non strict implementation of Kerala Restriction on Transfer by and Restoration of Land to Scheduled Tribe Act, 1999, denial of pension to the deceased mother etc. wherein the Commission's recommendations are yet to be complied with.

6. The Secretary, NCST asked the District Collector, Palakkad to send a comprehensive report on the issue of restoration of tribal land and prevention of alienation of tribal land and implementation of Kerala Restriction on Transfer by and Restoration of Land to Scheduled Tribe Act, 1999.

8. The case discussed in detail. In view of the Commission's observation, the following recommendations as follows: -

- A comprehensive report on the issue of alienation and restoration of tribal land and implementation of Kerala Restriction on Transfer by and Restoration of Land to Scheduled Tribe Act, 1999 should be sent by the District Collector, Palakkad.
- The State Government should consider to provide pension to the deceased Mother as her present service is not pensionable.
- Action taken on the role of the forest officials who allowed non STs in the tribal areas which resulted the death of tribal youth, should be examined and send a report to the Commission.
- Action taken to investigate and analyse the settlement of non-tribals on forest land on which first right of settlement (under Forest Right Act and other laws) should have been of Scheduled Tribes be undertaken and a report sent to NCST.
- The process of providing 10 acres land under Forest Right Act to the deceased Mother be completed on priority basis and action taken report should be submitted.
- Complete action taken report on all recommendations of the Commission should be sent within 30 days to the Commission.

9. The Commission has also decided to make a visit to the Tribal Areas in Palakkad and Wayanad District of Kerala. The programme of visit will be finalized after receipt of the action taken report from the Government of Kerala.


14.8.18
Nand Kumar Sai
Chairperson
National Commission for Scheduled Tribes
Govt. of India
New Delhi

NATIONAL COMMISSION FOR SCHEDULED TRIBES

Annexure

(File No. PC/1/2018/STGKL/ATMURD/RU-IV)

List of participants

NCST

1. Shri Nand Kumar Sai, Hon'ble Chairperson (In chair)
2. Shri H.K. Damor, Hon'ble Member
3. Smt. Maya Chintamn Ivnate, Hon'ble Member
4. Shri Raghav Chandra, Secretary
5. Shri S.K. Ratho, Joint Secretary
6. Shri P.T. Jameskutty, Deputy Secretary
7. Shri Y.K. Bansal, Research Officer
8. Shri H.R. Meena, Sr. Investigator

Officers from Government of Kerala

1. Shri Puneet Kumar, Resident Commissioner, Kerala
2. Shri D. Balamurali, Deputy Commissioner, Palakkad
3. Shri Debesh Kumar Behera, SP, Palakkad