



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. JBM/1/2018/STGMH/ATOTH/RU-IV

Dated: 20.06.2019

To,

- 1 The District Collector,
District - Nanded,
Maharashtra.
- 2 The Superintendent of Police,
District Nanded,
Maharashtra.
- 3 The Principal Chief Conservator of Forest,
(Head of Forest Force), M.S. Nagpur,
3rd Floor, Van Bhanvan, Ramgiri Road,
Civil Lines,
Nagpur - 440 001 (Maharashtra).

Sub: Proceedings of the Sitting taken by Shri Nand Kumar Sai, Hon'ble Chairperson, National Commission for Scheduled Tribes (NCST) on 10.06.2019 in the case of Shri Jalpathi Bandu Madavi, Ghogervadi, Post-Mandva, Tehsil-Kinwat, District - Nanded (Maharashtra) & others regarding death of Scheduled Tribe person and misbehaviour and harassment with STs by the Forest and Police Officials.

Sir,

I am directed to enclose a copy of the Proceedings of the Sitting held on 10.06.2019 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,

(Signature)
(Y.K. Bansal)
Research Officer

Copy to:

Shri Jalpathi Bandu Madavi,
Ghogervadi, Post-Mandva,
Tehsil-Kinwat,
District - Nanded (Maharashtra)
Hyderabad - 500 018
(Telangana).

Copy to: - SAS, NIC, NCST.



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(Y.K. Bansal) 20/6

Research Officer

(Encl. As above)

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Shri Jalpathi Bandu Madavi,
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District - Nanded (Maharashtra)
Hyderabad – 500 018
(Telangana).

NATIONAL COMMISSION FOR SCHEDULED TRIBES

Case File No. JBM/1/2018/SEGMH/ATOTH/RU-IV

PROCEEDINGS OF SITTING HELD ON 10.06.2019 CHAIRED BY SHRI NAND KUMAR SAI, HON'BLE CHAIRPERSON, NATIONAL COMMISSION FOR SCHEDULED TRIBES (NCST) IN THE CASE OF SHRI JALPATHI BANDU MADAVI, VILLAGE-GHOGERVADI, POST-MANDVA, TEHSIL-KINWAT, DISTRICT – NANDED (MAHARASHTRA) REGARDING DEATH OF SCHEDULED TRIBE PERSON AND MISBEHAVIOUR AND HARASSMENT WITH STS BY THE FOREST AND POLICE OFFICIALS.

Date of Sitting: 10.06.2019


List of officers present in sitting is Annexed.

The Commission was received a representation from Shri Jalpathi Bandu Madavi and others, Village- Ghogervadi, Post-Mandva, Tehsil-Kinwat, District – Nanded (Maharashtra) regarding Police torture, lathi charge against innocent tribal villagers, inhumanitarian behaviour by the Police and Forest Officials and inaction against the guilty Forest and Police Officials.

The petitioners had alleged that on 31.07.2018 one ST person namely Shri Sunga Madavi went to the forest for collection of minor forest produce and there, he was killed due to attack of wild Bear. When, the relatives of the deceased ST person and villagers reported this incident to the local Police officials and Forest Officials with the request to bring his dead body from the Forest, the officials concerned ignored their request and did not take any action. Resulting which, the deceased's son namely Shri Venkat Madavi rushed to the incident place to bring his father's dead body, where, the wild Bear also attacked upon him. Shri Venkat Madavi was badly injured with disfiguring of his face. The Forest and Police officials were intimidated. But no immediate relief was provided to the injured person. However, on intervention of the social activists, the injured ST person was admitted to the hospital for treatment.

On next day i.e. 01.08.2018, local tribal villagers along with family members of the victim went to the forest to bring the dead body of Sunga Madavi. The Police and Forest Officials were also present there. However, these officials failed to catch the bear and remove dead body of the ST person from the incidence place. At the same time, the Police Officials started lathi charge against the innocent local tribal villagers and family members of the victim. Due to which, some ST persons namely Shri Manku Karnu Meshram and Jalpati Bandu Madavi and other ST villagers injured and got serious wound. The Police lathi charge was made by PSI Shri Aglawe. Seeing this people became angry, the PSI Shri Aglawe took out his revolver to control the unarmed crowd and fired upon innocent ST villagers. No medical help and financial relief was provided to the injured person. In addition, no action was taken against the guilty Police and Forest Officials.

In this case, the Commission had made recommendations dated 03.10.2018 to initiate action against the guilty Police and Forest officers under SC/ST (POA) Act, 1989 and directed to provide compensation to the deceased ST person. However, the Commission's recommendations have not been implemented by the concerned authorities of the Government of Maharashtra.


डॉ. नन्द कुमार साय/DR. Nand Kumar Sai
अध्यक्ष/Chairperson
राष्ट्रीय अनुसूचित जनजात आयोग
National Commission for Scheduled Tribes
भारत सरकार/Govt. of India
नई दिल्ली/New Delhi

2. Earlier the said case was taken up with the concerned authorities of Government of Maharashtra and subsequently a sitting was held on 03.10.2018 under the Chairmanship of Hon'ble Chairperson, NCST. The Commission had recommended that:

- As per inquiry report of the Sub Divisional Police Officer, Kinwat, punitive action should be taken against the guilty forest and police officials.
- All medical expenses for treatment including plastic surgery of face of victim's injured son Shri Venkat should be borne by the Forest Department and also, the medical expenses for treatment of other injured ST persons should also be borne by the Forest Department.
- The financial relief to the injured STs should be provided immediately and Rs. 25,000/- already released as advance to Shri Venkat should not be taken back from the injured ST person.
- Action under SC & ST (Prevention of Atrocity) Act should be taken against Shri Rajendra Nale, Assistant Conservator of Forest and Shri Aglawe, Police Sub Inspector mentioned in Inquiry Report of Shri S.V. Choudhary, SDPO, Kinwat.
- Shri Rajendra Nale, Assistant Conservator of Forest and Shri Aglawe, Police Sub Inspector should be transferred from present place of posting to another Division.
- The deceased's family is landless Scheduled Tribe. Hence the District Administration should consider to allot atleast 5 acres of land to them.
- The District Administration as well as Forest officials should ensure that such incidence should not be repeated in future and if repeated, stringent action should be taken against the defaulting officers.

3. The Commission's recommendations were also forwarded to the District Collector and Superintendent of Police, District, Nanded and the Principal Chief Conservator of Forest, Maharashtra on 15.10.2018 for submission of action taken. Thereafter, in pursuance of the Commission's recommendations, the District Collector, Nanded vide letter dated 17.05.2019 has reported to the Commission that the Commission's recommendations were forwarded to the Department of Revenue and Forest as well as Home Department, Govt. of Maharashtra for further direction and necessary action. However, no direction is received.

The SP, Nanded vide letter dated 28.05.2019 informed the Commission that no action against the guilty Police and Forest officials as per the Commission's recommendation could not be taken due to stay granted by the Hon'ble High Court of Bombay, Aurangabad Bench in Criminal Writ Petition No. 12261/2018 and Criminal Writ Petition No. 1537/2018 filed by Police and Forest Officials against the Commission's recommendations.

4. The Commission observed that the stay granted by the Hon'ble High Court of Bombay, Aurangabad Bench against the Commission's recommendations has been vacated by the Hon'ble Court vide its order dated 25.03.2019 and also no action taken on the Commission's recommendations has been submitted by the concerned authorities. Hence, it was decided to hold a sitting in the matter on 10.06.2019.

5. As per schedule the sitting was held on 10.06.2019 under the Chairmanship of Hon'ble Chairperson, NCST. In sitting, the District Collector, Nanded, Superintendent of Police, Nanded and Deputy Conservator of Forests (T), Nanded were appeared. The petitioner Shri Goverdhan Munde was also present.

6. In sitting, the petitioner informed the Commission that as per the Commission's recommendations, no action against the guilty Forest and Police officials was taken under Atrocity Act and no compensation to the complainant under the provision of Atrocity Act. Besides, the District Administration did not implement the Commission's recommendations for providing 5 acre land to the deceased family members.


7. The District Collector, Nanded informed the Commission that as per the Commission's recommendations, the District Administration has identified a piece of 5 acre land to be allotted to victim ST family and in this regard, a proposal has been forwarded to the Revenue Department, Govt. of Maharashtra for its approval. The matter is being pursued and hopefully the issue will be resolved.

8. The Superintendent of Police, Nanded was stated that he was not aware about vacation of stay order granted by the Hon'ble High Court regarding filing of case against Police and Forest officials under Atrocity Act. However, on knowing from NCST about vacation of stay order, the Police authority has filed a case against guilty Forest official Shri Rajendra Nale under SC/ST (POA), Act, 1989 and inquiry is going on. However, the Police has no information about vacation of stay granted by the Hon'ble Court in the matter of Shri Aglave, PSI Vs. State of Maharashtra. He will inquire about this matter and after vacation of stay, action will be taken against the guilty Police Officials as per the Commission's recommendations.

The Deputy Conservator of the Forests (T), Nanded also submitted an action taken on the Commission's recommendations. He was stated that as per the Commission's recommendations an amount of Rs. 7 lakh has been provided to the deceased ST persons, as per Atrocity Act rules, all expenses for medical treatment of injured ST persons have been been made, transfer of Shri Ranjedra Nale, Forest official has been done and Rs. 1.25 lakhs has been paid to injured ST person Shri Venkat Sunga Madavi. Thus, all the Commission's recommendation has been implemented.

9. The case was discussed in detail. The Commission observed that most of the Commission's recommendations have been implemented by the District Administration, Nanded. However, there is some issues i.e. allotment of 5 acre land, registration of FIR under Atrocity Act against guilty Police official and providing compensation to the complainant under Atrocity Act wherein, effective and speedy action needs to be taken. The Commission, therefore recommends that :

- The District Collector, Nanded will expedite the proposal of allotment of 5 acre land to the family of deceased to ST person and will take immediate action for providing land to them.
- The Superintendent of Police, Nanded will take immediate action for filing of FIR against guilty Police official, Shri Aglave, PSI after vacation of stay order. Besides, this the Police authorities will inquire the complainant Shri Jalpathi Bandu Madavi's petition about atrocity committed against him and other ST persons. The monetary compensation as per provisions of Atrocity Act will also be provided.
- An action taken report on the Commission's recommendations will be submitted within 30 days to this Commission from receipt of proceedings.


श्री. नंग कुमार साय/DR Nang Kumar Sai
अध्यक्ष/Chairperson
राष्ट्रीय अनुसूचित जनजाति आयोग
National Commission for Scheduled Tribes
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नई दिल्ली/New Delhi

NATIONAL COMMISSION FOR SCHEDULED TRIBES

Annexure

(File No. JBM/1/2018/SEGMH/ATOTH/RU-IV)

List of participants

NCST

1. Shri Nand Kumar Sai, Hon'ble Chairperson (In chair)
2. Shri Hari Krishna Damor, Hon'ble Member
3. Shri A.K. Singh, Secretary
4. Dr. Lalit Latta, Director
5. Shri Y.K. Bansal, Research Officer
6. Shri H.R. Meena, Sr. Investigator

Officers of Government of Maharashtra

1. Shri Khushalsinh Pardeshi, District Collector, Nanded
2. Shri Sanjay Jadhav, Superintendent of Police, Nanded

Principal Chief Conservator of Forest (Head of Forest Force)

Shri Ashish Thakre, Deputy Conservator of Forests (T), Nanded

Petitioners

Shri Goverdhan Munda