



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-1443/MP/8/2023-ESDW

दिनांक: 08.05.2023

कलेक्टर एवं जिला दंडाधिकारी,
जिला- झाबुआ,
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मध्य प्रदेश।
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पुलिस अधीक्षक,
जिला- झाबुआ
कार्यालय पुलिस अधीक्षक झाबुआ,
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विषय: जमीन पर अवेध कब्जा करने के लिए मार पीट करने व जान से मारने की धमकी देने के संबंध में श्री मोतीलाल, पिता वरदु, ग्राम झकनावद, झाबुआ, मध्य प्रदेश का दिनांक 17.03.2023 का अभ्यावेदन के सन्दर्भ में।

महोदय/महोदया,

कृपया उपरोक्त विषय पर आयोग के माननीय सदस्य श्री अनंत नायक के समक्ष दिनांक 10.04.2023 को 04:30 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 मोतीलाल,
पिता श्री वरदु,
ग्राम- झकनावद,
तहशील- पेटलावाद
जिला- झाबुआ,
मध्य प्रदेश।

National Commission for Scheduled Tribes

No. NCST / NCST / DEV-1443 / MP / 8 / 2023-ESDW

Minutes of the Sitting held under the Chairmanship of Shri Ananta Nayak, Hon'ble Member, NCST on the representation from Shri Motilal Pita Wardu Jila Jhabua, Madhya Pradesh alleges that a person namely Mr Pradeep Rathore along with his goons are harassing and physically assaulting the petitioner to grab his land.

Date of the Sitting: 10.04.2023

List of Participants: As per Annexure


The Commission received a representation on 17/03/2023, from Shri Motilal Pita Wardu, a resident of Gram Jhaknawada, Post Jhaknawada, Teh Petlawad, Jila Jhabua, Madhya Pradesh. In the representation, the petitioner stated that they have been cultivating the land for generations, but a person named Mr. Pradeep Rathore, along with his associates, has been harassing and physically assaulting the petitioner to vacate the land. The petitioner has filed a complaint in the Jhaknawada Police Station, SP Jhabua, Collector Jhabua, and Tehsildar Petlawada, but no action has been initiated.

Considering the gravity of the issue, the Commission issued a notice to the District Collector and Superintendent of Police of Jhabua, Madhya Pradesh on March 23, 2023. However, no action taken report (ATR) has been received. Therefore, the Commission has summoned the Collector and District Magistrate, Jhabua District, and the Superintendent of Police, Jhabua District, Madhya Pradesh to appear before the Commission on 10.04.2023 at 04:30 p.m. for hearing of the case.

During the hearing, the Commission inquired about the actions taken by the Superintendent of Police regarding the petitioner's complaint.

The Superintendent of Police of Jhabua District, Madhya Pradesh stated that they have registered an FIR against three accused. The investigation is under progress. Once it is complete, the next course of action will be initiated. The findings of the investigation will also be submitted to the commission.

The petitioner stated that their family has been cultivating the land for generations, and their house and cattle are situated on the same land. However, a person named Pradeep Rathore has been threatening to evict them and claiming ownership of the land.


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NATIONAL COMMISSION FOR SCHEDULED TRIBES


When the petitioner asked for proof of ownership, Mr. Rathore failed to produce any document to substantiate his claim. Last month, Mr. Rathore arrived with a gang of over 20 people carrying weapons and lathis, and they demolished the petitioner's house and attacked family members, causing some injuries to the family members. The petitioner filed a complaint with the nearby Jaknavadh police station mentioning the people who attacked them and providing a detailed account of the incident. However, the police filed one FIR the next day against "unknown" persons. The petitioner alleges that the police are biased and not supportive, and that their family is in a critical condition as they face threats on a daily basis from Pradeep Rathore.

The Commission observed that the facts and circumstances of the report of investigation of the Police and that stated by the Petitioner did not corroborate. The Commission further observed that the investigation of the Police seemed to be biased against the Petitioner. In these circumstances, the Commission deputed investigation team to visit the place of incidence and submit fact-finding report within 15 days.

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

1. The Superintendent of Police, Jhabua District, Madhya Pradesh shall furnish the complete details of the FIR, Panchanama and the Investigation Report along with all the relevant documents within 15 days.
2. The Superintendent of Police shall re-investigate the case and submit the Action Taken Report with all the relevant documents within 15 days.

Action Taken Report with compliance of the recommendations has to be submitted within a period of 15 days.


NATIONAL HUMAN RIGHTS COMMISSION
NEW DELHI

प्रतिभागियों की सूची: -

राष्ट्रीय अनुसूचित जनजाति आयोग		
क्र. सं.	नाम	पदनाम
1.	श्री अनंत नायक	माननीय सदस्य
2.	डॉ. जयंत सरोदे	निदेशक
3.	श्री एच. आर. मीना	अनुसंधान अधिकारी
कलेक्टर एवं जिला दंडाधिकारी, जिला झाबुआ, मध्य प्रदेश		
1.	अनुपस्थित	
पुलिस अधीक्षक, जिला झाबुआ, मध्य प्रदेश		
1.	श्री अगम जैन	पुलिस अधीक्षक
अभ्यावेदक/अभ्यावेदिका		
1.	अनुपस्थित	