



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: 15.10.2018

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,  
3<sup>rd</sup> Floor, Van Bhanvan, Ramgiri Road,  
Civil Lines,  
Nagpur – 440 001 (Maharashtra).

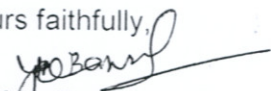
**Sub: Proceedings of the Sitting taken by Shri Nand Kumar Sai, Hon'ble Chairperson, National Commission for Scheduled Tribes (NCST) on 03.10.2018 in the matter of Shri Jalpathi Bandu Madavi, Ghogervadi, Post-Mandva, Tehsil-Kinwat, District - Nanded (Maharashtra) & others regarding death of Scheduled 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 03.10.2018 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

Copy to:

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



✓ I-SAS, NIC, NCST.

NATIONAL COMMISSION FOR SCHEDULED TRIBES

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

PROCEEDINGS OF SITTING HELD ON 03.10.2018 AT 3.00 P.M. CHAIRED BY SHRI NAND KUMAR SAI, HON'BLE CHAIRPERSON, NATIONAL COMMISSION FOR SCHEDULED TRIBES (NCST) IN THE CASE OF SHRI JAIPATHI BANDU MADAVI, 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: 03.10.2018

List of officers present in sitting is Annexed.

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

The petitioner has alleged that on 31.07.2018 one ST person namely Shri Sunga Madavi's went to the forest for collection of minor forest produce and wherein he was killed due to attack of wild Bear. When this incident was reported to the local Police officials and Forest Officials with the request to bring his dead body from the Forest. But the officials concerned did not take any action. Resulting which, his son namely Shri Venkat Madavi rushed to the incident place to bring his father's dead body. However, the wild Bear also attacked to Shri Venkat Madavi and badly injured with disgifuring 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. But they 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 this lathi charge, 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 did not stop there and he took out his revolver to control the unarmed crowd. 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.



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

Officers vide Commission's letter dated 16.08.2018 and subsequently, a Sitting was fixed on 03.10.2018 to discuss the case. Accordingly, a Sitting was held as per schedule.

3. The Principal Chief Conservator of Forest, Maharashtra has sent an exemption request and authorized to Shri Ashish Thakre, Deputy Conservator of Forest (T), Nanded to appear before the Commission. The District Collector has also sent exemption request and authorized to Sub-Divisional Magistrate, Kinwat to appear before the Commission. On behalf of the District Superintendent of Police, Nanded the Sub Divisional Police Officer, Kinwat appeared before the Commission.

4. During the Sitting the petitioner has raised their grievances before the Commission. Thereafter, the Deputy Conservator of Forest, Nanded submitted facts of the case. He has first presented brief of the case through power point presentation. He was stated that incident occurred at Ghogrwadi forest around 3.00 P.M on 31.07.2018. RFO, Kinwat received information about death of sunga Madawi and Venkat Madawi as injured around 5.30 P.M. Range officer with forest staff reached Ghogarwadi at 6 to 6.30 P.M. Critically injured Venkat Madawi was rushed to Sub-District Hospital, Kinwat where ACF personally attended at hospital. Venkat Madawi rushed to Adilabad for further treatment and then to Nanded District Hospital. Initial help of 25,000/- was givaen to persons accompanying Venkat Madawi. Bear was present at dead body. It was not possible to recover dead body in such hostile situation where there was possibility of more attacks on villagers and staff. So it was decided to go to jungle on 01.08.2018 to recover the dead body with rapid rescue team of Amaravati who are specialized in Bear rescue operations. Rapid rescue unit, Amaravati reached Kinwat at 5.00 A.M. All forest staff, police and villagers reached the spot early in the morning to recover the body. Bear was still present near dead body after a night. During rescue one person was attached by Bear and one injured. Bear was injured by one of the persons after restraining the Bear. Injured person rushed to hospital. Injured Bear was declared dead after taking to Forest Depot. Assistance of Rs. 10 lakh given to Legal heirs of Sunga Madawi. Assistance of 1.25 lakh is sanctioned to critically injured Venkat Sunga Madawi.

5. The SDM, Kinwat has submitted before the Commission that in this matter, a fair and impartial inquiry by 3 Member Committee under the Chairmanship of SDM, Kandhar, SDPO, Mahur and Assistant Conservator of Forest, Nanded has been ordered. Necessary action will be taken on the findings of the inquiry.

6. The Sub Divisional Police Officer, Nanded has also submitted before the Commission that he had conducted the inquiry into the incidence and mishandled by some forest and Police officers. During the inquiry, he found that at the incidence place the scene was horrific. Bear had badly mutilated the legs and hands of the victim Sunga Madavi and his head was separated from body. Fingers and knees were badly broken down. Dead body began rotting and foul smell spread around. On seeing this an assuming that people are beating the bear, PSI Aglawe lathi charged the people. Due to this lathi charge Manku Karnu Meshram's hand and Jalpati Bandu Madavi's leg got injured. Seeing this people became angry. PSI Aglawe did not stop there, he took out his revolver to control the unarmed crowd. Deputy Conservator of forest Shri Nale failed




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action by Shri Nale would have been saved the body from indignity. It is a big unsolved puzzle as to why Shri Nale not allowed forest officer Shri Khandare and his team to go to forest the same day even when they were willing to go. Shri Nale who denied his presence there on 31<sup>st</sup> July, 2018 is far from truth and amounts to avoidance of responsibility. On top of it PSI Aglawe lathi charged poor tribals who were under intense sorrow and grief. Naik Police constable failed to carry on his duty.

7. The matter was discussed in detail. The Commission observed that it is a serious matter wherein after death of tribal person, the forest and Police officers has failed to discharge their duties and were not sensitive towards tribal victim family. Unnecessary lathi charge was made against the innocent tribal villagers and resulting which, they were seriously injured. The Police inquiry conducted by Shri S.V. Choudhary, Sub Divisional Police Officer, Kinwat clearly mentioned that after reporting incident to the local Police authority as well as Forest officers, no one officials were willing to remove the dead body of the ST person from the forest. The PSI Agwale has started lathi charge towards innocent tribal people and seriously injured them. Eventhough, the PSI Agwale did not stop there, he took out his revolver to control the unarmed crowd. Shri Nale, ~~Naik~~ Conservator of Forest has also failed to take possession of the dead body with the help of the Police on the day of incident. Timely action by Shri Nale would have been saved the body from indignity. He also not allowed forest officer Shri Khandare and his team to go to the forest on the same day even when they were willing to go there. Thus Shri Nale who denies his presence there on 31.07.2018 is far from truth and amounts to avoidance of responsibility. Due to non discharging of duty by the forest officials, the victim's son went to the forest for possession of dead body and he got badly injured. The Commission also noted that the forest officials has got back amount of Rs. 25,000/- given to the Victim's son for his treatment as relief which also amount to be discrimination with the Scheduled Tribes.

8. In view of the above, the Commission recommends as follow:

- 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.

  
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- 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.
9. An action taken report in the case should be submitted before the Commission within 30 days of receipt of this minutes.

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724  
11.10.18

नन्द कुमार साय/Nand Kumar Sai  
अध्यक्ष/Chairperson  
राष्ट्रीय अनुसूचित जात आयोग  
National Commission for Scheduled Tribes  
भारत सरकार, Ministry of P. & W.  
नई दिल्ली/New Delhi

**List of participants**

**NCST**

1. Shri Nand Kumar Sai, Hon'ble Chairperson (In chair)
2. Miss Anusuiya Uikey, Hon'ble Vice-Chairperson
3. Shri Hari Krishna Damor, Hon'ble Member
4. Shri Raghav Chandra, Secretary
5. Shri P.T. Jameskutty, Deputy Secretary
6. Shri Y.K. Bansal, Research Officer
7. Shri H.R. Meena, Sr. Investigator

**Officers of Government of Maharashtra**

1. Shri Shakti M. Kadam, Sub Divisional Magistrate, Kinwat
2. Shri Choudhary S.V., Sub Divisional Police Officer, Kinwat

**Principal Chief Conservator of Forest (Head of Forest Force)**

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

**Petitioners**

1. Shri Badgujer Shakeel
2. Shri Chaturang Kamble
3. Shri Jalpati Bandu Madavi