



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. RMS/1/2017/STGMH/ATPHHR/RU-IV

Dated: 12.11.2018

To,

1. The Director General of Police,
Government of Maharashtra,
Mumbai.
2. The District Collector,
District – Palghar
Maharashtra
3. The District Superintendent of Police,
District – Palghar,
Maharashtra.

Sub: Proceedings of the Sitting taken by Smt. Maya Chintamn Ivnate, Hon'ble Member, National Commission for Scheduled Tribes (NCST) on 09.10.2018 in the matter of Shri Ramji Maheswari Sanjot, Secretary, World Human Welfare Council, Ulhas Nagar, Mumbai regarding harassment.

Sir,

I am directed to enclose herewith a copy of the Proceedings of the Sitting held on 09.10.2018 under the Chairmanship of Smt. Maya Chintamn Ivnate, Hon'ble Member, National Commission for Scheduled Tribes on the above mentioned subject for necessary action and submission of compliance report to this Commission expeditiously for placing the same before the Hon'ble Member, NCST.

Yours faithfully,

(Y.K. Bansal)

Research Officer

Copy to:

Shri Ramji M Maheswari,
National Secretary,
World Human Welfare Council,
Near Barrak No. 1782,
M.I. Section, Ransi Velji,
Sirokha Marg, Ulhas Nagar – 421 005
(Maharashtra).

o/c

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19/11/18
ISSUED

Copy to: - SAS, NIC, NCST.

NATIONAL COMMISSION FOR SCHEDULED TRIBES

Case File No. RMS/1/2017/STGMH/ATPHHR/RU-IV

PROCEEDINGS OF SITTING HELD ON 09.10.2018 AT 12.00 NOON CHAIRED BY SMT. MAYA CHINTAMN IVNATE, HON'BLE MEMBER, NATIONAL COMMISSION FOR SCHEDULED TRIBES (NCST) IN THE CASE OF SHRI RAMJI MAHESWARI SANJOT, SECRETARY, WORLD HUMAN WELFARE COUNCIL ULHAS NAGAR, MUMBAI REGARDING HARASSMENT WITH ST PERSONS.

Date of Sitting: 09.10.2018

List of officers present in sitting is Annexed.

The petitioner Shri Ramji Maheswari Sanjot, Secretary, World Human Welfare Council Ulhas Nagar, Mumbai vide his representation dated 21.09.2017 has submitted grievances regarding filing Police cases against innocent Scheduled Tribe persons in the murder case of Shri Yadav Janardhan Mahatre and non filing FIR/arrest warrant against the wanted criminals of the case. And also not filing FIR against wanted criminals under Atrocity Act and providing financial relief to the victim ST persons.

It has been alleged that the CID of the Maharashtra Police has filed false charges/FIR against three innocent ST persons in the Mahatre murder case in the year 1987. After passing of 22 years (on 29.06.2009), the Hon'ble Court has acquitted all three ST persons from the murder charges and the Police has then filed a new charge sheet against the actual accused person. Thus it appears that the Police had victimized the innocent ST persons for false charges of murder. No financial relief was provided to the ST persons. No punitive action was taken against the guilty Police officials under Atrocity Act for victimizing and physically torture against the ST persons.

2. The NCST vide its letter dated 14.12.2017 to the Director General of Police, Govt. of Maharashtra, District Collector, Palghar and SP, Palghar, Maharashtra for seeking report.
3. In pursuance of the Commission's notice, the District Collector, Palghar submitted a report that the matter was investigated from the District Police Authority, Palghar and it came to the notice that this complaint is related to Vasai Police Station and the FIR is registered in Crime Register Number 1 257/1987 IPC 302,307,147,148,149 with 25 (C) of Arms Act, 1959. Initially this case was investigated by Vasai Police Station then this case was transferred to State Crime Branch, Konkan Division, Navi Mumbai for further investigation and in this case 2 officers namely Police Inspector Mr. S.L. Erguntha and Mr. S.L. Pimpalkar appointed by them and after the investigation they have submitted Charge Sheet in Hon'ble Judicial magistrate Ist Class, Vasai.
4. The case was fixed for Sitting on 09.10.2018. Accordingly, Senior officers from the Police Department, Maharashtra, Mumbai and Tehsildar, Vasai appeared before the Commission. The petitioner was also present.
5. During the Sitting the petitioner has submitted the grievances of filing false FIR, Police custody and Police torture against 3 innocent tribal persons, namely Shri Dilip



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Smt. Maya Chintamn Ivnate
Member

National Commission for Scheduled Tribes
Chhatrapati Shivaji Maharaj Marg, New Delhi

Ganpath Tunbda, Shri Ganpath Kathod Tunbda and Shri Babu Ganpath Tunbda in the murder case of Shri Mahatre in 1987. The innocent tribal persons remained in Jail for several years and finally acquitted by the Hon'ble Court in the year 2009. During the Police torture, the tribal persons got physical injury. Out of three tribal persons, two persons were expired. The real accused were not arrested by the Police in the case. No action was taken against the guilty Police officials under Atrocity Act and no financial relief was also paid to them.

6. The Police officers appeared in the Sitting have submitted brief of the case and informed that the matter pertaining to year 1987. At that year the case was investigated by the CID Police and on the basis of the evidence provided by the relatives of the murdered persons and evidence collected by the Police, three tribal persons were booked in the case. The case was then decided by the Hon'ble Court in the year 2009 and three tribal persons were acquitted. Thereafter, the Police arrested the accused involved in the murder case of Shri Mahatre and filed a Charge Sheet before the Hon'ble Court. Presently the matter is pending in the Court.

7. After hearing from both sides, the Commission observed that it is a serious case wherein innocent three tribal persons were falsely implicated in the murder case of Mahatre in 1987. The Police tortured to the innocent tribal persons and their plea/evidence of their innocence was not taken into consideration. The real culprits were not arrested by the Police. Finally, the Hon'ble Court acquitted the innocent tribals from the charges of murder in 2009. Thus, it appears that the Police authority has failed to discharge their duties and no responsibility was fixed against the guilty Police officers.

8. The Commission therefore, recommends that:

- An action under Atrocity Act should be taken against the guilty Police officers/officials who were responsible to torture the three innocent persons and failing to arrest/book the real culprits.
- Adequate compensation under Atrocity Act should be given to the innocent 3 tribal persons who remained in Jail for many years against false charges.
- The victim tribal persons are landless and they lost their piece of land in fighting of false charges in the Courts. Hence, the District Collector, Palghar should consider to allot atleast 5 acre lands to the victim ST persons.
- The District Police Administration and District Administration should ensure that the cases relating to Atrocities against the Scheduled Tribes should be investigated by the SC/ST officers under Atrocity Act and it may ensure that no injustice/harassment could be meted out against the ST persons.

9. Action taken report in the case should be submitted to the Commission within 30 days.



Smt. Maya Chintamni Ivate
Member
National Commission for Scheduled Tribes
Govt. of India, New Delhi

List of participants

NCST

1. Smt. Maya Chintamn Ivnate, Hon'ble Member (In chair)
2. Shri P.T. Jameskutty, Deputy Secretary
3. Shri Y.K. Bansal, Research Officer
4. Shri Sudhir Atram, PS to Hon'ble Member
5. Shri H.R. Meena, Sr. Investigator

Officers of Government of Maharashtra

1. Shri K.V. Nigade, Additional SP, CID, Konkan
2. Shri B.P. Shinde, P.I State CID, Konkan
3. Shri S.G. Wayse Patil, S.P., PCR (Additional Charge), Konkan
4. Shri Kiran M. Suravase, Tahsildar, Vasai

Petitioner

1. Shri Raju K. Pandhara
2. Shri Gangadhar J. Mahatre.