



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-1335/JH/32/2023-ESDW

दिनांक: 10.04.2023

उपायुक्त,
जिला-रांची,
कचहरी चौक, ब्लॉक बी,
कमरा नंबर-504, रांची-834001,
झारखण्ड
ई-मेल: dc-ran@nic.in

वरिष्ठ पुलिस अधीक्षक,
जिला-रांची,
झारखंड पुलिस मुख्यालय,
धुर्वा, रांची - 834004
ई-मेल: ssp-ranchi@jhpolicе.gov.in

विषय: खतियानी आदिवासी जमीन पर गैर अनुसूचित जनजाति के व्यक्ति मदन साव व अन्य के द्वारा अवैध रूप से कब्जा करने के संबंध में, सुश्री लाली कच्छप, पति- स्व. अजय कच्छप, न्यू तारा बाबू लेन, थड़पखना, पो.- मुख्य डाकघर, थाना- लोअर बाजार, जिला- रांची (झारखंड) का दिनांक 29.01.2023 का अभ्यावेदन।

महोदय/महोदया,

कृपया उपरोक्त विषय पर दिनांक 03.04.2023 को 10:30 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 30 दिन के भीतर भेजना सुनिश्चित करें।

संलग्न यथोपरि.

भवदीय,


(एच. आर. मीना)
अनुसंधान अधिकारी

प्रतिलिपि प्रेषित:

सुश्री लाली कच्छप,
पति- स्व. अजय कच्छप,
न्यू तारा बाबू लेन,
थड़पखना, पो.- मुख्य डाकघर,
थाना- लोअर बाजार,
जिला- रांची (झारखंड)

National Commission for Scheduled Tribes

No. NCST/DEV-1335/JH/32/2022 – ESDW

Minutes of the Sitting held under the Chairmanship of Shri Ananta Nayak, Hon'ble Member, NCST on the representation of Ms. Lali Kachhap regarding the Khatiani Land which is registered in the Record of Right in the name of Shukra Oraon, Father Etwa Oraon and Patu Oraon, Charu Oraon, Father- Morha Oraon now Shri Madan Saav & others have forcefully grabbed land in the year 2001 by creating forged Sale Deed.

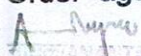
Date of the Sitting: 03.04.2023

List of Participants: As per Annexure

The Commission received a representation dated 29th January, 2023, from Ms. Lali Kachhap, W/O Late. Shri. Ajay Kachhap, from New Tara Babu Lane, Thadpakhana, P.O. Main GPO (Head Post Office) Police Station- Lower Bazar, District- Ranchi, Jharkhand, stating that their land is Khatiani land, which is registered in the Record of Right in the name of Shukra Oraon, Father Etwa Oraon and Patu Oraon, Charu Oraon, Father- Morha Oraon. But Shri Madan Saav and others forcefully grabbed the land in the year 2001 by creating forged sale deed and forcefully evicted them. Her husband Late Shri. Ajay Kachhap submitted an application under Section 71 (A) of the Chhotanagpur Tenancy Act, 1908 to the Special regulation officer (SAR) of Ranchi District. Since her husband died on 27/04/2021 due to COVID-19, she could not attend the hearings before the Special Investigation Officer. She further mentioned that she did not receive any notice regarding the said case and that now Shri Madan Saav and others is claiming that they have won the case and started construction work. When she opposed the construction, Shri Madan Saav and Others threatened her. Thereafter she complained to police but though police registered FIR, but no action has been initiated till date.

Considering the gravity of the issue the Commission sought for Action Taken Report/Replies from Shri Rahul Kumar Sinha, Deputy Commissioner, Ranchi and Shri Kishor Koshal, Senior Superintendent of Police, Ranchi to appear before the Commission on 31.01.2023 at 02:00PM at Jharkhand Guest House.

In the Hearing dated 31.01.2023 the Commission observed that the Special Investigation Office issued ex-parte Order against Ms. Lali Kachhap, without giving


श्री अनन्ता नायक
MEMBER
NATIONAL COMMISSION FOR SCHEDULED TRIBES
NEW DELHI

adequate time and opportunity of being heard to file her submission. Therefore, it was recommended by the Commission that the Petitioner be given another chance to put forward her case.

The Authorities submitted their replies. The replies were found to be highly unsatisfactory as the Authorities failed to take action on the Recommendation of the Commission in letter and spirit. Therefore, the Commission issued Summons on 13.03.2023 to Shri Kishor Koshal, Senior Superintendent of Police, Ranchi and Shri. Rahul Kumar Sinha, Deputy Commissioner, Ranchi to appear before the Commission for hearing on 03.04.2023.

During the course of hearing, the Commission sought for the present status of the Land and the progress of investigation on FIR.

In response, Shri. Rahul Kumar Sinha, Deputy Commissioner, Ranchi submitted that the proceedings were initiated by Ms. Lali Kachhap's husband in 2001, but there was no substantial progress till 2007. There after Shri Madan Saav and others filed an appeal before the Hon'ble High Court of Ranchi in 2007 to fast-track the proceedings. It was only after the Hon'ble High Court of Ranchi issued directions to fast-track the proceedings, the Special Investigation Officer heard the matter. However, since the Petitioner did not appear before the Special Investigation Office issued ex-parte Order against Ms. Lali Kachhap. The Deputy Commissioner further stated that it was only after the hearing chaired by the Hon'ble Member, NCST at Ranchi on 31.01.2023, it was recommended by the Commission that the Petitioner be given another chance to put forward her case. Thereafter the Deputy Commissioner advised the Petitioner to file an appeal against the ex-parte Order against her. The Petitioner filed an Appeal against the ex-parte Order issued against her before the Deputy Commissioner. The Deputy Commissioner further submitted that the Appeal filed by Ms. Lali Kachhap is scheduled on 25.04.2023 and based on the submissions made all the parties in the Appeal, the Deputy Commissioner shall pass a final order within 15 days from the date of hearing. The Deputy Commissioner also stated that Rs. 25,000 (Rupees Twenty Five Thousand only) was also disbursed to Ms. Lali Kachhap as per Rule 12(4) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Rules, 1995.

Shri.Kishor Koshal, Senior Superintendent of Police, Ranchi submitted that the FIR was filed on 30.01.2023 and investigation is going on. He further submitted that they

have stopped all sort of works on the land and out of ten persons named in the FIR, only 7 were alive and the other 3 had already passed away. He further submitted that the investigation has been taking time since the seven persons named in the FIR were not in good terms with the petitioner. It was difficult to contact them about the case. Senior Superintendent of Police further stated that apart from the people named in the FIR, they have inquired other witnesses as well, but they have not found anything substantial from the witnesses.

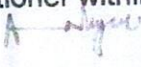
Ms. Lali Kachhap, the petitioner, submitted that her husband passed away due to COVID and since then they have found it difficult to attend the Court hearings. She further stated that she did not receive any notice of the hearings. She further informed that even after January, 2023 the construction work on the land was ongoing and it was secretly happening even now. She further stated that she will confirm the payment of compensation amount under the PoA (SC & ST) Act, 1989. At present, she is unaware of the Rs. 25,000 (Rupees Twenty Five Thousand only) being transferred to her account.

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

1. Shri. Kishor Koshal, Senior Superintendent of Police has to investigate the case and with full care and caution and act as required under Section 188 IPC.
2. Ms. Lali Kachhap has to submit required documents before the Deputy Commissioner, Ranchi for proper adjudication of the Appeal.

The Deputy Commissioner shall adjudicate the matter appropriately and pass final order at the earliest and shall send the ATR to the Commission within 30 days.

The SSP may be expedite the investigation and submit the report along with proof of payment of compensation to the petitioner within 30 days.


श्री श्री श्रीमानानंता नायाक
सचिव
राष्ट्रीय आदिवासी आयोग
NATIONAL COMMISSION FOR SCHEDULED TRIBES
भारत सरकार, नई दिल्ली
New Delhi, India

(परिशिष्ट)

फ़ाइल सं. NCST/DEV-1335/JH/32/2023-ESDW

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
उपायुक्त. जिला-रांची. झारखण्ड		
क्र. सं.	नाम	पदनाम
1.	श्री राहुल कुमार सिन्हा	उपायुक्त. रांची
वरिष्ठ पुलिस अधीक्षक. जिला-रांची. रांची. झारखण्ड		
1.	श्री किशोर कौशल	वरिष्ठ पुलिस अधीक्षक
अभ्यावेदक/अभ्यावेदिका		
क्र. सं.	नाम	पदनाम
1.	सुश्री लाली कच्छप.	