



सत्यमेव जयते

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)

Case File No. NCST/ATY-549/JH/1/2022-APCR

Dated: 20.12.2022

To,

1. **Shri Rahul Kumar Sinha,**
Deputy Commissioner,
District Ranchi,
DC Office,
Ranchi-834001 (Jharkhand)
E-mail: dc-ran@nic.in
2. **Shri Kishor Kaushal,**
Senior Superintendent of Police,
District Ranchi,
Dhurva,
Ranchi-834004 (Jharkhand)
E-mail: ssp-ranchi@jhpolic.gov.in

Subject: Representation of Shri Birsa Oraon, Village - Simalia Guttoli, P.S. -Ratu, Ranchi, Jharkhand regarding looting of Khatiani and ancestral land by land mafia and people of criminal tendency, caste-indicative abuse, assault and death threats and complicity of police and administration – Letter received from Shri Samir Oraon, Hon'ble MP, Rajya Sabha, Jharkhand.

Sir,

I am directed to enclose herewith a copy of the Minutes of the Sitting held on 30.11.2022 under the Chairmanship of Shri Ananta Nayak, Hon'ble Member, National Commission for Scheduled Tribes on the above mentioned subject for necessary action. It is requested that compliance report may be submitted to this Commission within 30 days positively for placing the same before the Hon'ble Commission.

Encl: as above

Yours faithfully,

(अंकित कुमार सेन / Ankit Kumar Sen)
अनुसंधान अधिकारी / Research Officer

Copy to:

Shri. Birsa Oraon
Father – Late Shri Charo Oraon
Village - Simlia Gutoo Tali
Police Station - Ratu,
District - Ranchi, (Jharkhand)
Mob. 9661874701

Copy for information to:

Shri. Samir Oraon,
Hon'ble Member of Parliament (Rajya Sabha)
B-303 MS Flat, Baba Kharak Singh Marg, New Delhi – 110001
Email: samiroraon@sansad.nic.in

(अंकित कुमार सेन / Ankit Kumar Sen)
अनुसंधान अधिकारी / Research Officer

National Commission for Scheduled Tribes

No. NCST/ATY-549/JH/1/2022 - APCR

Minutes of the Sitting held under the Chairmanship of Shri Ananta Nayak, Hon'ble Member, NCST, in the case of Shri Samir Oraon regarding the victim, Mr. Birsa Oraon who has been mentally and physically harassed after illegal acquisition of his land and threat to his life.

Date of the Sitting: 30.11.22, 11.00 AM

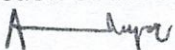
Officials present in the Sitting: As per Annexure

In the present matter, the petitioner has alleged that the victim, Mr. Birsa Oraon, a victim of illegal encroachment by upper caste person has been mentally and physically harassed by the accused, namely Mr. Prakash Sahu, Mr. Ram Sharan Sahu and Mr. Dhananjay Sahu. The accused are abusing the victim with caste remarks, threatening to kill him and his family and demanding money for their ancestral land. The victim has approached the District Administration and the local Police station several times but they have not taken any action against the accused. The victim is apprehensive for the lives of his family and the land.

Pursuant to the notice of the Commission, Senior Superintendent of Police and District Collector, Ranchi, Jharkhand. In his reply stated that no written complaint has been given to the police regarding the matter. The matter is *sub-judice* with Case No. - 1886/2022 and a notice has been served to Birsa Oraon under Section 144 Cr. P.C. The claims have no authenticity. As per the reply, it has been found that on the disputed land a house has been built and ancestors of Mr. Prakash Sahu, Ramsharan Sahu, Dhananjay Sahu and Jhunu Sahu have been living there from the past 100 years. It was stated that an FIR has been registered at Ratu Thana vide no. 387/22 on 26.11.2022 under Section 3 (1) (f) and 3 (1) (r) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The Commission issued summons to the Senior Superintendent of Police and District Collector, Ranchi, Jharkhand for the sitting to be held on 30.11.2022 at 11 AM. The Senior Superintendent of Police, Ranchi Jharkhand and the District Collector, Ranchi, Jharkhand appeared before the Commission.

The Commission inquired regarding the delay in the registration of FIR, non-insertion of the SC/ST (POA) Act, 2016 and inaction of the authorities to which the Senior Superintendent


अनंत नायक/ANANTA NAYAK
सदस्य/Member
राष्ट्रीय अनुसूचित जनजाति आयोग
NATIONAL COMMISSION FOR SCHEDULED TRIBES
भारत सरकार/Govt. of India
नई दिल्ली/New Delhi

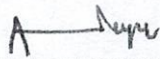
of the Police replied that he would insert the provisions of SC/ST (POA) Act, 2016 and would conduct a necessary action against the officer for whom the registration of FIR and investigation was delayed.

Then the Commission inquired regarding the disputed land and the inaction of the authorities to the District Collector to which the officials explained that the accused are the neighbours of the victim who started residing in the adjacent land under the phenomenon of Sikmi Rayyat. The official elaborated upon the two options that the victim have. Firstly, his land can be demarcated as per the revenue records and no objections would be raised against that by the accused. Secondly, his land can be returned back as per the CNT Act, 1908 from the accused. The petitioner agreed to both the proposals.

After hearing both the sides, the Commission recommends:-

- The Senior Superintendent of Police to conduct inquiry upon the delay of the registration of FIR and inaction by the concerned officials.
- The Senior Superintendent of Police to get the appropriate provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 2016 inserted in the FIR.
- The District Collector to direct the Sub-Divisional Magistrate to demarcate the land of the petitioner separately from the accused's land.
- The District Collector to direct the Sub-Divisional Magistrate to initiate the process of the getting the land back from the accused as per the CNT Act, 1908 and to restore with the petitioner.
- The District Collector to direct the Sub-Divisional Magistrate to mutate the land and transfer the title of ownership to the petitioner as per the Succession Laws.

An action taken reply on the above recommendation is sent to within a period of 30 (thirty) days.


अनंत नायक/ANANTA NAYAK
सदस्य/Member
राष्ट्रीय अनुसूचित जनजाति आयोग
NATIONAL COMMISSION FOR SCHEDULED TRIBES
भारत सरकार/Govt. of India
नई दिल्ली/New Delhi

राष्ट्रीय अनुसूचित जनजाति आयोग
National Commission for Scheduled Tribes.

फाइल सं. NCST/ATY-549/JH/1/2022-APCR

Dated: 30.11.2022

विषय: खतियानी एवं पैतृक जमीन को भू माफिया एवं आपराधिक प्रवृत्ति के लोगों द्वारा लूटने, जाती - सूचक गाली गलोच, मारपीट करने एवं जान से मारने की धमकी देने तथा पुलिस और प्रशासन की मिलीभगत के संबंध में - श्री बिरसा उरांव, ग्राम - सिमलिया गुटटोली, थाना - रातू, रांची, झारखंड का अभ्यावेदन के सम्बन्ध में आयोग के माननीय सदस्य महोदय की अध्यक्षता में आयोग मुख्यालय के सम्मलेन कक्ष में दिनांक 30.11.2022 को अपराह्न 03:00 बजे आयोजित बैठक की उपस्थिति।

क्र. सं	नाम	पदनाम	हस्ताक्षर
1.	श्री अनंत नायक	माननीय सदस्य	
2.	श्री सूरत सिंह	निदेशक	
3.	सुश्री दीपिका खन्ना	सहायक निदेशक	दी. (कम)
4.	श्री राधाकांत त्रिपाठी	वरिष्ठ विधिक सलाहकार	
5.	सुश्री पलक अरोरा	कनिष्ठ कानूनी और अनुसंधान सलाहकार	
6.			
7.			
उपायुक्त, जिला रांची, झारखंड			
1.	राहुल कुमार सिन्हा		
2.			
3.			
4.			
5.			
वरिष्ठ पुलिस अधीक्षक, जिला रांची झारखंड			
1.	किशोर मोशल		
2.			
3.			
4.			
5.			
अभ्यावेदक/अभ्यावेदिका			
1.	बिरसा उरांव		
2.			
3.			
4.			