



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)

File No. NCST/ATY-704/MP/14/2022-APCR

Dated: 01.05.2023

To,

- Shri Atul Kumar Mishra**
Secretary,
Department of Forest,
Government of Madhya Pradesh,
Satpada Bhawan,
Bhopal-462004, (Madhya Pradesh)
E-mail: acsforest@mp.gov.in
- Dr. Hayaraja T.**
District Collector
District – Indore
New Administrative Complex
Moti Tabela, Indore-452007
(Madhya Pradesh)
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- Shri Makrand Deuskar**
Commissioner of Police
Indore - 452001
(Madhya Pradesh)
E-mail: pc.indore@mppolice.gov.in
- Shri Narendra Pandwa,**
Divisional Forest Officer,
Indore Forest Division,
Navratan Bagh, Indore-452020,
(Madhya Pradesh)
Ph. No. 9424792326
E-mail: dfotindo@mp.gov.in

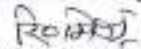
Sub: Representation of Shri Padam Singh Bhabhar, r/o Rasukundiya Village, Mhow Tehsil, Indore district, Madhya Pradesh regarding the inaction of the police against the accused for insulting, threatening and assaulting a Scheduled Tribe with casteist remarks.

Sir/Madam,

I am directed to enclose herewith a copy of the Minutes of the Sitting held on 11.04.2023 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 as stipulated in minutes of the sitting, for placing the same before the Hon'ble Commission.

Encl: as above

Yours faithfully,


(आर.एस.मिश्र / R.S. Misra)

अनुसंधान अधिकारी / Research Officer (SSW)
Telephone No. : 24645826

Copy to:

Shri Padam Singh Bhabhar
R/o – Rasukundiya Village
Tehsil - Mhow,
District - Indore (Madhya Pradesh)
Email: devesh3694@gmail.com

Copy for information

- PS to Hon'ble Member, NCST.
- NIC. NCST for uploading on the website of the Commission.

National Commission for Scheduled Tribes

NCST/ATY-704/MP/14/2022-APCR

Minutes of the sitting held under the Chairmanship of Shri Ananta Nayak, Hon'ble Member, NCST, in the case of Shri Padam Singh Bhabhar, R/O Rasukundiya Village, Mhow Tehsil, Indore district, Madhya Pradesh regarding the inaction of the police against the accused for insulting, threatening and assaulting a Scheduled Tribe with Casteist remarks.

Date of the sitting: 11.04.2023 at 02:30 PM

Participants in the sitting: As per Annexure

The Commission received a representation from Shri. Padam Singh Bhabhar on 11.10.2023 stating that on 01.07.2021 his wife Smt. Ramkanya was burning dried leaves in their agricultural land due to which a tree located in their land caught fire. On the same day, Shri. Ravikant Jain, Choral Forest Ranger and other Authorities of the Choral Forest Range came to the spot of incidence and started verbally abusing the Petitioner and his family with casteist remarks and levelled false allegations against the Petitioner encroaching the forest land without any investigation. Thereafter the authorities forcefully took him to the Choral Range Office and beat him up with sticks, causing injuries near the left eye and on the right hand. Later, they took him to the Primary Healthcare Care Centre, Simrol on the pretext of getting medical aid but sent him back without any treatment. After facing such harassment, Shri. Padam Singh Bhabhar filed a complaint at the Simrol Police Station against Shri. Ravikant Jain and other authorities. Police authorities, till date have not taken any action against the authorities apart from registering FIR. Hence, the Complainant has filed this Complaint before the NCST.

Considering the gravity of the issue the held a Sitting on 02.12.2022, the Commission made the certain Recommendations. However, the Authorities failed to comply the Recommendations. Therefore, the Commission issued Summons to the Secretary, Department of Forest, Govt. of Madhya Pradesh and the District Collector, Indore District, Madhya Pradesh on 27.03.2023 and to the Commissioner, Indore District, Madhya Pradesh and the Divisional Forest Officer, Indore District, Madhya Pradesh to appear before the Commission on 11.04.2023 at 02:30 PM.

During the course of hearing on 11.04.2023 the Commission asked both the Petitioner the Divisional Forest Officer, Indore District, Madhya Pradesh on the status of compliance of recommendations made on 02.12.2022. The Commission further asked an explanation from the Divisional Forest Officer, Indore District, Madhya Pradesh for the delay in submitting the Action Taken Report.

Shri. Padam Singh Bhabhar submitted that when they collected the tractor from the authorities, it was in a very bad shape. The indicator was broken, battery of missing, oil was emptied and the tyres were worn out and therefore he had to incur close to Rs. 15,000 as expenses to get the tractor repaired. The Forest Officers intentionally inflicted injuries on the Petitioner despite and falsely claimed that the Petitioner suffered injury due to a fall from bike. After inflicting injuries, the Forest Officers did not even bother to give first-aid. They made the Petitioner wait until the bleeding stopped before they could take him to the Hospital. After the bleeding stopped, the Forest Officers dropped him off at the Hospital and left, without ensuring that he received proper treatment. The Petitioner with no other option but to get treatment from a private doctor. The Petitioner further submitted that apart from the 12 Bigha land of forest land that the Petitioner used along with all the villagers for common use and produce and that there was an understanding amongst the villagers and the authorities. However, the Petitioner never

used the tractor on any other land apart from the land in which he had the title. The Forest Officers falsely arrested and implicated him in land encroachment.

Shri. Narendra Pandwa, the Divisional Forest Officer, Indore District, Madhya Pradesh submitted that they had submitted the Action Taken Report to the Secretary, Department of Forest, Govt. of Madhya Pradesh. He further submitted that none of the officers beat up the Petitioner and that Petitioner suffered an injury as a result of falling from the bike. With respect to issue of encroachment, he submitted that the title of some of the land belonged to the Petitioner's father while the others were in dispute. To resolve the discrepancies over the same, they have asked for clarity from the Revenue Department.

The Commission observed that the Petitioner had to suffer unnecessarily because of the discrepancies in the title of land amongst the Forest Department and Revenue Department. The Commission expressed serious displeasure over the arrest and harassment of the Petitioner by the Forest authorities without conducting due diligence over the title of the land. The Commission further advised Shri. Narendra Pandwa, the Divisional Forest Officer, Indore District, Madhya Pradesh not to make false statement about the injury of the Petitioner.

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


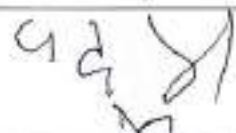
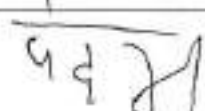
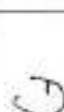
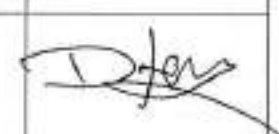
- (i) The Divisional Forest Officer, Indore District, Madhya Pradesh will ensure reimburse the Petitioner expenses incurred by the Petitioner for the treatment of injury and for the repair of tractor and submit Action Taken Report within 7 days.
- (ii) The Divisional Forest Officer, Indore District, Madhya Pradesh will take all steps to resolve the discrepancy of title over the land with the Revenue Department and submit Action Taken Report within 15 days.



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

File No - NCST/ATY-704/MP/14/2022-APCR

Sitting to be held on 11.04.2023 at 02.30 P.M in the case of गैर-अनुसूचित जनजाति के व्यक्तियों द्वारा अनुसूचित जनजाति के व्यक्ति को जाति सूचक शब्द बोलकर अपमानित करना, धमकी देना और मारपीट करने के बाद पुलिस में रिपोर्ट करने पर आरोपियों के खिलाफ पुलिस की निष्क्रियता - श्री पदम सिंह फरियादी, जिला - इंदौर का अभ्यावेदन।

Sl. No.	Name and Designation	Address & Phone No.	Signature
I	National Commission for Scheduled Tribes		
1.	Shri Ananta Nayak Hon'ble Member	In Chair	
2.			
3.			
4.			
5.			
5.			
6.			
7.			
II	Officers from Government of Madhya Pradesh and Distt. Indore		
1.	Mareendra Pandwa DPO Indore	9424792326 dtotinda@mp.gov.in	 11/04/23
2.			
3.	 धर्मकर गुरुवर		
4.			
5.			
6.			
7.			
8.			