



सत्यमेव जयते

भारत सरकार
Government of India
राष्ट्रीय अनुसूचित जनजाति आयोग
National Commission for Scheduled Tribes
(A Constitutional Body under Article 338A of the Constitution of India)

Case No. GSR/3/2018/STGGJ/DELAAL/RU-I

Dated 03.05.2019

To,

(1) Additional Chief Secretary
Revenue Department,
Govt. of Gujarat
New Sachivalya,
Gandhinagar
(Gujarat)

(2) The District Collector,
District- Surat,
(Gujarat)

Sub: Representation dated 05.03.2018 of Shri Gulabbhai Sukhabhai Rathod, 72 Shivdhara, Raw House behind Priyanka intercity opposite Puna Police Station, Magob, Surat, Gujarat regarding grabbing of land of poor and innocent Halpati Scheduled Tribes in the area of Surat having block no. 10/B/1- TP Scheme no. 64.

Sir,

I am directed to refer to the subject cited above and to enclose minutes of meeting/ sitting held at Birsa Munda Bhawan, Gandhinagar, Gujarat on 08.03.2019 at 12.00 PM under the chairmanship of Shri H. C. Vasava, Hon'ble Member, National Commission for Scheduled Tribes, New Delhi in the matter.

It is requested that action taken on the suggestions/ recommendations of the Commission may please be send to NCST at the earliest.

(Rajeshwar Kumar)
Assistant Director
Tel: 011-24641640

Copy for information and necessary action to

Secretary
Tribal Dev. Department
Govt. of Gujarat,
New Sachivalya,
Gandhinagar
(Gujarat)

Copy to :

Shri Gulabbhai Sukhabhai Rathod,
72, Shivdhara, Raw House,
Behind Priyanka Intercity,
Opposite- Puna Police Station,
Magob, Surat, (Gujarat)
Mob. 9586680000

Copy for information to:

1. PS to Hon'ble Member (HCV), NCST
2. NIC, NCST (for hosting on Commission's website)

Govt. of India
National Commission for Scheduled Tribes

Minutes of meeting held on 08/03/2019 at 12:00 Hours at Birsa Munda Bhawan, Gandhinagar under the Chairmanship of Shri H. C. Vasava, Hon'ble Member, NCST in the case of Shri Gulabbhai Sukhabhai Rathore & Power of Attorney Shri Kannubhai Shankerbhai Patel, R/o Post-72, Shivdhara, Raw House, behind Priyanka intercity Opp. Puna Police Station, Magob, Surat (Gujarat) regarding grabbing of land of poor and innocent Halpati Scheduled Tribes in the area of Surat having Block No. 10/B/1 TP Scheme No. 64.

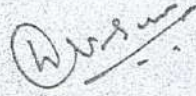
(File No. GSR/3/2018/STGGJ/DELAAL/RU-I)

List of participants is annexed.

2. Representation dated 05/03/2018 was received from Shri Gulabbhai Sukhabhai Rathore & Power of Attorney Kannubhai Shankerbhai Patel, R/o Post-72, Shivdhara, Raw House, behind Priyanka intercity Opp. Puna Police Station, Magob, Surat (Gujarat) regarding grabbing of land of poor and innocent Halpati Scheduled Tribe in the area of Surat having Block No. 10/B/1 TP Scheme No. 64.

3. The National Commission for Scheduled Tribes (NCST) vide Notice number GSR/3/2018/STGGJ/DELAAL/RU-I dated 11/04/2018 has referred the matter to Chief Secretary, Principal Secretary, Tribal Development Department, Govt. of Gujarat and Collector, District Surat for furnishing the facts with request to submit the information within 7 Days. The Hon'ble Member, Shri H. C. Vasava, National Commission for Scheduled Tribes and Deputy Secretary, NCST undertaken an on the spot visit / inquiry on 17/04/2018 of Surat (Gujarat). The Tour Report of Hon'ble Member was sent to Chief Secretary, Principal Secretary, Tribal Development Department and Additional Chief Secretary, Revenue Department, Govt. of Gujarat and Collector, District Surat for furnishing the action taken / proposed to be taken on the suggestions of Commission, vide letter dated 25/04/2018. The response from the State Authorities was not received.

4. The NCST convened the sitting on 08.05.2018 at New Delhi and 30.07.2018 at Gandhinagar to resolve the issue. In the sitting dated 30.07.2018 at Gandhinagar, the Officers of Department of Revenue, Govt. of Gujarat explained the earlier stand of the District Collector and informed that the District Administration and Revenue Department has no role in the matter, since, the matter had been heard and decided by Revenue Department (Appeals), Govt. of Gujarat, Ahmedabad.


हरश मिटल वासावा/Harsh Mital Vasava
सचिव/Member Secretary
राष्ट्रीय अनुसूचित जात आयोग
National Commission for Scheduled Tribes
राज्य सरकार, गुजरात
New Delhi

5. After discussion, it was suggested / recommended that the Collector, District – Surat should submit the copy of the relevant files (related to Deputy Collector's Order No. JMN/Vashi/64/96 dated 09/01/1996 and the Collector, Surat Order No. REV/Vatan/Appeal/Reg. No. 1/1996 dated 24/01/1996 (by got translated in English or Hindi) and submit the Commission within a month from the date of sitting for re-examination of the case. After that, further course of action in the case will be decided by the Commission.

6. The minutes of sitting was sent to the Additional Chief Secretary, Revenue Department, Govt. of Gujarat and District Collector, Surat on 23.08.2018 with request to submit the action taken report on the suggestions/ recommendations of the Commission at the earliest. The response was not received from State and District authority, the Hon'ble Member fixed the sitting on 15.02.2019 to discuss the matter with the Additional Chief Secretary, Revenue Department, Govt. of Gujarat and the petitioner. The sitting was postponed, but there was no response from the Revenue Department of the Govt. of Gujarat. The Hon'ble Member fixed the sitting for 28.02.2019 for discuss the matter with the officers of Revenue Department, Govt. of Gujarat, the notice of sitting was addressed to Chief Secretary, Govt. of Gujarat for deputing the concerned officer. In response to sitting notice the Collector and District Magistrate, Surat vide E-mail dated 27.02.2019 enclosed therewith his letter No. (J) BKH/TPS/Section-67/Magob/Vashi. 2624/19 dated 27.02.2019, wherein it had been mentioned that "Hon'ble Chief Minister of Gujarat is coming to Surat City on 28.02.2019, therefore, it is duty bound for the under signed and competent officers of this office to remain present in Surat City. So, please give another date for the said purpose".

7. The Hon'ble Member decided to discuss the matter with the Additional Chief Secretary, Revenue Department, Govt. of Gujarat and District Collector, Surat and the petitioner in a meeting on 08.03.2019 at Gandhinagar. Accordingly, the information was sent to concerned Department of the State and District Surat.

8. In the meeting held on 08.03.2019 at Birsa Munda Bhawan, Gandhinagar, the Additional Chief Secretary, Revenue Department was asked to appear before the Commission. The Additional Secretary, Revenue was appeared before the Commission whereas in the absence of Additional Chief Secretary, Revenue, Secretary Revenue was required to be present in the meeting. The Hon'ble Member expressed his displeasure regarding non-cooperation of officers of Revenue Department with the National Commission for Scheduled Tribes. It appears that the Govt. of Gujarat specially the Revenue Department is not serious about the welfare and development of Scheduled Tribes of the State of Gujarat.

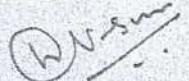
हरशचक्र वसवे
Member
राज्य
National Commission for Scheduled Tribes
Govt. of India
Delhi

9. The Hon'ble Member asked the petitioner to explain the problems and present position of the case. The petitioner informed that the District Administration and State Government of Gujarat is not helping them. The petitioner has also given a copy of the order No. SEIAA/GUJ/EC/8(a)/34/2019 dated 04.01.2019 of the Member Secretary, State Level Environment Impact Assessment Authority Gujarat regarding Environment clearance for the building construction project at the site of the land which is in question given to Avantis Buildcorp LLP, Surat.

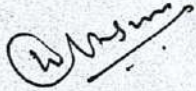
10. The Hon'ble Member asked the District Collector to explain the action taken by them in the matter. The District Collector provided the copy of the orders (In Gujarati language) of the District Administration as sought by the Commission in the sitting held on 30.07.2018. It was informed that the District Administration has no role in the matter, since SSRD had heard the case and not supported the issue raised by petitioner. Therefore, it would be appropriate, the petitioner may approach the Hon'ble High Court. In respect of the order of Collector, the petitioner may approach the SSRD who is the Appellate Authority of the Collectors order.

11. The Hon'ble Member asked the Additional Secretary, Revenue Department to explain the views/ comments of Revenue Department in the matter. The Additional Secretary, Revenue Department endorsed the views/ comments and facts submitted by the District Collector, Surat.

12. The NCST observed that the owner of the land in question were "Gam Samast Vahivatkarta" from 1928- 29 to 1938-39. As this land was used as a fodder/grazing land and Collector exempted from payment of Revenue from 02/05/1940. It is very strange the said land was again taken back and converted to commercial use by the Revenue authorities of the District and the State which reflects something is wrong. The 29 and more Scheduled Tribes family were residing/staying on the land for many years, who have been removed by promising to allot them residence in the scheme to be launched by them on this land. Some builders in collusion with the Government officials started construction work on the said land without giving the land/ space for residence of STs families by suppressing their rights. The builder is about to complete such construction very expeditiously on the said land by cheating the Scheduled Tribes. Therefore, construction work at the site should be stopped, immediately, unless/ until the suitable land/ space not provided to the affected STs families. The then Revenue official's involved in this case requires to be punished. The Commission is concerned that affected STs families, who were staying there since long, be provided the alternative land/ space for their residence or compensation as per Rules of the Government of Gujarat.


हर्षदाभाई वसावा/Harshadbhai Vasava
सदस्य/Member
राष्ट्रीय आरक्षणित जनजाति आयोग
National Commission for Scheduled Tribes
भारत, Government of India
New Delhi

13. After detailed discussions with the officers and the petitioner, Hon'ble Member NCST suggested that the Revenue Department, Govt. of Gujarat may take up the matter with the Tribal Development Department, Govt. of Gujarat to provide the land to the petitioner or compensation as per Rules and any other scheme of the State being run for the welfare and development of Scheduled Tribes in the State. The Revenue Department, Government of Gujarat should refer the matter to the competent agency/department to stop the construction work at the site of the land in question. Collector, Surat should submit the English version of the orders/ document to the NCST as suggested by the NCST in the sitting held on 30.07.2018 within a month from the date of sitting.


हरशदभाई वसावा/Harshadbhai Vasava
सदस्य/Member
राष्ट्रीय अनुसूचित जनजाति आयोग
National Commission for Scheduled Tribes
भारत सरकार/Govt. of India
नई दिल्ली/New Delhi

List of participants of meeting held at Birsa Munda Bhawan, Gandhinagar on 08.03.2019 under the chairmanship of Shri H. C. Vasava, Hon'ble Member, NCST in the case of Shri Gulabbhai Sukhabhai Rathore & Power of Attorney Shri Kannubhai Shankerbhai Patel, R/o Post-72, Shivdhara, Raw House, behind Priyanka intercity Opp. Puna Police Station, Magob, Surat (Gujarat) regarding grabbing of land of poor and innocent Halpati Scheduled Tribes in the area of Surat having Block No. 10/B/1 TP Scheme No. 64.

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| I | National Commission for Scheduled Tribes, New Delhi |
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| | Shri H. C. Vasava, Honl'ble Member NCST – in Chair |
| | Shri P. T. Jameskutty, Deputy Secretary |
| | Shri Rajeshwar Kumar, Assistant Director |
| | Shri R. S. Misra, Sr. Investigator |
| | Shri Manoj Mishra, PS to Hon'ble Member(HCV) |
| | |
| II | Govt. of Gujarat, Revenue Department, Gandhinagar |
| | Shri K B Shah, Additional Secretary, Revenue Dept. |
| | |
| III | District Administration, Surat |
| | Dr. Dhaval Patel, Collector District Surat |
| | |
| IV | Petitioner |
| | Shri Kannubhai Shankerbhai Patel |
| | |