



सत्यमेव जयते

Speed Post

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. SRR/10/2018/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 18.08.2018 of Shri Satish Rameshbhai Rathod and Shri Santosh Rameshbhai Rathod, (Halpati Niwas Bharthana), C/o Shri Mukesh Ramanbhai Rathod 17, Nandanvan Society, Near Kozhaway, Singanapor, Surat city regarding grabbing of land of Scheduled Tribes by non ST.

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 Satish Rameshbhai Rathod and Shri Santosh Rameshbhai Rathod
(Halpati Niwas Bharthana),
C/o Shri Mukesh Ramanbhai Rathod
17, Nandanvan Society,
Near Kozhaway, Singanapor,
Surat city,
Surat (Gujarat)
Mob: 9824153424

Copy for information to:

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

Government of India
National Commission for Scheduled Tribes

Minutes of meeting held on 08.03.2019 at 12.00 Hrs in Birsa Munda Bhawan, Gandhinagar under the chairmanship of Shri H. C. Vasava, Hon'ble Member, NCST in the case of Shri Satish Rameshbhai Rathod and Shri Santosh Rameshbhai Rathod (Halpati Niwas Bharthana) C/o Shri Mukesh Ramanbhai Rathod 17, Nandanvan Society, near Kozhaway, Singanapor, Surat City, regarding grabbing of land of Scheduled Tribes by non STs.

(F. No. SSR/10/2018/STGGJ/DELAAL/RU-I)

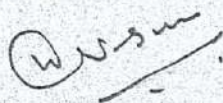
List of participants is annexed.

2 The petitioner (s) Shri Satish Rameshbhai Rathod and Shri Santosh Rameshbhai Rathod, Surat city vide representation dated 18.08.2018 has stated that the land bearing survey no. 81/1 and 84/3 of Mouje: Vesu, Taluka- Majura, District Surat of Scheduled Tribes has been grabbed by Non-Scheduled Tribes and the District Administration, Surat is not cooperating to restore the land to Scheduled Tribe persons and requested NCST to issue necessary directions to the District Administration so that the land should be restored to the ST persons.

3. The NCST vide notice dated 27.09.2018 had referred the matter to District Collector, Surat and Principal Secretary, Revenue Department, Govt. of Gujarat, Gandhinagar with request to furnish the facts and the information on the issues raised in the representation within 15 days from receipt of the notice. The response from State/ District authorities was not received. Accordingly, a sitting was convened by the NCST under the Chairmanship of Hon'ble Member on 25.10.2018 to discuss the matter with the District Authorities and State Authorities. In the sitting no one was present on behalf of the State authority. After discussion with representative, (Mamlatdar, Surat) of the District authority and the petitioner, Commission observed that the order (s) mentioned in the letter dated 23.10.2018 of Collector, Surat required to be attached for transparency and assess the action taken by the District Administration. The copy of relevant Section i.e. 43, 73 AA and other related Section applicable for the land be available with the letter or representative. The Mamlatdar, Surat was unable to give reply and information in regard to rules and the hierarchy of the affected family.

4. In the sitting, Commission suggested that the office of the Collector, Surat should submit information on the following points to the Commission within fifteen days from receipt of the minutes of the Sitting:-

- (a) Family hierarchy of the affected ST family in a chart form.
- (b) Name of the then District Collector, Surat, who granted permission to sold the land in question.
- (c) Copy of the orders and rules mentioned in the letter dated 23.10.2018 of the Collector, Surat.
- (d) Collector, Surat should be present in the next sitting, so that some conclusion will come out.

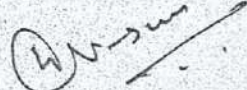

हरेहादभाई वसवा/Harehadbhai Vasava
-सदस्य/Member
राष्ट्रीय अनुसूचित जनजाति आयोग
National Commission for Scheduled Tribes
नई दिल्ली/Govt. of India
New Delhi

5. The minutes of sitting was sent on 27.11.2018 to the concerned authorities for submitting the action taken report. The action report was not received from the District/ State authorities. Therefore, the Hon'ble Member fixed the sitting for 14.12.2018 to discuss the matter with the Principal Secretary, Revenue Department, Govt. of Gujarat and the District Collector, Surat. The said sitting was postponed for 17.01.2019 which was rescheduled for 23.01.2019. Subsequently, the sitting was preponed for 22.01.2019. In the sitting, none of the officer and the petitioner was appeared before the Commission. The Hon'ble Member fixed the sitting for 15.02.2019 but this was also postponed for 28.02.2019 as none of the officer from the Revenue Dept. of Gujarat was appeared. The NCST vide sitting notice dated 20.02.2019 addressed to chief Secretary, Govt. of Gujarat has fixed the sitting for 20.02.2019 to discuss the matter with him. In response to NCST communication dated 20.02.2019 for the sitting on 28.02.2019, the Collector, District Surat vide e-mail dated 27.02.2019 had informed that the Hon'ble Chief Minister of Gujarat coming to Surat city on 28.02.2019 therefore, it is duty bound for him and other competent officers of the District administration to remain present in the Surat City on that day and requested to give another date for said purpose.

6. In view of the request of District collector, Surat, Hon'ble Member, NCST decided to discuss the matter with the District Collector and Additional Chief Secretary, Revenue Dept., Govt. of Gujarat on 08.03.2019 at Gandhinagar. In the meeting held at Birsa Munda Bhawan, Gandhinagar, the additional Secretary, Revenue Dept. and Collector, District Surat was present. The Hon'ble Member expressed the displeasure that Additional Chief Secretary, Revenue was called for discussion in the meeting and in his place Secretary was required to be present in the meeting, but Additional Secretary, Revenue deputed to appear before the Commission, which shows the Govt. of Gujarat is not serious about the welfare of Scheduled Tribes of the State. The District Administration, Surat is also not taking issues of Scheduled Tribes seriously, since, repeated reminders of NCST, information sought by the Commission in the sitting held on 25.10.2018 has not been received from the District Administration.

7. The Hon'ble Member asked the petitioner to explain the grievances and action taken by the District Collector in the matter. The Petitioner informed that the construction work is in progress and administration is not intervening to stop the construction. The District Administration is not cooperating for restoring the land and possession. The petitioner again requested for justice.

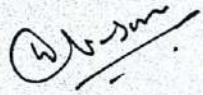
8. The Hon'ble Member asked the District collector to explain the action taken by them in the matter. The District Collector informed that the District Administration is not in position to intervene in the matter since the issue relates with the Revenue Dept. SSRD is next Authority to heard the appeal against the orders issued by the District Collector hence, it would be appropriate, the petitioner may file/ appeal before the SSRD Gujarat for considering case and stop the construction work. In regard to issue of selling of land to non-Scheduled Tribes without obtain prior permission of the Collector under section 73AA, vide order no. RTS/ Revision raji No. 186/2012 dated 28.10.2013 issued by the Collector, the occupants of the land had not submitted any proof of being Scheduled Tribes. So, the petitioner can approach competent court against order dated 28.10.2013 passed by the Collector, Surat.


हर्षदाभाई वसावा/Harshadbhai Vaseva
सदस्य/Member
राष्ट्रीय अनुसूचित जमाती आयोग
National Commission for Scheduled Tribes
भारत सरकार/Govt. of India
नई दिल्ली/New Delhi

9. The NCST observed that land in question pertains to Scheduled Tribes family which has been sold without ascertaining the provisions of Section 73-AA of the Gujarat Land Revenue Code (Bombay Act No. V of 1879), which reflects the then Collector has not watched the interest of Scheduled Tribes. Therefore, the Sale Deed of the said land is not maintainable and Revenue Department, Government of Gujarat is requires to initiate action against the officers involved in the matter.

10. The Hon'ble Member suggested that the District Administration is advised to support the Scheduled Tribes for establishing that the occupant of the land belongs to Scheduled Tribes community, as a result the poor Scheduled Tribes would get justice. The Revenue Department, Government of Gujarat should initiate action to re-examine the case to establish the reality. The Tribal Development Department, Government of Gujarat is also advised to provide the land to the petitioners or compensation as per Rules and other scheme of the State. The action taken/ to be taken Report on the suggestions be submitted within one month of the Sitting to the NCST.

11. Meeting ended with the vote of thanks to the chair.


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

Annexure

List of participants of meeting held at Birsa Munda Bhawan, Gandhinagar on 08.03.2019 at under the chairmanship of Shri H. C. Vasava, Hon'ble Member, NCST in the case of Shri Satish Rameshbhai Rathod and Shri Santosh Rameshbhai Rathod (Halpati Niwas Biharthana) C/o Shri Mukesh Ramanbhai Rathod 17, Nandanvan society, near Kozhaway, Singanapor, Surat City regarding grabbing of land of Scheduled Tribes by non STs.

(F. No. SSR/10/2018/STGGJ/DELAAL/RU-I)

I	National Commission for Scheduled Tribes, New Delhi
	Shri H. C. Vasava, Hon'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	Petitioners
	Shri Mukesh Ramanbhai Rathod