



भारत सरकार

Government of India

राष्ट्रीय अनुसूचित जन जाति आयोग

National Commission for Scheduled Tribes

(A Constitutional Body set up under Art. 338A of the Constitution of India)

File No. RJM/3/2017/STGMH/DEOTH/RU-IV

Dated: 31.07.2018

To,

- | | |
|--|--|
| 1. The District Collector,
District Aurangabad
Aurangabad, (Maharashtra) | 2. The Principal Secretary
Tribal Development Department,
Govt. of Maharashtra,
Mantralya, Annexe,
Mumbai-400032 |
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Sub: Minutes of the Sitting taken by Shri Nand Kumar Sai, Hon'ble Chairperson, National Commission for Scheduled Tribes (NCST) on 25.06.2018 in the case of Smt. Radhabhai Janglu Mali, W/o Late Shri Janglu Mali, Village Kankori, District Aurangabad (Maharashtra) regarding land matter

Sir,

I am directed to enclose a copy of the Minutes of the Sitting held on 25.06.2018 under the Chairmanship of Shri Nand Kumar Sai, Hon'ble Chairperson, National Commission for Scheduled Tribes on the above mentioned subject for necessary action.

It is requested that action taken report in the matter may please be sent to the Commission within 30 days positively for placing the same before the Hon'ble Chairperson, NCST.

Yours faithfully

(Y.K. Bansal)
Research Officer

(Encl: as above)

Copy to:-

Smt. Radhabhai Janglu Mali
W/o Late Shri Janglu Sharma Mali,
Village & Post Kankori,
Taluka, Gangapur,
Distt. Aurangabad-423702
(Maharashtra) -

Copy to: - SAS, NIC, NCST.

PROCEEDINGS OF SITTING HELD ON 25.06.2018 AT 2.30 P.M CHAIRED BY SHRI NAND KUMAR SAI, HON'BLE CHAIRPERSON, NATIONAL COMMISSION FOR SCHEDULED TRIBES (NCST) IN THE CASE OF SMT. RADHABHAI JANGLU MALI, W/O LATE SHRI JANGLU SHARMA MALI, (VILLAGE + POST –KANKORI, TEHSIL- GANGAPUR, DISTT.- AURANGABAD, MAHARASHTRA) REGARDING LAND ALIENATION.

Date of Sitting: 25.06.2018


List of officers present in sitting is Annexed.

The petitioner Smt. Radhabhai Janglu Mali, Village & Post Kankori, Taluka – Gangapur, District Aurangabad vide representation dated 08.02.2017 has alleged that her husband namely late Shri Janglu Shyama Mali was having an ancestral land survey No. 25, gat No. 35, at village Jamdi Ghat, Tehsil - Kannad, District – Aurangabad. Her husband was expired on 23.08.2007. The land of Scheduled Tribes was then captured by non ST with the help of Revenue Officials and District Administration. As per the Land Transfer Act, the ST land should not be transferred to the non ST persons. However, the said land was illegally transferred in favour of non-STs and registered the same under 7/12 revenue documents. She has submitted many representations to the District Collector, Aurangabad but no action has taken by the District Administration.

2. As per procedure, the Notice for seeking report was issued to the District Collector, Aurangabad and Secretary, Tribal Department, Government of Maharashtra on 07.04.2017. However, no report has been received. Accordingly, a Sitting was held on 25.06.2018 under the Chairmanship of Hon'ble Chairperson, NCST and Hon'ble Member, Smt. Maya Chintamn Ivnate in the Commission.

3. Shri D.V. Shrimant C. Harkar, SDM, Kannad, District Aurangabad along with the petitioner's son Shri Jagdish Janglu Mali appeared before the Commission.

4. During the Sitting the petitioner has submitted grievances of illegal transfer of tribal land to the non scheduled tribe persons. Thereafter, the SDM, Kannad, District Aurangabad has submitted the facts of the case. He was stated that the land survey No. 25 Ghat No. 35 was initially registered in revenue record of Village Jamdighat, Tehsil Kannad in the name of Shri Sankar Syama Bhil. This land was purchased by


नन्द कुमार साय/Nand Kumar Sai
अध्यक्ष/Chairperson
राष्ट्रीय अनुसूचित जनजाति आयोग
National Commission for Scheduled Tribes
भारत सरकार/Govt. of India
नई दिल्ली/New Delhi

one non ST Shri Hansraj Lal Chand and Heera Bagu Vadner. Thereafter, one complaint for illegal transfer of tribal land was received from the petitioner's side. As there was some confusion about the complainant's caste status and the complaint does not have relevant documents and hence he has asked some documents i.e. caste certificate, succession certificate, land documents etc. from the petitioner. After receipt of the same the matter will be examined and land ownership will be decided.

5. The matter was examined and discussed in detail. It was observed that there is an Act relating to transfer of ownership of tribal land under which the tribal land may not be transferred to the non ST persons. In the present case the petitioner's ancestral land was transferred illegally. The case was not enquired from the accused person. The complainant is also nephew of the original land owner Shri Sankar Syama Bhil. It was suggested that taking suo motto action in the case the SDM, Kannad, District Aurangabad may first issue notice to the purchaser of tribal land for seeking his justification about registering the tribal land under 7/12 revenue records. The petitioner is also advised that he may submit all the relevant records/documents as sought by the SDM, Aurangabad for deciding the matter in favour.

6. The Commission recommends that taking cognizance of the documents submitted by the petitioner and provisions of the Transfer of Scheduled Tribe Land Act, the District Collector, Aurangabad may examine and decide the matter. Necessary action may also be taken to register the land under 7/12 revenue records in favour of the ST petitioner.

7. An action taken report be submitted within 30 days.

4.7.18
नन्द कुमार साय/Nand Kumar Sai
अध्यक्ष/Chairperson
राष्ट्रीय अनुसूचित जनजाति आयोग
National Commission for Scheduled Tribes
भारत सरकार/Govt. of India
नई दिल्ली/New Delhi

List of participants

NCST

1. Shri Nand Kumar Sai, Honble Chairperson (In chair)
2. Smt. Maya Chintamn Ivnate, Hon'ble Member
3. Shri S.K. Ratho, Joint Secretary
4. Shri P.T. Jameskutty, Deputy Secretary
5. Shri Y.K. Bansal, Research Officer
6. Shri Sudhir Atram, PS to Hon'ble Member
7. Shri H.R. Meena, Sr. Investigator

Government of Maharashtra

Shri DV Shrimant C Harkar, SDM, Aurangabad

Petitioner

Shri Jagdish Janglu Mali