



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: 27/11/2018

To,

(1) The Principal Secretary,
Revenue Department,
Government of Gujarat,
New Sachivalaya,
Gandhinagar,
(Gujarat).

(2) The District Collector,
District – Surat,
(Gujarat).
Tel: 0261-2669080 / 2669580.
Fax: 0261- 2655757
Email: collector-sur@gujarat.gov.in

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 Tribe by non ST.

Sir,

I am directed to refer to the subject cited above and to enclose a copy of the minutes of Sitting held in the National Commission for Scheduled Tribes on 25.10.2018 at 11.00 AM under the Chairmanship of Shri H.C. Vasava, Hon'ble Member, National Commission for Scheduled Tribes in the matter.

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

(Rajeshwar Kumar)
Assistant Director
Tel: 011-24641640

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,
(Gujarat).
(Mob: 9824153424)

Copy for information to:

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

भारत सरकार
Government of India
राष्ट्रीय अनुसूचित जनजाति आयोग
National Commission for Scheduled Tribes

[F. No. SRR/10/2018/STGGJ/DELAAL/RU-I]

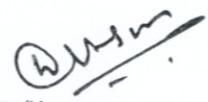
Minutes of the sitting held in the NCST, Lok Nayak Bhawan, New Delhi on 25/10/2018 at 11:00 A.M. under the Chairmanship of Shri H.C. Vasava, Hon'ble Member, NCST in the case of Shri Satish Rameshbhai Rathod and Shri Santosh Rameshbhai Rathod, (Halpati Niwas Bharthana), C/o Shri Mukesh Ramanbhai Rathod 17, Nandanvan Society, Near Kozhaway, Singanapor, Surat City regarding grabbing of land of Scheduled Tribe by non ST.

List of participants is at annexed.

The petitioner (s) namely Shri Satish Rameshbhai Rathod and Shri Santosh Rameshbhai Rathod, Surat City vide representation dated 18.8.2018 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 is not co-operating to restore the land to Scheduled Tribes persons and requested NCST to issue necessary directions to the District Administration so that land should be restored to ST persons.

The NCST vide notice of even No. dated 27.09.2018 has referred the matter to District Collector, Surat and the Principal Secretary, Revenue Department, Government of Gujarat, Gandhinagar with request to furnish the facts and information on the issues raised in the representation, within 15 days from receipt of the notice. Response from State/District authorities was not received. The Hon'ble Member, Shri H.C. Vasava NCST decided to convene a sitting on 25.10.2018 to discuss the issue with the District Collector, Surat and Principal Secretary, Revenue Department, Government of Gujarat and the petitioner. Accordingly, notice of even No. dated 15.10.2018 for sitting on 25.10.2018 was issued to concerned authorities by the NCST.

In the sitting, District Collector, Surat vide letter No. A/JMN/VESU/NCST/Vashi.8874/2018 dated 24.10.2018 had requested for exemption and deputed Shri R.C. Chauhan, Mamlatdar, Surat City. Copy of the letter No. A/Jaman/National Commission for ST/Vesu/73AA/Vashi.8864 dated 23.10.2018 of District Collector, Surat was provided by the Mamlatdar in the sitting. There was no response from Principal Secretary, Revenue Department, Government of Gujarat. Shri Mukesh R. Rathod and Shri Harish R. Rathod appeared on behalf of the petitioners in the sitting.


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

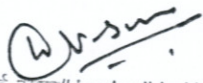
The Hon'ble Member asked the representatives of the petitioner to explain the facts of the case. It was informed by the representative that the land in question belongs to Halpati, a Scheduled Tribes person. The District authorities from beginning is not considering the facts, resulting that land in question purchased by the Non-ST.

The Hon'ble Member asked the Mamlatdar, Surat to explain the action taken by the District authorities in the matter. The Mamlatdar reiterated the facts provided by the Collector, Surat in the aforementioned letter dated 23.10.2018. In the letter dated 23.10.2018 of Collector, Surat, it may be observed the District Administration has not assessed the background of the petitioner and allow to sale the land to Non-ST which ^{was} against the interest of Scheduled Tribes.

During discussions, Commission observed that the order (s) mentioned in the letter dated 23.10.2018 of Collector, Surat requires to be attached for transparency and assess the action taken by the Administration. The copy of relevant Section i.e. 43, 73AA 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.

After discussions, Commission suggested/ recommended 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.


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

Government of India
National Commission for Scheduled Tribes

F. No. SRR/10/2018/STGGJ/DELAAL/RU-I

Date of Sitting: 25.10.2018 at 11.00 AM

List of participants:

I National Commission for Scheduled Tribes

Name & Designation

1. Shri H. C. Vasava, (In chair)
Hon'ble Member
2. Shri Rajeshwar Kumar,
Assistant Director
3. Shri R. S. Misra,
Senior Investigator
4. Shri Manoj Mishra,
PS to Hon'ble Member

II Revenue Department Government of Gujarat

Nil

III Collector, District Surat

Shri R.C. Chauhan,
Mamlatdar Puna, Surat

IV Petitioner

1. Shri Mukesh R. Rathod
2. Shri Harish R. Rathod