



सत्यमेव जयते

भारत सरकार

Government of India

राष्ट्रीय अनुसूचित जनजाति आयोग

National Commission for Scheduled Tribes

(A Constitutional body set up under Article 338A of the Constitution of India)

6th floor, 'B' Wing, Loknayak Bhawan
Khan Market, New Delhi-110 003

File No. SDB/4/2019/STGDN/DELAAL/RU-I

Dated: 04/07/2019

To,

1. The Administrator,
U.T. of Dadra & Nagar Haveli,
Secretariat,
Silvassa – 396230.
(Dadra & Nagar Haveli).
Tel: 0260-2642777 (O), 2642702 (F).
Email: administrator-dd-dnh@nic.in
2. The District Collector,
Dadra & Nagar Haveli,
Silvassa
(Dadra & Nagar Haveli).

Sub: Representation dated 19.03.2019 of the President, Adivasi Samaj Utkarsh Sangh, Dadra & Nagar Haveli, Silvassa regarding protection of land of Scheduled Tribes of Village- Amla, Silvassa.

Sir,

I am directed to refer to the subject cited above and to enclose a copy of the minutes of Sitting held in the Headquarters of National Commission for Scheduled Tribes on 25/06/2019 at 12:00 Noon 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.

Encl: As above

Yours faithfully,

Rajeshwar Kumar/राजेश्वर कुमार
Assistant Director/सहायक निदेशक
Tel: 011-24641640.

Copy to:

Shri Anilbhai M. Patel,
President,
Adivasi Samaj Utkarsh Sangh, Dadra & Nagar Haveli,
104, Gog Building, in front of O/o Collector,
Silvassa- 396230
(Mob: 9377023901)

Copy for information to:

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

Government of India
National Commission for Scheduled Tribes

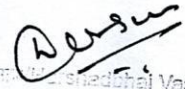
Minutes of sitting held in the NCST's Headquarters on 25/06/2019 at 12:00 Noon. onwards under the Chairmanship of Shri H. C. Vasava, Hon'ble Member, NCST in the case of President, Adivasi Samaj Utkarsh Sangh, Dadra & Nagar Haveli, Silvassa regarding protection of land of Scheduled Tribes of Village- Amli, Silvassa.

(SDB/4/2019/STGDN/DELAAL/RU-I)

List of participants is annexed.

The President, Adivasi Samaj Utkarsh Sangh, Dadra & Nagar Haveli, Silvassa vide representation dated 19.03.2019 had stated that the Revenue Department and other Department of District Administration, Silvassa had prepared the wrong report and acquired the land of Scheduled Tribes for establishment of Transport Nagar at Dadra & Nagar Haveli, Silvassa and requested for intervention of the Commission to stop the proposed Transport Nagar. So that poor Scheduled Tribes would be saved by become landless. The NCST took up the matter with the Administrator, UT of Dadra & Nagar Haveli and District Collector, Silvassa for facts and comments. Response was not received. Accordingly, the Hon'ble Member Shri H.C. Vasava fixed the sitting on 25.06.2019 to discuss the matter with the Administrator, UT of Dadra & Nagar Haveli and District Collector, Silvassa and the petitioner.

The District Collector, Silvassa deputed Mamlatdar, Silvassa to attend the sitting vide letter No. ADM/Coll/Misc/2019/22 dated 24.06.2019 and no response from the Administrator, UT of D & NH. The Mamlatdar, Silvassa and petitioner were present in the sitting. The Hon'ble Member asked the Mamlatdar, to explain the facts and action taken by the District Administration in the matter. Mamlatdar, Silvassa handed over letter No. SRV/LAQ/T Nagar/15/04/398 dated 24.06.2019 of Resident Deputy Collector (s), D & NH, Silvassa along with copy of the correspondence with the NCST, in the past. It was informed that proposed Transport Nagar located along with the ring road and adjacent to one of the major industrial estates at Piparia. The land has been acquired as per provision of Land Acquisition Act, 1894. The award for the Land Acquisition has already been announced and the requiring body has deposited the entire amount of compensation to Land Acquisition Collector. Hence, no enhancement of compensation is possible at this stage. The Town and Country Planning Department, Silvassa vide letter No. ATP/T. Nagar/1/2004/67 dated 23.04.2012 had given the information regarding acquisition of


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land and original owner. At the time of acquisition of land all the affected land holders were also holding other land and therefore, none of them was rendered landless due to the land acquisition proceedings.

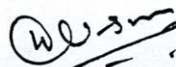
The Hon'ble Member asked the petitioner to explain the problems and action taken by the Administration for setting up of Transport Nagar. The petitioner informed that the report prepared by the Administration for acquiring the land was not correct and due to acquisition of land some of the Scheduled Tribes become landless. Proposed Transport Nagar has not been started so far. Hence, the compensation should be given as per new Land Act. It is also informed that the Transport Nagar may please be shifted to another sites within the D & NH where the settlement is very low. The proposed Transport Nagar in Silvassa Municipal Area not viable.

The Hon'ble Member asked the Mamlatdar to explain the facts and action taken by the Administration on the issues raised by the petitioner. Mamlatdar informed that he has no information about the land owners which has been referred by the petitioner in the representation and also no idea about the vacant land as suggested by the petitioner. The proposed Transport Nagar has not been started. Shifting of Transport Nagar to another place in UT of D & NH will be decided by the higher officers of the UT Administration. The facts about land owners as mentioned in the representation be re-examined by the Revenue Department, Silvassa.

Commission observed that name of affected persons as referred in the representation had not been mentioned in the Town and Country Planning Department, Silvassa vide letter No. ATP/T. Nagar/1/2004/67 dated 23.04.2012.

After detailed discussions with the Mamlatdar and the petitioner, the Commission recommends following points on which report be submitted to the Commission by the District Administration, Silvassa within a month from receipt of the proceedings.

- (i) Details of each case as mentioned in the representation of the petitioner.
- (ii) Re-examine the case of the land holder, who still resides in the land of proposed Transport Nagar.
- (iii) The proposed Transport Nagar may be shifted to another place.
- (iv) The compensation to the affected land owners be also considered as per provisions of the 'Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013', as proposed Transport Nagar not in operation.


हरशदभाई वेसावा/Harshadhbhai Vesava
सदस्य/Member
राष्ट्रीय अनुसूचित जनजाति आयोग
National Commission for Scheduled Tribes
भारत सरकार/Govt. of India
नई दिल्ली/New Delhi

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राष्ट्रीय अनुसूचित जनजाति आयोग

(SDB/4/2019/STGDN/DELAAL/RU-I)

List of participants in the sitting held on 25/06/2019 at 12:00 Noon under the Chairmanship of Shri H. C. Vasava, Hon'ble Member, NCST in the case of Shri Anilbhai M. Patel, President, Adivasi Samaj Utkarsh Sangh, Dadra & Nagar Haveli, Silvassa regarding protection of land of Scheduled Tribes of Village- Amla, Silvassa.

I National Commission for Scheduled Tribes

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

II Administrator, UT of Dadra & Nagar Haveli

Nil

III District- Silvassa

Shri T.S. Sharma, Mamlatdar, Silvassa

IV Petitioner

Shri Anil M. Patel