

Proceedings of the Sitting of Shri Oris Syiem Myriaw, Hon'ble Member with Govt. of Uttrakhand (Revenue) on 04.09.2009

A list of officers present in the Meeting is at Annexure.

Issues

Representation of Scheduled Tribe people from district Udham Singh Nagar, Uttrakhand regarding encroachment of their land by non ST people.

Background

Representations were received in the Commission in 2004 from Smt. Dulari Devi, Shri Bhole Singh, Shri Om Prakash, Shri Prem Singh and Shri Moolchand regarding encroachment of their land by non-ST people. An Hearing was held on 20.12.2006 with the officers of the Revenue Department, Govt. of Uttrakhand under the Chairmanship of Chairman, NCST to discuss these issues. Commissioner, Kumaon Division assured the Commission to get back the land of Scheduled Tribe people at the earliest. To reduce further delay, Commissioner, Kumaon Division directed the S.D.M., Khatima to record the statements of the applicants in the meeting itself. Commission recommended to complete the necessary exercise in this regard within a month and an intimation to this effect may be sent to the Commission.

There was no response from the Govt. of Uttrakhand even after a number of reminders issued. In view of this, Sh.Tsering Samphel, Hon'ble Member, NCST decided to discuss these pending cases with Principal Secretary (Revenue) , Govt. of Uttrakhand on 04.09.2009 at 11:30 A.M. in the Commission. Due to non-availability of Sh.Tsering Samphel, Hon'ble Member due to certain unavoidable reasons, Sh.Oris Syiem Myriaw, Hon'ble Member chaired the Sitting.

Discussion

The officials of the Govt. of Uttrakhand expressed their apology for their delay in the response. It was explained that earlier Scheduled Tribes were following shifting cultivation and due to this reason they were not owner of any particular land. In 1962, Govt. of Uttrakhand (then Govt. of U.P.) provided ownership to the Scheduled Tribes people. On 03.06.1981, the then Govt. of U.P. amended the Land Act, 1950 and introduced a new Sub-section 157(b), by which ST people cannot sell their land to non-ST people.

It was further explained by the Uttrakhand officials that after introduction of Sub-section 157(b), the ST people started selling their land on stamp papers without registering them in the revenue records and handing over the possession to them. The copies of such stamp papers are available in the revenue record,

submitted by the possessors, who now claim the ownership of land. Officials confirmed that as per revenue records, the land is still in the names of ST applicants. Due to the restriction imposed by Sub-section 157(b), land of ST people cannot be sold and transferred in the name of non-ST purchaser.

Sh.Mool Chand, an ST applicant explained that neither he nor his father sold any part of their land to anybody. Their land is encroached by non-ST people who are having possession at present.

Commission expressed its concern over this issue and its present position and suggested to the officials to deal all the referred cases individually as per their merit and provide legal assistance to the ST land holders. Tehsildar, Khatima and SDM, Udham Singh Nagar assured the Commission to provide necessary legal support through District Govt. Counsel to these ST land holders whoever approaches them for the same. Commissioner, Kumaon Division assured the Commission and the present applicants that in case they were not satisfied with the response from Tehsildar or SDM, they can approach him directly for any help to the extent possible. Commissioner expressed his concern over this burning issue in the Kumaon Division and assured to take some positive steps for redressal of the problem, even to the extent that in case amendment was required in the Land Act, he would recommend the same to the Govt. of Uttarakhand.

Recommendation

In view of the discussion, Commission recommended that the long pending land dispute concerning ST people must be settled within a period of three months and a detailed report regarding action taken in this regard should be furnished to the Commission.

ANNEXURE

The following were present in the sitting on 04.09.2009:

National Commission for Scheduled Tribes

1. Shri Oris Syiem Myriaw, Hon'ble Member**In Chair**
2. Shri Vinod Aggarwal, Director

Govt. of Uttar Pradesh

1. Shri S. Raju, Commissioner, Kumaon Division
2. Shri Santosh Badoni, Under Secretary (Revenue)
3. Shri Hemant Kumar Verma, Deputy Collector, Udham Singh Nagar
4. Shri O. R. Arya, A.L.R.O., U.S.N.
5. Shri A. K. Singh, Tehsildar, Khatima
6. Shri Bhuwan Chandra, Registrar Kanungo, Khatima
7. Shri Narendra Kumar Gahtori, Patwari, Khatima

Petitioner

1. Shri Dharam Veer Singh, S/o Smt Dulari Devi
2. Shri Moolchand
3. Shri Om Prakash