

CENTRAL INFORMATION COMMISSION

(Room No.315, B-Wing, August Kranti Bhawan, Bhikaji Cama Place, New Delhi 110 066)

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Prof. M. Sridhar Acharyulu (Madabhushi Sridhar)

Central Information Commissioner

CIC/SB/A/2016/000078

Sayan Singh Rana v. PIO, National Commission for Scheduled Tribes

RTI	:	11.09.2015
FAO	:	Nil
Second Appeal	:	31.12.2015
Hearing	:	10.02.2017
Appellant	:	Absent
Public authority	:	Mr. P.L. Bairwa, Assistant Section Officer & Mr. H.R. Meena, Senior Investigator present.
Decided on	:	13.02.2017

FACTS:

1. The appellant in his RTI application sought action taken report on his letter dated 06.07.2011 to the Commissioner, Garhwal, Pauri, Dehradun through which he complained about illegal possession of his property/land, action taken by Sub-Division District Magistrate on the basis of his complaint filed in Patel Nagar Police Station. He also sought information whether there was any provision regarding compensation in the case of illegal possession of land, whether any legal aid available by National Commission for Scheduled Tribes (NCST). The CPIO in his response stated that there is no provision for compensation and legal aid and for point (i), the application was forwarded to the District Magistrate.

Decision :

2. The National Commission for Scheduled Tribes has a statutory responsibility to render assistance of members of ST community in securing their life and property. It is not known whether the appellant requested NCST to forward his application to State Legal Services Authority, Uttarakhand or District Legal Service Authority to provide him necessary legal aid. From the records, it is revealed that the NCST has forwarded the representation of the applicant to

District magistrate, Dehradun but their response is not known. The appellant is directed to file a comprehensive representation with necessary documents to NCST and also District Magistrate, Dehradun.

3. According to Article 338-A of Constitution of India, NCST is empowered to investigate and monitor all matters for safeguards provided for STs, to enquire about specific complaints pertaining to deprivation of rights. The NCST should have taken the representation of the applicant and enquired into it and monitored the actions of Uttarakhand authorities in providing necessary help to the appellant in recovering the property trespassed by others.

4. The Commission directs District Magistrate, Dehradun to provide necessary help such as legal aid, and give necessary directions to concerned authorities to examine his complaint and inform him the action taken to restore the property of the appellant if the trespass is proved. The Commission directs CPIO of NCST to place this matter before the Chairman or Vice-Chairman, Ms. Anasuya Uike to consider this second appeal as complaint and inform the appellant action taken, within 30 days from the date of receipt of this order.

SD

(M. Sridhar Acharyulu)
Central Information Commissioner

Authenticated true copy

(Dinesh Kumar)
Deputy Registrar

Copy of decision given to the parties free of cost.

Addresses of the parties:

1. The CPIO under RTI,
National Commission for Scheduled Tribes,
6th Floor, B-Wing, Loknayak Bhawan,
Khan Market, New Delhi-110003.
2. Shri Sayan Singh Rana,
H. No. 45, Rajeswar Nagar,
Ph. V, Sahashtra Dhara Road,
Dehradun, Uttarakhand.